

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Thursday, 14<sup>th</sup> September, 2017

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

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

#### PRAYER

#### COMMUNICATION FROM THE CHAIR

##### INDUCTION RETREAT FOR ALL SENATORS

**The Speaker** (Hon. Lusaka): Hon. Senators, Article 93 of the Constitution of Kenya, 2010 establishes a bicameral Parliament comprising of the National Assembly and the Senate. Both Houses of Parliament have distinct and inter-related mandates that are set out in Articles 95 and 96 of the Constitution. The effectiveness of the Senate is dependent on the capabilities of Senators to discharge their functions.

In light of this, it is crucial that incoming Senators are provided with the requisite information, training and skills necessary to execute their constitutional mandates. Further, it is important to take stock of the reasons learnt in the first Senate and the Constitution of Kenya, 2010; the gains that were made by the Senate as an institution and Senators individually, and the challenges faced.

Hon. Senators, in this regard, the Senate has planned an induction retreat for all Senators to familiarize them with their constitutional mandate, structure and processes of the Senate; rules of practice and procedure and other administrative processes that will be critical in the execution of their mandate.

The induction will *inter alia*:

(1) Provide an opportunity to acquaint the legislators with intricacies of their multi-faceted role.

(2) Assist Senators in their important responsibilities as public leaders, representatives of the people and in their role of building consensus.

(3) Facilitate capacity building and skills transfer, enabling greater engagement of Senators in parliamentary procedure and public policy discussions.

(4) Afford an opportunity to look at how Senators can ensure that citizens are aware of the role they play and how the Senate as an institution can reach out to the people.

(5) Build a shared identity and encourage cross-party engagements and cooperation especially among new Members.

This is, therefore, to invite all Senators to the induction retreat scheduled to be held at the Simba Lodge Hotel, Naivasha, Nakuru County from 17<sup>th</sup> to 23<sup>rd</sup> September, 2017. Senators are expected to check in at the hotel on Sunday 17<sup>th</sup> September, 2017 and check out on Saturday 23<sup>rd</sup> September, 2017.

Mr. Zakayo Mogere, the Deputy Director, Directorate of Legislative and Procedural Services, will be available for any further liaison on this matter.

I thank you.

*(Sen. Khaniri consulted loudly)*

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, can you rule Sen. George Khaniri out of order? He is not on the Floor; he has not been given an opportunity and yet he wants to interrupt what I am doing. Take judicial notice of the fact that they had said they would not participate.

### PAPER LAID

#### THE COUNTY GOVERNMENTS' CASH DISBURSEMENT SCHEDULE FOR FY2017/2018

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Thursday 14<sup>th</sup> September, 2017:-

The County Governments' Cash Disbursement Schedule for the Fiscal Year 2017/2018.

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

### NOTICES OF MOTIONS

#### APPOINTMENT OF MEMBERS TO THE SENATE BUSINESS COMMITTEE

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, pursuant to Standing Order No. 178 and 183(3), the Senate approves the following Senators to be Members of the Senate Business Committee (SBC).

1. Sen. Kenneth Lusaka - Speaker of the Senate –  
Chairperson.
2. Sen. Kipchumba Murkomen - Senate Majority Leader.
3. Sen. Susan Kihika - Senate Majority Whip
4. Sen. Futuma Dullo
5. Sen. (Eng.) Mahamud Maalim Mohamed
6. Sen. Sakaja Johnson Arthur
7. Sen. Poghisio Samuel Losuron.

Mr. Speaker, Sir, with your permission, I will continue to give the next Notice.

APPROVAL OF THE COUNTY GOVERNMENTS'  
CASH DISBURSEMENT SCHEDULE FOR FY2017/2018

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, the Senate approves the County Government Cash Disbursement Schedule for fiscal year 2017/2018 laid on the Table of the House on Thursday, 14<sup>th</sup> September, 2017.

Thank you, Mr. Speaker, Sir.

### STATEMENTS

BUSINESS OF THE SENATE FOR THE WEEK  
COMMENCING TUESDAY 19<sup>TH</sup> SEPTEMBER, 2017

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, pursuant to the provisions of Standing Order No. 46 (2) (C), I present the Business of the Senate for the coming week. First, allow me to take this opportunity to congratulate all of you for being elected as Senators to the 12<sup>th</sup> Parliament.

Hon. Senators, as you are aware, our core constitutional mandate under Article 96 of the Constitution of Kenya is to represent the counties and protect the interest of the counties and their governments. The great work ahead of us can only be undertaken through focus, determination and patriotism, which I am sure we are all committed to.

Hon. Senators, Parliament is properly constituted. As you notice in the Order Paper, we shall shortly approve the appointment of Members to the important SBC. As we go for the campaigns in preparation for the repeat presidential elections on 17<sup>th</sup> October, 2017, I request all Senators on both sides of the divide to preach peace. Kenya will remain after the elections; let us all remain responsible leaders.

Hon. Senators, as indicated in the Supplementary Order Paper, and as the Speaker has communicated, we shall be adjourning this evening until 26<sup>th</sup> September, 2017 to facilitate the induction of Senators in order to empower you to effectively undertake your constitutional mandate. I appeal to you to create time to actively participate in the induction workshop, in order to be empowered to execute your role as a legislator.

Let me also take this chance to wish you every success in your work as Senators.

I thank you and hereby lay the Statement on the Table of the Senate.

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

### COMMUNICATION FROM THE CHAIR

PROCEDURE TO BE FOLLOWED IN ELECTING  
THE DEPUTY SPEAKER

**The Speaker** (Hon. Lusaka): Hon. Senators, you will recall my communication to you on 31<sup>st</sup> August, 2017, in which I informed you that the election of the Deputy Speaker of the Senate would not be undertaken on that day because it was not practicable

to proceed with the election. You will also recall that I deferred the exercise to a future time when it would be practicable.

Hon. Senators, you will further recall that in deferring the election of the Deputy Speaker, I relied on Standing Order No.13(1), which provides that:-

“As soon as practicable after the election of a Speaker following a general election, a deputy speaker shall be elected.”

As I explained, it was not practicable then because all candidates who had been duly nominated for the position had withdrawn their respective candidatures. I wish to inform you that now all processes leading to the election of a Deputy Speaker of the Senate are complete and it is now practicable to proceed with the exercise.

Hon. Senators, Standing Order No.13 (4) provides that:-

“The procedure for electing a Deputy Speaker shall, with the necessary modifications, be the same as that prescribed for the election of the Speaker.”

It, therefore, follows that as in the case of election of Speaker, a number of activities had to be undertaken as required by the Senate Standing Orders. I will now detail each such activity and the manner in which the Senate Standing Orders have been complied with.

First, Standing Order 5(1), as read together with Standing Order No. 13 (4), requires the Clerk, by notice in the *Gazette*, to notify and invite interested persons to submit their nomination papers for election to the Office of the Deputy Speaker of the Senate. I would like to inform you that, vide *Gazette* Notice No. 8882 dated 11<sup>th</sup> September, 2017, the Clerk of the Senate notified and invited persons to submit their nomination papers for election to the office of the Deputy Speaker of the Senate.

Second, Hon. Senators, Standing Order No.5 (4) requires that:-

“The Clerk shall maintain a register in which shall be shown the date and time when each candidate’s nomination papers were received---”

I hereby confirm that the Clerk of the Senate has maintained a register in accordance with the requirements of Standing Order No.5 (4).

Third, hon. Senators, Standing Order No.5 (5) requires that:-

“Immediately upon the close of the nomination period provided for in paragraph (2), the Clerk shall:-

(a) publicise and make available to all Senators, a list showing all qualified candidates; and,

(b) make available to all Senators, copies of the Curriculum Vitae of the qualified candidates.”

Hon. Senators, I hereby confirm that a list showing all qualified candidates was publicised and made available to all Senators. I further confirm that the Clerk made available to all Senators copies of the curriculum vitae of the qualified candidates.

Hon. Senators, for the position of Deputy Speaker of the Senate, two candidates were validly nominated as at the close of the nomination period, namely:-

1. Sen. (Prof.) Kithure Kindiki; and,
2. Sen. Ledama Olekina.

Hon. Senators, pursuant to Standing Order No. (8), a candidate may withdraw his or her candidature after the close of the nomination period and before a ballot is started. In this regard, no one has withdrawn his or her candidature.

Hon. Senators, in accordance with Standing Order No.6 (1), the election of the Deputy Speaker shall be by secret ballot. We shall now proceed to the ballot for the election of the Deputy Speaker.

Mr. Clerk, I will ask you, according to Standing Order No.6 (2), to provide the ballot box.

*(The ballot box was displayed empty and unlocked)*

I now direct that the ballot box is emptied and displayed to the Senate. I think that has been done.

I further direct that the ballot box be locked in the presence of Senators and the ballot box kept in the full view of the Senators.

*(The ballot box was locked and kept in the full view of Senators)*

Hon. Senators, Standing Order No.6 (3) requires that:-

“The Clerk shall issue, in the order prescribed in Standing Order 3(2), not more than one ballot paper to each Senator who comes to the Table to obtain it and each Senator who wishes to vote shall proceed to a booth or designated area provided by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall while there, mark the ballot paper by placing a mark in the space opposite the name of the candidate for whom the Senator wishes to vote, fold the marked ballot paper before leaving the booth and place the folded ballot paper in the ballot box.”

Pursuant to this Standing Order, I now direct that the ballot paper be issued to each Senator who comes to the Table to obtain it. To facilitate this process, the Clerk shall call the name of each Senator, following which the Senator shall come to the Table to obtain a ballot paper. Each Senator shall then proceed to either of the two polling booths, which are clearly marked and located on my right and left, in order to mark and fold the ballot paper. The Senator shall then place the marked ballot paper in the ballot box. We shall now commence the voting process.

