

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Thursday, 29th March, 2018**

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

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

PRAYER

The Speaker (Hon. Lusaka): Let us skip Order No.6, on the Notice of Motion. We shall come to that order later. Let us move on to the next Order.

STATEMENTS**CANCER SITUATION IN MARSABIT COUNTY**

The Speaker (Hon. Lusaka): Where is the Chairperson of the Standing Committee on Health? We will come back to that Statement.

DELAY IN HANDING OVER THE LAKE BASIN MALL TO LBDA

The Speaker (Hon. Lusaka): Where is the Chairperson of the Standing Committee on Devolution and Intergovernmental Relations? We will come back to that Statement.

**COMPENSATION FOR PERSONS AFFECTED BY OIL
SPILLAGE AT THANGE RIVER****DELAYED COMPENSATION FOR PERSONS DISPLACED
BY MANOONI