*(The ballot papers were issued to the Senators and they proceeded to vote)*

**The Speaker** (Hon. Lusaka): Order Senators! I know that some Senators were out when the names were being called out. Therefore, I will allow a rerun through the names so that anyone who has not voted gets a chance to do so.

*(The voting process continued)*

**The Speaker** (Hon. Lusaka): Hon Senators, Standing Order No. 6(6) provides that:-

“When it appears to the Clerk that all Senators who are present and who wish to vote have placed their ballot papers in the ballot box, the

Clerk shall unlock the box, examine the ballot papers and, having rejected those ballot papers that are unmarked or spoilt, report the result of the ballot; and no Senator who has not already recorded his or her vote shall be entitled to do so after the Clerk has unlocked the ballot box”.

Pursuant to this Standing Order, it therefore appears to me that the Senators who are present and wish to vote have placed their papers in the ballot box. I now direct that the box be unlocked and each ballot paper examined.

Let me invite an agent for each candidate; Sen. Kang’ata and Sen. Nyamunga.

*(The Clerks-at-the-Table opened the ballot box and proceeded to count the votes)*

**The Speaker** (Hon. Lusaka): Hon. Senators, we are now through with the counting and tallying exercise. Pursuant to Standing Orders No. 6(6) I now proceed to announce the results of the ballot as follows:

NAME	VOTES
Sen. (Prof.) Kindiki Kithure	38
Sen. Ledama Olekina	17
Spoilt Votes	0
Absent	12
Total	55

The threshold is supposed to be 45 votes, which has not been met. Therefore, we shall take a second vote in accordance with Standing Order No.7. Let the ballot box be emptied, displayed and locked, so that we can go to the second round of voting.

*(The ballot box was emptied, displayed and locked)*

*(The Senators proceeded to a second round of voting)*

**The Speaker** (Hon. Lusaka): Order Members. I now direct that we start the counting. In the meantime, let us have the agents of the two candidates.

*(The Clerks-at-the-Table opened the ballot box and proceeded to count the votes)*

Order, hon. Senators! Standing Order No.7 (4) provides that:-

“The candidate who receives the highest number of votes in the fresh election shall be declared elected as Speaker.”

The results of the second round of voting are as follows:-

NAME	VOTES
Sen. (Prof.) Kindiki Kithure	38
Sen. Ledama Olekina	17
Spoilt votes	0
Absent	12
Total	55

*(Applause)*

Hon. Senators, pursuant to Standing Order No.7 (4) that I have just quoted, I now wish to declare Sen. (Prof.) Kindiki Kithure the duly elected Deputy Speaker.

*(The Speaker accordingly declared Sen. (Prof.) Kindiki Kithure elected Deputy Speaker of the Senate)*

*(Applause)*

Hon. Senators, we have come to the conclusion of the exercise of electing the Deputy Speaker, but before I instruct that the Deputy Speaker-elect be invited here for swearing in, I need to give directions regarding the custody of the ballot papers.

#### CUSTODY OF BALLOT PAPERS

**The Speaker** (Hon. Lusaka): Hon. Senators, Standing Order No.10 requires that:-

“Immediately the results are declared, all the ballot papers used in the election of a Speaker shall be packed and sealed in the presence of the Senate and kept in the custody of the Clerk for a period of six months and shall thereafter be destroyed.”

This provision also applies to the election of the Deputy Speaker.

*(The ballot papers were collected and sealed)*

I now wish to invite the Deputy Speaker-elect to come and take the oath.

*(Sen. (Prof.) Kindiki Kithure was escorted by Sen. Murkomen and Sen. Kihika)*

*(On arrival, the Speaker thereupon administered the Oath of Allegiance to the Deputy Speaker-elect, Sen. (Prof.) Kindiki Kithure)*

*(Applause)*

**The Speaker** (Hon. Lusaka): Next Order!

#### MOTIONS

##### APPOINTMENT OF MEMBERS TO THE SENATE BUSINESS COMMITTEE

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, before I move this Motion, allow me to remind my colleagues from this side of the House that after this business, which I will request that we make brief, we will have important business under Order No.10. It actually concerns our counties and requires 24 counties to pass. The most important business of today has already been done, which is the election of Deputy Speaker, and the next one is the Motion which relates to money going to our counties.

That is the reason we are here. It is unfortunate and regrettable that the other side of the House evacuated themselves from the House at a very critical moment.

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

THAT, pursuant to Standing Orders 178 and 183 (3), the Senate approves the following Senators to be Members of the Senate Business Committee:-

- |                                    |   |                        |
|------------------------------------|---|------------------------|
| 1. Sen. Kenneth M. Lusaka          | - | Speaker of the Senate  |
|                                    | - | Chairperson            |
| 2. Sen. Onesmus Kipchumba Murkomen | - | Senate Majority Leader |
| 3. Sen. Susan Kihika               | - | Senate Majority Whip   |
| 4. Sen. Fatuma Dullo               | - | Member                 |
| 5. Sen. Mohamud Maalim Mohamed     | - | Member                 |
| 6. Sen. Sakaja Johnson Arthur      | - | Member                 |
| 7. Sen. Poghisio Samwel Losuron    | - | Member                 |

The Senate Business Committee (SBC) is a very important committee in terms of conducting the business of this House. Even as we prepare to establish the other committees for purpose of transacting business in the Senate, the SBC plays an integral role as provided for in Standing Orders 178 and 183.

The composition from the majority side of the membership of this Committee was arrived at after very thorough consultations. Considering the fact that the Majority Leader, the Majority Whip and the Speaker of the House are already provided for as members in the Standing Orders, we only had the responsibility to nominate four people to serve in this Committee. In the nomination of those four people, we made strong considerations of gender, regional and ethnic balance and political party members who are part and parcel of Jubilee Party.

As you can see, we have Sen. Poghisio who represents Kenya African National Union (KANU), which is part of Jubilee; Sen. Dullo who represents Party of Development and Reforms (PDR), which is part of Jubilee, and Sen. Sakaja and Sen. (Eng.) Mahamud who represent the Jubilee Party. Aside from that, we have two Members here who are of the female gender, that is, Sen. Kihika and Sen. Dullo. They were both elected to this House.

I do not want to say much because I do not want Senators to tire waiting for the next Motion which affects finances to our counties. These are men and women of competence and commitment and I believe that when they sit and deliberate on the business of the House every week, they will ensure that this House is equipped enough to consider Bills, Motions, Papers and all the business of the House that is necessary to ensure that this House, in this 12<sup>th</sup> Parliament, will make a big difference in the Republic of Kenya.

With those many remarks, allow me to invite The Senate Majority Whip to second this Motion.

**Sen. Kihika:** Thank you Mr. Speaker, Sir. I stand to second the Motion. I believe that the composition of the Committee has been thought through. I also believe that it is an extremely important Committee in making sure that the business of the House gets



going. Since we are here and ready to work, I call upon everybody to support the Motion so that we can proceed.

Mr. Speaker, Sir, I beg to second the Motion.

*(Question proposed)*

*(Question put and agreed to)*

APPROVAL OF THE COUNTY GOVERNMENTS'  
CASH DISBURSEMENT SCHEDULE FOR FY2017/2018

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I beg to move: THAT, the Senate approves the County Government Cash Disbursement Schedule for Fiscal Year 2017/2018 laid on the Table of the House on Thursday, 14th September, 2017.

This Schedule is long overdue. The Senate in the 11<sup>th</sup> Parliament was supposed to have approved it. It happened that so many people were focused on elections at that time to the extent that we could not have even half of the Senators to come and approve this very important report. It is something that we need to deal with towards the next elections.

For the benefit of the new Senators, we passed the Division of Revenue Bill and the County Allocation of Revenue Bill. There is nothing much that we can do to this Schedule because the two important legislations that deal with the resources going to the counties have already been passed.

Our work is to make a clear indication that the money that was shared equitably is indicated in the Schedule itself. There are resources that were given to counties, especially the unique allocation in the Constitution to counties to build what is called village polytechnics or local polytechnics. That money is now given as a grant for that specific purpose. There are also resources that come from donor communities and fuel levy. All these resources are meant to assist our counties to move forward.

When moving the other Motion earlier, I said that it is exceedingly embarrassing that the minority side has boycotted a very important debate that is about resources going to their own counties on extremely flimsy grounds. Their reasons for doing so cannot be justified in law or in their constitutional responsibility as legislators; they abdicated a very important debate. There can be no other greater abdication of duty than a Member of Parliament being dictated by another person outside there, who has not been elected by anybody, to forfeit that very important responsibility that will develop their county.

Yesterday, Sen. Haji reminded me that we must take this business seriously because most of the staff in the counties are not receiving their resources. Most counties want to buy medicine or even employ nurses on contractual basis as the problem with the other nurses is being solved. Somebody on the other side tells me that they have been elected to do that job but cannot do it because someone else, who is not a member of the Senate, has grievances on an election that is not related to being a Senator. That person is dictating them to forfeit their responsibility. That is irresponsible.

We all came here last week and took oath where the Deputy Speaker has just taken his oath this afternoon. We said that we will defend the Constitution and serve

everybody who comes before us. It is extremely shameful that the minority side would run away. Luckily, the people of Kenya had foreseen a possibility of such recklessness and elected more Senators from the Jubilee side to serve in this House. Delegations from 28 counties are represented in this House. To pass---

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

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Sakaja?

**Sen. Sakaja:** On a point of order, Mr. Speaker, Sir. I hate to interrupt the Senate Majority Leader. The Motion that we are discussing is very important to this country, but I note that we have all been issued with a Cash Disbursement Schedule that is not clear. We have around 15 columns without headings; it just has numbers, unless I have received a wrong copy.

Could you kindly direct that the Members receive a copy of the Schedule with appropriate headings for each of those columns? Could we also be given a copy of the report that was prepared by the previous Committee on Finance, Commerce and Budget on the same? That will help us have a debate that enriches the record of this House.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, can I be allowed to proceed as the Clerk works on how we can get the clearer copies? These are photocopying issues.

**The Speaker** (Hon. Lusaka): You may continue.

**The Senate Majority Leader** (Sen. Murkomen): Thank you, Mr. Speaker, Sir. Sen. Sakaja has raised a very valid issue. I requested all the Senators to expeditiously pass this Motion and shorten the debate for us to have the requisite number of Senators to vote. However, the concern raised by the Senator is genuine because many people would like to follow the debate.

I do not want to belabour the point. I want to congratulate the Jubilee Senators who are all here; they are taking their business seriously. They should know that their allegiance to the people of Kenya must not be interrupted. The advantage that we have in this House is that the Jubilee side consults. We have held two political party meetings in less than one month since we were elected and discussed serious agenda. We have democracy and people can raise their issues.

I want to congratulate the President and the Deputy President of this Republic because they do not allow any Member to be gagged. Our Members cannot accept a situation where there will be a suggestion that they abdicate constitutional duties. I believe that the President and the Deputy President cannot contemplate asking any of us to run away from responsibility. That is why, as Senators, we are able to negotiate with our party and tell them that we will follow the Constitution if we have a conflict in terms of political position and the Constitution.

I am told that the reason our colleagues on the minority side are not in the House is because they cannot agree on the leadership of the minority side and the membership of the committees. They are now using the upcoming election as an excuse to run away from responsibility. They are hoodwinking the country that the reason they are not in the House is because of the election. The fact of the matter is that they do not have a Senate Minority Leader, Senate Minority Deputy Whip and cannot agree on membership to committees. They are fighting over power in Parliament, the same way they are fighting for it in public.

Mr. Speaker, Sir, these things must not cloud the face and judgement of any person who has been elected to this House. If my responsibility as Senate Majority Leader comes to end, because it can end, I will remain performing the most important responsibility of representing the people of Elgeyo-Marakwet County in the Senate. My Governor, Members of the County Assembly and the citizens of Elgeyo-Marakwet County expect me to participate in passing this Schedule, so that services can be delivered to Kenyans.

In conclusion, I want to congratulate the Senate Deputy Speaker, Sen. (Prof.) Kithure Kindiki, for finally ascending to that very important office. A lot has been said by characters of all kinds out there about the position of Deputy Speaker. The Office of the Deputy Speaker in the Republic of Kenya is the second powerful office after the Speaker's Office. We believe that our brother has been elevated to perform that responsibility because of his competence, capability, humility and the manner in which he carried out his responsibilities as Senate Majority Leader.

Mr. Speaker, Sir, I must confess here that I am a beneficiary of mentorship or tutelage of Sen. (Prof.) Kindiki, not just as a student in the University of Nairobi, but also as a Senator serving in this House and as his Deputy. I learnt a lot from him. I will perform my responsibility under his guidance. I am glad that he has moved to an office closer to yours. Through your guidance and his, we will perform our responsibilities as the leadership of this House.

Sen. (Prof.) Kindiki has now been elevated not only to advise the majority side, but also to assist the minority side. His wisdom will guide the minority side as well in the manner in which they will carry out their responsibilities. When he was the Senate Majority Leader, he was only leading a section of the House, but now he has a responsibility, together with you, to lead the rest of the House. I believe the experience he got from one section of the House will inform the work he will do with the rest of the House. We will work together as a team for the best interest of this Republic.

With those many remarks, allow me to invite the Senate Deputy Majority Leader, Sen. Fatuma Dullo, to second this Motion so that we can move forward.

**Sen. Dullo:** Thank you, Mr. Speaker, Sir. I beg to second this very important Motion, which is to approve the funds that are supposed to be disbursed to the county governments. It is time we approved the funds because I know very well that most of the counties are not running very well and the staff have not been paid for quite some time.

Mr. Speaker, Sir, service delivery is very important. As the Senate Majority Leader has said, we are elected to make sure that the counties and devolution are up and running. It is unfortunate that my brothers and sisters on the opposition side have delegated their responsibility to somebody who is fighting a cause that might not even be realised. Let us wish them all the best.

As the Jubilee side, we are ready to work. As it was said yesterday, there is no vacuum. We should pass this Schedule so that money is released to the counties. We must make sure they are running and services are delivered to our people. The responsibility of every elected Senator here is to oversight and ensure that these funds are properly utilized. I believe the Senators who were elected to this House are able to oversight this money. As Sen. Sakaja has observed, looking at this Schedule, these columns are not very clear. We need somebody to explain it to us.

Mr. Speaker, Sir, finally, I wish to congratulate our Deputy Speaker, Sen. (Prof.) Kindiki, who was a mentor to all of us in Jubilee in the last Parliament. He was once my *Mwalimu*, although he does not like it when I refer to him as so. He says that we are now colleagues. He was my supervisor. I believe he has mentored so many in this particular House. He is up to the task and we will support him. He will in turn guide us through this Senate.

I Second the Motion.

**The Speaker** (Hon. Lusaka): Thank you, Senator. Before I propose let me also take this earliest opportunity to congratulate the Senate Deputy Speaker, Sen. (Prof.) Kindiki, who I knew in our other life. Actually, we were the first secretaries during the Kibaki Government. I served as the Secretary, Provincial Administration while Professor served as the Secretary, Ministry of Cohesion and National Integration. I am very happy that I will be deputised by a very competent deputy who will also guide this House, so that we can serve our people well.

With regard to the point of order raised by Sen. Sakaja, it should be noted that Committee reports are not carried over from one Parliament to another. This is a new Parliament and the Committees of this Senate have not been constituted. Therefore, this Schedule has not been considered by a Committee of this House.

With regard to the photocopying or absence of headlines, clearer copies are being circulated. Any Senator without any clear copy can obtain one from the Clerk. As for the headings, kindly note that the document is designed to have would-be headings inside the text of the documents in respect to each county. Therefore, the headings are not on the top of each page. This is the design of the document. I hope you will be able to read and understand.

Let me now propose the Question.

*(Question proposed)*

**Sen. Haji:** On a point of order, Mr. Speaker, Sir. It is the beginning of this new House and many Senators are very anxious to contribute to this Motion. I request that our contribution be restricted to three minutes, so that as many people as possible who wish to contribute can do so. If you are in agreement, I want to be the first to make a statement.

**The Speaker** (Hon Lusaka): That is allowed because I am yet to get any request here. You are allowed, but restrict yourself to three minutes.

**Sen. Haji:** Mr. Speaker, Sir, I congratulate the Senate Deputy Speaker, the Senate Majority Leader, the Chief Whip and their deputies. All these people are very able. They will be working with you and us and we look forward to discharge our responsibilities as hon. Senators.

Mr. Speaker, Sir, I want to join the Senate Majority Leader by expressing my displeasure in the manner in which our colleagues in the opposition have behaved. We were all elected to represent the people. The Motion before us now will help the counties to discharge their responsibilities.

Mr. Speaker, Sir, as I speak, many governors are handicapped because they cannot pay their staff. The national Government is operating because it has offices and resources. On the other hand, the counties do not raise revenues; they depend on what is given to them by the national Government.

Therefore, it is unfortunate that our colleagues claim to represent the people who elected them, yet they have abdicated their responsibility because of somebody who, as you rightly said, does not have any mandate from Kenyans as a Member of Parliament or even as a President. When these Members go back to their counties this weekend, people should ask them what they went to do in Nairobi because they have not done their job. I will end so that many other Senators can get an opportunity to say something.

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

**The Speaker** (Sen. Lusaka): Proceed, Sen. Linturi.

**Sen. Linturi:** Mr. Speaker, Sir, I rise to support this Motion. Since Sen. Haji has proposed that we use as few as three minutes, I will be brief. I am happy to contribute to this Motion. My message to the new governors, and anybody else who has a responsibility to manage these funds is, first, to understand that this is one of the responsibilities of the Senators.

I am particularly impressed that the county governments cannot get money without the approval of this Senate. This means that the Senate plays a critical role in ensuring that money is sent to the counties. I want everybody to listen because we have just come from an election. One of the main challenges that we got when we were out there campaigning is that some rogue governors created a narrative in the public domain that whenever Senators go to the counties they should be asked what they do. That story was particularly so alive in the minds of the people of Meru when we were campaigning.

I ask those who are following this debate to understand that one of the major duties of a Senator is to pass the disbursement of the money to the counties. This being our responsibility, I am happy to stand here and say: “yes, I approve.” I support that this money should be released, so that Gov. Kiraitu can have money to make sure that there are drugs in Meru General Hospital, roads in Maua and the much needed services are available. Shame on those people on the other side who did not even have the feeling that *wananchi* are suffering. They were required to come and pass this Motion.

Thank you, Mr. Speaker, Sir.

**The Senator for Uasin Gishu County** (Sen. (Prof.) Kamar Margaret Jepkoech): Mr. Speaker, Sir, I thank you for giving me the opportunity to support this Motion. This being my Maiden speech, may I start by congratulating you for being elected the Speaker of this august House. May I also take this opportunity to congratulate the Deputy Speaker, Sen. (Prof.) Kindiki, and the leadership of the House. I am fortunate that Sen. (Prof.) Kindiki was a member of staff when I was in Moi University, while the Senate Majority Leader was my student.

Mr. Speaker, Sir, I also congratulate my colleagues who won after a grueling campaign during the rainy season. I believe that with this opportunity we have been given to be Senators in the second Senate of this country, we will move this nation further. We have a team that will move mountains.

I support this Motion to approve the county governments’ cash disbursement Schedule for one reason. During our campaigns we promised our counties that we would serve as per Article 96 of the Constitution that gives the Senate the mandate to represent counties and serve to protect their interests. Our presence in this House is a clear manifestation of the fact that we must protect the interests of our counties. This disbursement is already late because of the changes in the program of the nation,

particularly the elections. It is very important that we disburse this money as soon as possible.

As we were campaigning, I came across buildings that were incomplete, for instance, polytechnics. Citizens are demanding to have them completed. Polytechnics have been outlined and given an allocation. It is, therefore, important that we release the money to the counties as fast as possible.

In addition, we came across other pending agenda owing to delay in disbursement of the money. I, therefore, strongly support this Motion. I hope that the money will reach the counties as fast as possible.

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

**Sen. Mwaura:** Mr. Speaker, Sir, I ---

**The Speaker** (Sen. Lusaka): Hold on Senator, there is a point of information.

**Sen. Kang'ata:** On a point of information, Mr. Speaker, Sir. Allow me to inform the hon. Senator and other Senators on how this Schedule is denoted. Members have been complaining while I was distributing this document. They do not know how this schedule appears with regard to the headlines for each column.

Mr. Speaker, Sir, the first column vertically is the total amount disbursed. For instance, if you look at Baringo County, the first figure appearing in the first column vertically is the total. The second column is money disbursed to respective counties in July 2017. The next one is for August 2017. It goes that way until June 2018. This means that it is July, August, September, October, November, December, January, February, March, May and June 2018.

**The Speaker** (Sen. Lusaka): Thank you very much for the information.

Proceed, Sen. Mwaura.

**Sen. Mwaura:** Mr. Speaker, Sir, I thank you. If it may please you, that information was meant for the whole House. Therefore, those minutes may not be counted as mine.

First, I wish to congratulate the newly elected Deputy Speaker, Sen. (Prof.) Kindiki, whom I knew while I was still working out there on issues of human rights. I believe that he will be of good support to the cause that I happen to represent and through which we engaged at that time; issues of people with disabilities.

Mr. Speaker, Sir, we are fortunate to be here approving the disbursement of funds to various counties. We can all attest to the fact that devolution, if well executed, can do wonders to our people at the grassroots level.

Our colleagues from this side have absented themselves from participating in this discourse. That is why I am seated here just to fill this gap. We know very well that their political leadership has been benefiting unduly from monies that are supposed to go to Wanjiku in the grassroots. When they fail to come to this House to approve the cash disbursement, they are actually telling us that they do not care about the wananchi. For them, what is important is raising monies through Mpesa pay bill for their syndicate, which happens to be this election. These are saboteurs of development in this great country.

There are many people who are suffering because they have not received salaries. Many families are dependent on these funds. There are many children who may be sick and their parents are unable to support them. There are also many services that are not reaching Kenyans. Therefore, it is important that we have a predictable schedule. I

believe that with this Schedule, we will have a situation where the greatest problem of cash flow management that we have been having between the national and the county governments will be predictable.

I take this opportunity also to implore upon the governors that have been duly elected - we thank God that majority of them are from Jubilee - and the county assemblies that they should exercise prudence in the management of these funds.

**The Speaker** (Hon. Lusaka): Sen. Cheruiyot Aaron Kipkirui.

**Sen. Cheruiyot:** Thank you, Mr. Speaker, Sir, for giving me this chance. I rise to support the Motion, but before I do so, let me join my colleagues in congratulating the Deputy Speaker, Sen. (Prof.) Kithure Kindiki, on his election.

Let me now move to my contribution. First, I note that this is an extremely important Motion. One of my colleagues, when contributing, pointed to the very important nature of the business that we are transacting this afternoon. Without the Senate passing this Schedule, many of the counties will grind to a halt.

I am reliably informed that during one of the meetings last week at the Council of Governors offices in Delta Corner, many of the governors were implored upon to speak to their Senators to come to this House and pass this Schedule. I hope that with the same kind of zeal and valour, the same governors will be willing to troop to this House when they are called upon to come and account for the same funds that we are disbursing this afternoon.

I continue to note and have it on record that rogue governors, like Gov. Oparanya of Kakamega County, have continued to defy summons to this House to account for funds that are disbursed through this House. Such governors have no place in this country. We look up to the Judiciary with the rulings that have been made recently against the Senate versus such governors that such matters will be quickly put to note.

As a point of concern, what business will my colleagues, the Senators from the other side, claim to have transacted this week when they troop to their counties this weekend? What answer will they have regarding the nurses who are out on strike in various counties? Will they tell their constituents that they follow orders from a man who is known to be an enemy of devolution and is rumored to be a ghost worker in many of the counties? Perhaps even some of these funds we are passing today will end up in his pocket. That is very unfortunate. We hope they will shape up and show up in this House soon.

With those very many remarks, I support the passing of this Motion.

**The Speaker** (Hon. Lusaka): I invite the Deputy Speaker to make his Maiden speech and also make a contribution. I will give him six minutes to do so.

**The Senator for Tharaka-Nithi** (Sen. (Prof.) Kindiki Kithure): Mr. Speaker, Sir, I thank you. From the outset, I take this opportunity to thank my colleagues in this House for the privilege they have given me this afternoon to serve as the Deputy Speaker of this House. I want to single out Sen. (Eng.) Ephraim Maina of Nyeri County who made an extraordinary sacrifice. The President of our country is visiting his county, but he decided to skip that visit so as to be here for this important exercise. I know that every other Senator who is seated here this afternoon has made some sacrifice to be here. I thank all of you, colleagues.

*(Applause)*

Secondly, I want to say that I will serve with dedication, humility and make sure that what we do here brings dignity and honour to the Senate and our beloved country. For the avoidance of doubt, I know our colleagues from the opposition are not here. I want to say this to all of us and the people of Kenya; that for me, today, I count it as a great honor. In fact, I consider the responsibility I have been given today the greatest honour yet in my political life.

*(Applause)*

I categorically say that today is a great milestone in my political life and for that reason, I remain indebted to the Senators and my party, the Jubilee Party, for giving me this privilege that I will always remember.

Again, with a lot of respect and humility, I am a disappointed Kenyan after what happened this afternoon. Our colleagues from the National Super Alliance (NASA) came in, but had no intention of taking part in the business of this afternoon. I think their only intention was to create some irritation and leave in a hurry. I say so because today's business was not just about the election of the Deputy Speaker.

We had critical business for this country, particularly the Order which we are debating now on the Schedule of disbursements to county governments. If there is a responsibility which is critical and core to the role of a Senator, it is this business we are discussing now. So, I am embarrassed. However, I want to encourage the people of Kenya that we, in Jubilee, will continue discharging our national duties and even help our colleagues who have abdicated their responsibilities. We will help them and their people to achieve the benefits and aspirations of devolution. Hopefully, we will pass this Schedule of disbursements today.

However, it is important that the people of Makeni, Narok, Kisumu, and all the other counties represented by NASA Senators, who just walked in and out, know that their representatives have absconded duty this afternoon and the Jubilee Senators have taken over those responsibilities for the sake of uniting our country.

I hope this money will be put into good use. We had a lot of problems last term because of usage of monies in the counties. I take this opportunity to congratulate the new governors, who were parliamentarians either in this House or in the National Assembly. They include Sen. (Prof.) Anyang'-Nyong'o of Kisumu County and even the Governor of my own county of Tharaka-Nithi, Hon. Muthomi Njuki, who was the Member of Parliament for Chuka/Igamba-Ng'ombe, among others. I hope we will see a difference in how money is used this time round.

Because of limitation of time, I take this opportunity to congratulate the Speaker of the Senate, Hon. Ken Lusaka. As you said earlier, our first encounter with serious national duty was when we were pronounced by His Excellency the former President, Mwai Kibaki, to serve at that time in the Ministry of Interior and Coordination of National Government for you and in the Ministry of Justice, National Cohesion and Constitutional Affairs for me. From that time we have worked very closely. I have full belief in your capabilities and know that you will be a great Speaker and leader for our House. We will give you the support you require to be able to discharge your responsibilities. There will be no turf wars. You can rest assured that there is only one



leader for this House and the rest of us will support you to make sure that this House is able to realise its national obligations.

I congratulate my successor in my previous job, the Senator for Elgeyo-Marakwet, Sen. Kipchumba Murkomen, whom I have known for many years. He is my former student and family friend, because I taught his wife and him at the University of Nairobi. I do not think there would be a better person to be the Senate Majority Leader today. I have total confidence in his abilities, and likewise from the party perspective, I will also support the leadership of Sen. Kipchumba Murkomen to make sure that he succeeds.

I congratulate all the other party leaders, including the Majority Chief Whip, Sen. Kihika, my friend and former student, the Deputy Majority Leader, Sen. Dullo, and Sen. Irungu Kang'ata.

Finally, I wish to congratulate every other Senator on being elected or nominated to this House.

*Asanteni sana.*

**The Speaker** (Hon. Lusaka): Thank you very much, Sen. (Prof.) Kindiki, for that eloquent presentation and generous contribution to my person.

May I now call upon Sen. Haji Farhiya Ali.

**The Nominated Senator** (Sen. Haji Farhiya Ali): Thank you, Mr. Speaker, Sir. This being my maiden speech, I wish to congratulate you for such an emphatic win to be the Speaker of this honourable House. I also wish to congratulate Sen. (Prof.) Kindiki for being elected as your deputy. Sen. (Prof.) Kindiki was my sister's professor and so, I also know him because of that.

This is a very important process because just like everybody else has said, we have an important role in this country to ensure that counties deliver and are also accountable to their people.

I support this Motion but I also have a small request. Since some of us are new in the Senate, could somebody take us through the schedule so that we own this process when passing this Motion? However, I appreciate that it is important for us to expedite this process so that people in the counties can get services.

Thank you.

**Sen. Moi:** Thank you, Mr. Speaker, Sir. I am will not congratulate Sen. (Prof.) Kindiki now; I will do that during the Motion for Adjournment because I want to say many good things about him.

Today we are here to pass the cash disbursement schedule for the county governments in order that they can operationalize their monthly transfers from the Consolidated Fund into their respective county accounts. Because of the limitations of time, I would like to urge my colleagues to note that although the monies which are being disbursed or indicated here sound big to those who are new here, we all know that - you more than anybody here - the monies which we are sending to the counties are not enough.

I hope that when we will be debating the next financial allocation to the counties, we will be all alive to the needs of our people in the counties, including health services, roads, education *et cetera*. The revenues that are collected in the counties are not enough for them to carry out their duties. They count on us to disburse the funds to them. I am, therefore, looking forward to a robust debate at that particular time.

I beg to support.

**Sen. Sakaja:** Thank you, Mr. Speaker, Sir. Due to the limitation of time, I will just go straight to the point. I have had a chance to mention to you some of the concerns I have pursuant to some of the Standing Orders, but I appreciate the urgency with which we need to dispense with this matter.

I join Sen. Moi to remind the Senators that even as we move along, I know this disbursement schedule is for the entire financial year. However, there are certain issues that we would need to revisit when it comes to disbursement of money to counties. In the previous four or so years of devolution, everybody including governors, Senators, Members of the National Assembly have all been about how to share the cake, but we have not had enough discussions, especially at the Senate, on how to bake a bigger cake which we can all share.

Mr. Speaker, Sir, this disbursement schedule is really important and it is, indeed, disappointing that Members from the National Super Alliance (NASA) are not here. Today the Senator for Kisumu, for instance, is not aware that in October, 2017 his county will be expecting Kshs622 million shillings from the Exchequer. How then will he be able to oversight and know what the governor has? It is sad that the Senator for Migori will have no clue whatsoever that his county in the month of October is expecting Kshs10 million from one of our development partners with respect to health.

Article 1 of the Constitution is clear that the sovereign will of the people is expressed directly, which is through an election or a plebiscite, or indirectly through the elected representatives. It is a great disenfranchisement for the people who come from those counties that are represented by NASA that the people to whom they have delegated that sovereign will and authority have chosen to further delegate it to an individual or individuals who for their own political interests, have no interest with the representation going on.

I am glad to see Nairobi County getting Kshs1.3 billion. Of course, I believe it needs much more. We should be able to go further and look at this support that is coming from our development partners, whether it is the World Bank to help in the development of polytechnics, *et cetera*, so that we can support devolution better.

Finally, I would like to apologise for being a bit finicky on the specific provisions of Standing Order 177.

Mr. Speaker, Sir, like any other Senator, I am elected to be meticulous and thorough in representing the needs of the people of this city. I am sure the rest of the other able Senators, especially from Jubilee, are as keen on these details because the devil is always in the details.

I will congratulate Sen. (Prof.) Kindiki later as well.

**The Speaker** (Hon. Lusaka): Thank you, Sen. Sakaja.

**Sen. (Eng.) Mahamud:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to contribute to this Motion. I will have another opportunity to congratulate you and the Deputy Speaker.

However, I stand to support this particular Motion on County Government Cash Disbursement Schedule. This is a very important Motion. After the County Revenue Allocation Bill was approved as mentioned by the Majority Leader, it should have been disbursed in the last Senate but because of the elections, it was not done.

We are in September, three months after the financial year and counties are starving. Therefore, it is important that these monies actually go to the counties. I am surprised that our colleagues from the other side are not here to take part in this important event. I pity them. I hope that they will come to their senses and as we go ahead, they will be taking part in the deliberations of the House so that they can represent their people effectively.

This Bill is important and the counties should realise that the requirement for this House to pass the disbursement is an indication that the Senators are cognizant of how counties are being managed. We hope that these funds will be put to proper use.

In the last Session of Parliament between 2013 and now, there are many issues that were raised concerning the running of county governments. We hope that people have now learnt. More systems need to be put in place so that funds that are sent to the counties are put to proper use for the people to benefit and for this country to develop.

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

**Sen. Ndwiga:** Thank you, Mr. Speaker, Sir. May I join my colleagues in congratulating both you and your deputy today, although I can do that at another moment.

Part of the reason why we changed the Constitution or some of us fought hard to change the Constitution of this Republic was to achieve devolution. Those of us who will remember when we were at Bomas of Kenya changing the Constitution, the chief interest was devolution.

Those of us who were in the National Assembly before will remember that our biggest problem was getting money to the grassroots to *Wanjiku*. Today, I am saddened by the fact that some of my colleagues who were with me in the streets to fight for the change of the Constitution are today missing in this House when we are passing a very important Motion to send money down to *Wanjiku*.

Since I do not want to repeat what has been said by my colleagues, may I remind the House that I was with most of the gentlemen across there. Sen. Mwaura and others joined us later when we were fighting for change of the Constitution and when we were in the opposition. The thinking of fellows in opposition who sit across there is that they want to come to this side. However, I am saddened by the fact that the leadership of the National Super Alliance (NASA) today has chosen to take this country in circles and playing useless juvenile shenanigans out there instead of coming to the House and pass important pieces of legislation like this Motion.

I have seen the light is on, may I support.

**Sen. (Dr.) Ali:** Thank you, Mr. Speaker, Sir. I wish to join the other Senators in congratulating you and Sen. (Prof.) Kindiki for your election. Mine will be brief.

I want to support the Motion in view of the fact that in most of the counties, especially the northern counties, there is a lot of drought and a lot of problems like lack of water and animals dying. Therefore, it is important that we pass this Motion so that at least the governors in those said counties can handle the emergency issues which are developing, especially in Wajir County where I represent. I urge the Governor to try and do the best he can which I hope he is already doing right now, but without funds nothing is possible.

The other issue is that it is unfortunate, as everybody else has mentioned, our colleagues from the other side have decided to abscond from participating in the business of this House. If I had the authority, possibly, I would have decided that no money goes

to their counties so that their people from those counties can rise up in arms and chase them away or recall them even if the time is not yet up. It is unfortunate that they have decided to do these things at the early stages of the convening of this House.

Mr. Speaker, Sir, another issue of concern is about the Integrated Financial Management Information System (IFMIS) which has been having a lot of problems. As a former Governor, I am sure you would know about it. I urge the Government and our team to make sure that disbursements are done on time so that governors are not also condemned unheard.

When you check some of the allocations, for instance, to the polytechnics, the disbursements are so low that you get worried. What will Kshs1.19 million do? So, some of these issues might need to further be checked into.

I support.

**Sen. Cherargei:** Thank you, Mr. Speaker, Sir. From the outset, I want to congratulate my academic grandfather because Sen. Murkomen taught me and he taught Sen. Murkomen. I wish him well and assure him that I am very loyal. I stand to support.

Since you also come from Bungoma County, the Senator for Bungoma County should not receive any disbursement because it means they are not interested in what is happening in the Floor of the House. When we took oath of office, we agreed to protect the interests of our people.

Mr. Speaker, Sir, I want to reiterate to one of our colleagues that as we give the governors this cash disbursement, we expect them to uphold in the principles of public finance that have been set out in the Constitution so that we ensure there is proper accountability and transparency. As enthusiastic as they are when receiving this cash, they should also be enthusiastic in ensuring that they provide accountability to this House.

Finally, I know that there are many challenges that the county governments are facing especially with the ongoing strike of nurses and many other staff. I know there is a go slow among some of the counties.

I hope as the governors clean the ghost workers, they should include the NASA principal Raila Odinga. There should be reassurance that it will go the right "principal".

I support and thank you.

**The Senator of Bomet County** (Sen. Langat Christopher Andrew): Thank you, Mr. Speaker Sir. This being my maiden speech, I want to thank God and the people of Bomet County for electing me. Also, I want to take this chance to congratulate you. Your election as the Speaker of this great House will enable us grow to great heights as Senators because you understand the ground having been a governor.

I want also to congratulate Sen. (Prof.) Kindiki for having been elected as the Deputy Speaker of this House. I know he understands a lot. With his experience, he will move this great House to greater heights.

I am wondering why my former student who is seated close to me has not appreciated me and yet I taught him in first year at the University of Moi.

*(Laughter)*

Our presence here in this great House shows our concern to the counties that we represent. At the moment, our counties are running short of finances to the extent that

suppliers are no longer supplying critical things like stationery and other items. Therefore, our support to this Motion on the County Government Cash Disbursement Schedule for Fiscal Year 2017/18 is great.

I want to also thank our President, His Excellency Uhuru Kenyatta, for having given us the freedom of conscience to work. He encouraged us so much when we went to State House; that we should attend to such motions to support our counties. It is ridiculous that when the minority Senators were here, they were in fear waiting for a text message to boycott the proceedings. That is unfortunate. It is even unfortunate because those text messages trickled in when they were coming to support one of their coalition Members to be elected as the Deputy Speaker. However, not all of them came. This means that they are not only a disaster to the country, but also to themselves. I want to encourage them to be very particular and not to follow, Hon. Raila without questioning some things.

Mr. Speaker, Sir, I want to thank our Members and the President for having allowed us to attend the Senate proceedings during this critical moment that he has been campaigning around the country.

I support the Motion. Long live the Senate.

**Sen. Wamatangi:** Thank you, Mr. Speaker, Sir. I want to also take this opportunity to congratulate the newly elected Deputy Speaker of the Senate, Sen. (Prof.) Kindiki.

If you may recall, I am one of those who wanted to contest for the office of the Senate Deputy Speaker. However, I withdrew my candidature with others. However, I want to assure Sen. (Prof.) Kindiki that he has my full support as the elected Deputy Speaker. Being an African elder, he knows that if you go to a *mzee*'s house and get his girl and marry her, then you have to go back to the *mzee* with a goat. The gate is still open for the Professor to bring the goat.

*(Laughter)*

Mr. Speaker, Sir, in supporting this Motion, my curiosity is drawn to two items. First, it is with regard to this letter that is forwarded to us. The letter is authored by the Permanent Secretary (PS), National Treasury.

Last time, the Auditor-General reported that more than Kshs240 billion of all monies disbursed to counties was misused, unaccounted for or virtually lost. This House for more than four years, persistently kept on insisting to the National Treasury, especially to the PS that when a governor has gone rogue and they have not accounted for monies disbursed to them, this House should have a say in whether you should continue to disburse money to such a county without accountability.

There is an interesting line on this letter by the PS. It says:

“Approval by the Senate in order to operationalise monthly transfer of funds to the consolidated fund of counties.”

So, the question is whether it is necessary for the Senate to give that authority, why is it not necessary in due course for Treasury to refer to this House to ensure that, that is what continues to happen?

Lastly, because of the enormity of the amounts involved here, it is noteworthy that all these billions go to the counties. Let it be on record that every Senator seated here

who is expected to play his role as per Article 96 of the Constitution of oversight over these funds has got any facilitation or capacity to do so---

**The Speaker** (Hon. Lusaka): Thank you, Sen. Kimani Wamatangi. Sen. Mwangi Paul Githiomi.

**The Senator for Nyandarua County** (Sen. Mwangi Paul Githiomi): Thank you, Mr. Speaker, Sir. Allow me to congratulate you for having been elected Speaker of the Senate. Let me also congratulate Sen. (Prof.) Kindiki for having been elected the Deputy Speaker of this House. I want to congratulate the Membership of this House for having fought very hard to be elected to this Senate. I support this Motion because counties cannot work without funds.

While I support this Motion, I come from a county in central Kenya that has been marginalised for a long time. Whenever we apportion funds to counties, it is my request that we apportion a little more funds to Nyandarua County so that the county can develop to the level of other counties.

I am surprised that we are debating this Motion without the members of the minority side. I challenge them not to come to this House for the next two weeks, so that they can lose their seats as Members of Parliament. Their refusal to come to this House today or making technical appearances does not solve any problem.

We need to take this country seriously. We went for an election, it was done and Uhuru Kenyatta was elected by a majority vote of over 1.4 million. The election was later nullified. Such actions can bring war to this country. We do not want to go to war in this country. We have children that would like to enjoy peace in this country.

There are many people who can be presidents of this country. We do not have to stick to one who says that: "I must be the president." One who wants to be President by force. He should be told that whenever there is an election, the winner takes it all in this country. Trying to get *nusu mkate* is not going to help this country. When he got *nusu mkate* ---

**The Speaker** (Hon. Lusaka): Thank you, Sen. Paul. Sen. Lelegwe Steve.

**The Senator for Samburu County** (Sen. Lelegwe Steve Ltumbesi): Thank you, Mr. Speaker, Sir. This being my maiden speech, I take this opportunity to thank the people of Samburu County for electing me to represent them in the Kenyan Senate. I pledge to exercise the faith they have in me to represent them and the people of Kenya with utmost faith and in conformity with the oath I took as their Senator and a Member of this hon. House.

May I also take this time to congratulate you, Mr. Speaker, Sir for being elected to serve as the second Speaker of the Senate under the 2010 Constitution. I know it is a challenging job, but we will support you as Members of this House. I have been privileged to have served as Speaker of a county assembly, I know you will need support from Members of this House.

I also take this time to congratulate the Deputy Speaker, Sen. (Prof.) Kindiki, for being elected, my colleague Members of the Senate and specially my former colleague whom we served as speakers of county assemblies, Sen. Kihika. I congratulate all of you.

I am also privileged to discuss this Motion about disbursement of cash to county governments for 2017/2018 Financial Year. I take this time to thank Members who served in the previous Senate and worked hard to increase the allocations to the county

governments. I thank you because I happen to have stood here to defend the county ceilings that were imposed by the Commission on Revenue Allocation (CRA).

My take on this is that we have been provided with a schedule that contains all months of this financial year. For us to understand quickly, I suggest that we be provided with schedules that contain the disbursement for that period of time. I guess this one is for the month of October or---

*(Sen. Lelegwe's microphone went off)*

**The Speaker** (Hon. Lusaka): Hon. Senators, I now call upon the Mover to reply.

**Sen. (Eng.) Hargura:** Thank you Mr. Speaker, Sir. I would like to thank Members for their contributions.

**The Speaker** (Hon. Lusaka): Order please. The Senate Majority Leader!

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I would like Sen. (Eng.) Hargura to have three minutes to reply on my behalf.

**The Speaker** (Hon. Lusaka): Okay, proceed.

**Sen. (Eng.) Hargura:** Mr. Speaker, Sir, I thank the Senate Majority Leader for giving me this opportunity. I would like to thank fellow Senators for their useful contribution because of the importance of this particular Motion. I would also like to highlight a few issues having had the benefit of being in the previous Senate. The funding allocated to counties is not enough and we have to start fighting for it in the Division of Revenue Bill. We have to agree with the National Assembly that more funds be allocated to the county.

Other than that, I would like governors to know that this is only funding from the national Government and we know that all of them raise their own revenues. We also expect them to account for the revenues which they generate to their county assemblies. The experience has been that because of the allocation from the national Government, governors have not been keen to generate their own revenues and account for them. So, we expect them to account to their county assemblies and improve the generation of revenue so that we have more funds to be used in provision of services to our people at the county level.

We also need to work on Bills concerning roads which have not been enacted so that we get more funds from the Road Maintenance Levy Fund for the counties because we have not yet agreed on the percentages. These were just based on some proportions according to the functions which have been devolved but we need to have very clear percentages from fuel levy funds. With that, counties will receive their funds. As it has been said, we have water problems in drought-stricken areas and every time we report to the Executive, we are told that there are no funds. From now onwards, that excuse of not having funds will not be there.

Thank you.

**The Speaker** (Hon. Lusaka): Hon. Senators, the Motion in question affects counties. Therefore, voting shall be by delegations. I, therefore, order that the Division Bell be rung for five minutes.

*(The Division Bell was rung)*

**The Speaker** (Hon. Lusaka): Order Hon. Members. I now order that the doors be closed and the Bar drawn. Voting starts now. You may now log in appropriately using your cards. You have one minute.

*(Hon. Senators proceeded to vote)*

**The Speaker** (Hon. Lusaka): Order, hon. Members! There seems to be confusion and, therefore, pursuant to Standing Order No.79 I order for manual voting.

## DIVISION

### ROLL CALL VOTING

*(Question, that the Senate approves the County Government Cash Disbursement Schedule for Fiscal Year 2017/18 laid on the Table of the House on Thursday, 14th September, 2017, put and the Senate proceeded to vote by county delegations)*

**AYES:** Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Langat, Bomet County; Sen. Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Loitiptip, Lamu County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbitio, Trans-Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mwangi, Nyandarua County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County and Sen. Wario, Tana River County.

**NOES:** Nil

**The Speaker** (Hon. Lusaka): 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)*

Draw the Bar and open the door.

**Sen. Mwaura:** On a point of order Mr. Speaker, Sir. I am not very conversant with the Standing Orders, but I want to seek a clarification as to why some Members of this august House voted while others did not. I think that we are here on an equal capacity.

*(An hon. Senator spoke off record)*

Just a minute; let me raise the point of order. This is what you call entrenched discrimination. I noted with concern that even in the list of Members nominated to the



Senate Business Committee there is not a single representative of the special interest groups, otherwise popularly known as 'nominated.' Much as they may be entrenched in the Standing Orders, when we come to this House, we legislate as a House.

In my opinion, I do not think that we legislate as counties, because we are accountable as a House. I will be seeking further clarification and if it is, indeed, found that it is a form of discrimination, then it is upon this House to determine that we must not perpetuate such discrimination.

Part of the reason the special seats are provided for in the Constitution is because of the systemic discrimination within the society. Most of the nominated Members who are here vied for positions in the elections. It is because of the systemic discrimination that they found it difficult to be elected. We need to be progressive. Our Constitution so demands that each and every individual has an equal right. Those are some of the issues that we may seek to relook in the Second Senate under this Constitution.

I feel disappointed that I have not exercised my right to vote just because I do not represent a particular county, yet the Constitution so envisages that I represent persons with disabilities from across the country. If you look at the privileges, and this is what we will talk about, you find that there is systemic discrimination. It is about time that we call this out and ask that we be treated equally.

**The Senate Majority Leader** (Sen. Murkomen): On a point of order Mr. Speaker, Sir. I understand the frustrations of my friend, Sen. Mwaura, having come from the 'Lower' House. We take matters of persons with disability very seriously in this House. This House is not a House of majoritarianism; this House is about equality of counties.

We passed the Constitution knowing that we have 47 equal counties. Kiambu County cannot have undue advantage by virtue of Sen. Wamatangi and Sen. Mwaura having an extra vote. It must be treated equally with Lamu County which does not have a nominated Senator. That is the philosophy of devolution.

That issue has nothing to do with persons with disabilities or gender. It has something to do with counties being equal. If Nairobi County, for example, was allowed to have extra votes, it would have almost ten votes from both sides of the political divide. That would be gross discrimination across the country.

Mr. Speaker, Sir, for the benefit of my friend, Sen. Mwaura, I propose that we defer this subject to the induction. Once the induction is done, everybody will be at home. Those of us who have come here for the second term know that we had the same concerns immediately we came to the Eleventh Parliament. After next week, Sen. Mwaura will happily play his role to contribute to the course of persons with disabilities, and nothing stops him from coming up with a Bill or a Motion.

It is only that when he is voting, he will only have the opportunity when Sen. Wamatangi is not here, just as you saw Sen. Seneta vote and many other Senators who are here voted. This only applies to voting on a matter that affects counties.

There will also come a time when we have general Motions or something that affects counties. For example, I am sure Sen. Mwaura voted for the Deputy Speaker and also for you and so there are many matters that are going to happen that require him to vote. However, the definition of a matter concerning counties in Article (110) on who votes in Article 123 will be a matter of serious discussion in the induction next week and by the end of that, nobody will feel any more that they are discriminated because there

are many avenues for all the persons elected through nomination to contribute to the betterment of this House.

**The Speaker** (Hon. Lusaka): Thank you Leader of Majority. You have explained it very well. Sen. Mwaura, this is a constitutional matter, you will have an opportunity if you want, you may initiate changes in the Constitution and you will have that opportunity. But like what the Senate Majority Leader has said we will have an opportunity during induction to go through all these things that may not be clear at this point in time.

We also wish to bring to the attention of the Senate that we have a supplementary Order which will be seeking for an adjournment. I call upon the Leader of Majority to move the Motion.

### **MOTION FOR ADJOURNMENT UNDER STANDING ORDERS 28-31**

#### **ADJOURNMENT OF THE SENATE TO ALLOW MEMBERS TO ATTEND INDUCTION WORKSHOP**

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I beg to move:

THAT, pursuant to the provisions of Standing Order 28 on the Calendar of the Assembly (Regular Sessions), as read together with Standing Order 30(3) (c) on Hours of meeting, this House adjourns Until Tuesday, September 26, 2017 at 2.30 p.m.

Mr. Speaker, Sir, there is a great benefit we have as a Parliament that once Parliament has been opened officially like what His Excellency the President did, nothing bars us from now controlling our calendar.

**The Speaker** (Hon. Lusaka): Majority Leader, approach the Chair for some consultations.

**The Senate Majority Leader** (Sen. Murkomen): Thank you Mr. Speaker, Sir, I thought I had heard Order No.12. I did not know that it was Order No.11. Since it is Order No.11, I will wait for your directions until we reach Order No.12.

**The Speaker** (Hon. Lusaka): Thank you. We will defer Order No.11 to another date.

### **MOTION**

#### **THANKS FOR THE PRESIDENTIAL ADDRESS**

THAT, pursuant to the provisions of Standing Order No.24(6), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President during the Opening of the Twelfth Parliament delivered on Tuesday, 12<sup>th</sup> September, 2017.

*(Motion deferred)*

**MOTION FOR ADJOURNMENT UNDER  
STANDING ORDERS 28-31**

ADJOURNMENT OF THE SENATE TO ALLOW MEMBERS  
TO ATTEND INDUCTION WORKSHOP

**The Senate Majority Leader** (Sen. Murkomen): Thank you, Mr. Speaker, Sir, for your wisdom to defer Order No.11 so that hon. Senators who are here have ample time when we come back to continue with the debate on the Presidential Address and perhaps enjoy more time and latitude to put the notes on the Presidential Address on record.

Mr. Speaker, Sir, I beg to move:

THAT, pursuant to the provisions of Standing Order 28 on the Calendar of the Assembly (Regular Sessions), as read together with Standing Order 30(3) (c) on Hours of meeting, this House adjourns until Tuesday, 26<sup>th</sup> September, 2017 at 2.30 p.m.

The reason for the adjournment is now well known to the Senators you having given directions on an induction workshop that will take place next week. There is no need for over-emphasizing the need for induction.

Mr. Speaker you know very well most of us here are new, more than two thirds of the Senate is composed of people who have come for the first time to this House. There are so many things that we have to learn; the mandate of the Senate, what we can do and not do here. Most of us are for the first time coming to Parliament and it would be necessary that each one of us is taken through the Standing Orders and the procedures that guide debate in this House.

Members are also very eager, and I have heard most of my colleagues here who want to come with Bills to this House. They must be assisted to know where to go, the kind of assistance that the legal team has in this House and the Office of the Clerk to facilitate the Members to reach their potential in everything they do.

Since most of them did not have a chance to speak earlier, it would be injustice on my part if I spent too much time moving this Motion. I just want to say that I encourage all the Senators, particularly, those on the empty seats now currently being assisted by Sen. Mwaura not to make those seats very lonely.

Mr. Speaker, Sir, I know Sen. Wetangula, Sen. Orengo and their team are watching these proceedings on television although they were elected to come here and represent the interests of their people. I want to tell them via television that we hope they will reconsider their stand to abscond a very important duty and that they will find time to come and be inducted and particularly those new Senators who were elected on the other side. They will have the opportunity to come and learn what is expected of Senators in this House so that we can move this country forward.

I am glad that in spite of the fact that our colleagues the other day had questioned the wisdom of the President opening parliament, they did not outrightly avoid coming to Parliament. We were here together, they voted yesterday. We had two Senators from the minority side who made their contributions. I am glad to note those contradictions and

tell them that it will be greater for them to take seriously the responsibility and come back to this House.

I do not want to say much. I beg to move this Motion and ask nominated Senator from Isiolo to second.

**The Nominated Senator** (Sen. Halake): Thank you very much, Senate Majority Leader. Since, I have not had a chance to congratulate my party, KANU, for nominating me, I would also like to thank my party chairman and Sen. Poghisio for being re-elected which in turn earned me the Senate seat.

Congratulations are in order to Sen. Prof Kindiki, the House Speaker and all the women and other Senators.

With those few remarks, I beg to second the Motion.

*(Question proposed)*

**Sen. Mwaura:** Thank you, Mr. Speaker, I think the new Senators will also have to learn the tricks of speaking quickly in this Parliament as being part of it. I give my support for the Adjournment Motion.

I support this Adjournment Motion. We seek to adjourn so that we can familiarize ourselves with the Standing Orders and how the Senate conducts its affairs. I believe that it would be an insightful moment. I also believe that we will bond because we are just getting to know each other. The spirit or what is called *esprit de corps* of this ---

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Cheruiyot?

**Sen. Cheruiyot:** On a point of order, Mr. Speaker, Sir. I am sorry to interrupt my good friend, Sen. Mwaura.

*(Sen. Mwaura stood up in his place)*

**The Speaker** (Hon. Lusaka): Order, Senator. Take your seat.

**Sen. Cheruiyot:** Mr. Speaker, Sir, in respect of time, I humbly request that each Senator be restricted to speak for two minutes so that we are within time. There is quite some interest from my colleagues. It is now six minutes past six O'clock. We have 24 minutes. Maybe you could allocate three minutes.

**The Speaker** (Sen. Lusaka): Each Senator has three minutes. Proceed, Sen. Mwaura.

**Sen. Mwaura:** Mr. Speaker, Sir, it will be very good so that we can have an opportunity to reflect. Also during that meeting many Senators will also have an opportunity to define the various tools that we can use to present issues on the Floor of the House; how to expedite and execute the mandate that they have been given to represent people and their counties in terms of Bills, Motions, Statements and Petitions that would benefit Kenyans.

On a light note, we have had conversations outside this august House. Deliberations have been made around the venue of this induction. We have made pleas to the honorable office of the Speaker but I am also cognizant of the fact that these are very peculiar times politically. Of course, we would want to ensure that this Senate is also regarded as patriotic and considerate of views of Kenyans.

Mr. Speaker, Sir, as I conclude, as a matter of opinion, when those of us who were nominated must not be seen or construed to represent counties. Yes, there is your county of nomination but you represent interests across, and so to be seen in that same light is a misdiagnosis because then you will be treated as you represent one county which is not the case. Some of those issues will come up. I do not think there are constitutional issues. They are issues to do with statutes and Standing Orders. Of course, they will form part and parcel of our deliberations in Naivasha, hopefully.

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

**Sen. Sakaja:** Mr. Speaker, Sir, first, I take this opportunity to congratulate the great Senator for Tharaka-Nithi County, Sen. (Prof.) Kindiki Kithure on his election. I first met him in a dusty town called Kathwana when he sought the ticket of the party that I chaired then to vie as the Senator for Tharaka-Nithi County.

Since then, I have come to know him as a man of great intellect, impeccable character and unquestionable integrity. He will serve this House diligently.

Secondly, I also told him that I hope this is not the last time I am voting for him. That is a prophetic word that you must receive. Your political career is on its way up. I hope I will get another chance to vote for you without you having to register in Nairobi.

Mr. Speaker, Sir, the induction will be a time for us to reflect on the place of this Senate in our governance structure. We know what the last four years have been. A lot of precedence has been set by the second Senate of this country. It is time for us to think deeply without any emotion on how we make sure this Senate plays an increasingly central role in devolution and representation of counties. Of course, you must discuss the legal philosophy of representation. *Mheshimiwa* Isaac Mwaura has started on that note.

In a bicameral system, there is one House that is representative. That is where the equality of the vote counts and every Member is elected by an equal number. There is a House that is collegiate and represents college or corporate interest of counties which is why I have the same work as the Senator for Nairobi with five million residents and three million voters with my friend the Senator for Lamu with two constituencies because we represent the corporate entities called counties.

Mr. Speaker, Sir, we need to reassert and reaffirm the role of this House in terms of working together with the institutions of accountability, for instance, the Auditor General, National Intelligence Service (NIS) *et cetera* to make sure that we can truly serve the people.

I hope that whoever we will send as Jubilee and even as NASA to represent us in the Parliamentary Service Commission will make sure that Senators are equipped to serve the people. Many Senators probably did not make it because the people on the ground did not understand what role Senators play. Some made it because they went out of their way to provide services to the people away from the legal role that he has so that the people could feel that he is close to them, for instance, Sen. Sonko.

Finally, I concur with hon. Mwaura, having been nominated before, that we need to think creatively.

**The Speaker** (Hon. Lusaka): Senator, your time is up. Thank you very much Sen. Sakaja.

Proceed, Sen. Kamar.

**Sen. (Prof.) Kamar:** Mr. Speaker, Sir, I thank you for giving me an opportunity to support this Motion of Adjournment. Before I make my remarks, I thank the people of

Uasin Gishu County for giving me the opportunity to be their second Senator. I also thank the two counties that gave us two women Senators; Nakuru and Isiolo counties. This is history in the making. We appreciate. It then means that we do not only have nominated women in this House but we have elected women as well who will vote on their own rights.

I support this Motion of Adjournment because of the importance of capacity building. I have been humbled as a professor over time that you do not know until you are taught. I appeal to our colleagues on the other side whom we are told that they are watching us on television that they should come for this capacity building. It is very important that we move together as a House. If we do not get capacity building at the same time, we will still have people dragging behind.

We heard a lot of stories out there before we came to this Senate, that this is a House of elders where there are no rules. That should be a thing of the past. We believe that those of our colleagues who have come back should be leading the rest. We are ready to follow.

Mr. Speaker, Sir, we should all speak from the same page. Let us all understand the role of Senators and the relationship between Senators and county assemblies. I have been doing capacity building in the last four years. I believe that it is only capacity building that will build relationships between Senators and governors and a working relationship between Senators and MCAs. As the President said the other day, this country needs nothing but development. For us to do that, we must build our capacity and humble ourselves to know that we do not know until we are told.

With those remarks, I support this Motion of Adjournment.

**Sen. Cheruiyot:** Mr. Speaker, Sir, we are told to be good neighbours. I see my neighbour from a neighbouring county, Sen. Omogeni. I do not know if he would mind if I donate a minute of my three minutes so that he does not fall into trouble with *baba*. He can still speak.

*(Laughter)*

I do not know if he is willing. He is my good neighbour from Nyamira County. Anyway, there is no indication that he wants to speak. He is observing *baba's* censure in the House.

The induction seminar that we are supposed to attend is important. I urge my colleagues to attend so that we can jell the experience of the Members that have been there, new ones and people who have unique specific experience that will be beneficial to us, for instance, Sen. (Prof.) Kamar who has consulted for county assemblies.

It will be good to know her views about the Senate before coming to this House and now as a Senator. We would also like to hear your views, Mr. Speaker, Sir, since you previously served as a governor. I look forward to this.

Finally, I agree with Sen. Mwaura in one regard that this House is a product of a democratic process. I wish to put the House leadership, most certainly the leadership of the side that I speak from, to be a bit democratic when deciding on venues for seminars. As Members, we were not consulted. It will be good if they take into consideration our views and concerns when deciding where to take us for seminars.

Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Thank you, Sen. Cheruiyot. Sen. Kiburu Charles

**Sen. Kiburu:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I was beginning to get worried. The people of Kirinyaga County elected me as an independent candidate to represent them in this House. I was given two mandates; first, I was told that I must support the Government, which I will do.

Secondly, they also told me that I must start talking in this Senate and contribute to their welfare. I was getting intimidated because the last time I was in such a House probably was when I visited as a student in primary school.

Mr. Speaker, Sir, you will excuse me because the way I have seen Members talking here, I was wondering whether one day I will stand and talk. However, it is good that we are going for this induction. Probably by the time I come back, I will be able to air my views and represent the people of Kirinyaga County.

As I conclude, coming from the business world, I would like to ask the political leadership to stop economic suicide. The more we argue and talk, the more we are disturbing the economic factors. It is high time we sat down, sobered up and used politics, as it should be, as a factor of production.

I support the Motion that we adjourn and go for induction.

**The Speaker** (Hon. Lusaka): Thank you, Sen. Kiburu.

Proceed, Sen. (Dr.) Milgo Alice Chepkorir.

**The Nominated Senator** (Sen. (Dr.) Milgo Alice Chepkorir): Thank you, Mr. Speaker, Sir. Since this is my maiden speech, I take this opportunity to congratulate you and your deputy together with all the elected leaders in this House for the great jobs that you have been given. I have faith that with your leadership and guidance, this House will move to greater heights of prosperity.

I stand to support this Motion especially being a new Member in this House. I am even worried that most of the senior leaders in the opposition are absent. They should be here to share their experiences with us so that together we move on as a unit. My colleague, Sen. Mwaura was worried as a nominated Senator that he did not take part in the elections. However, I congratulate all the nominated leaders. Without them, I am sure Sen. Mwaura would not be here.

I support the Motion of Adjournment because I have been wondering how we can fit in the various areas. I have been moving around and asking myself how I can fit into the various areas. I am sure at the end of that induction, I will come back a very well-trained Senator.

Thank you.

**The Speaker** (Hon. Lusaka): Thank you Sen. (Dr.) Milgo. Sen. Poghio Samuel.

**The Senator for West Pokot County** (Sen. Poghio Samuel Losuron): Thank you, Mr. Speaker, Sir, for this opportunity. I support the Motion of Adjournment. My name is Samuel Poghio and I represent the people of the great county of West Pokot in this Senate.

First, since this is my maiden speech, I would like to use this opportunity to congratulate you, the Speaker, for your election and also congratulate your Deputy for his election today. Further, I congratulate all my colleagues who were elected and nominated to this House. This is a place for us to understand and work to know the entire country. Much as I represent the people of West Pokot County, the induction will help me to bond with my colleagues and I will begin to understand the country.

Let me also say that the idea of asking our colleagues across the aisle to come for the induction is so that we can bond. It does not matter what ideas you have or what your philosophy is, when it comes to bonding and induction, there should be no differences among us; we should be one.

The country requires peace and economic stability. It also requires that we keep things cool, so that we do not have interruptions in our day to day lives. Therefore, I request my colleagues who will be available to attend this induction.

The purpose of being representatives at the county level and especially now that we have approved the cash disbursement schedule is so that we can understand how we play our oversight role and also for shepherding our various counties into success and prosperity.

I look forward to the induction because we want to make this second Senate very vibrant so that it claims its rightful place. Going out there we will be able to arrange, understand and learn so that when we come back in our vibrancy we can move the Senate a step higher.

I support.

**Sen. Moi:** I thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to the Motion of Adjournment. From the outset, I support the Motion.

I urge my colleagues to reach out in this period of adjournment to all stakeholders and Kenyans and impress on them the importance of peace and stability at this juncture of our history. All is not lost. However, as one of my colleagues said, if the country continues operating this way, we are faced with economic suicide.

Some economic pundits have estimated that since the Supreme Court Ruling, as a country, we have lost Kshs21 billion through lack of foreign and local investments because of a wait and see attitude from investors. There has been a fall in exports, low money circulation and low purchasing power. We can now imagine what will happen should this prolong.

One of my pleas is that each one of us takes this opportunity to reflect in this time of adjournment, reach out to all and sundry and make sure that we all know that we should put our country first before self.

Secondly, Mr. Speaker, Sir, I thank the people and the new leadership of Baringo, Samburu, Laikipia, Isiolo and West Pokot counties who came to Laikipia for the peace meeting. We have all decided that we will chart a new path of bringing peace to our people in the respective counties.

I believe that all of us here take this opportunity to offer our condolences to the Governor Nderitu of Laikipia County who, during the course of the peace meeting, lost his mother. We all say *pole* to him.

Mr. Speaker, Sir, I would like to congratulate Sen. (Prof.) Kindiki. I said earlier that I would wait until this particular moment to tell him: *Pongezi, ameteremka kutoka* Majority Leader *mpaka* Deputy Speaker---

**The Speaker** (Hon. Lusaka): Hon. Senators, looking at the time it is very limited. I now want to call upon the Mover to reply.

**Sen. Dullo:** Mr. Speaker, Sir, I wish to reply. I wish to thank Members for their contribution, realizing the importance of capacity building. It will enable us to work effectively as elected leaders in this House and ensure that devolution works.

I thank you.



*(Question put and agreed to)*

**ADJOURNMENT**

**The Speaker** (Hon. Lusaka): Hon. Senators, it is now time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday 26<sup>th</sup> September, 2017, at 2.30 p.m.

The Senate rose at 6.30 p.m.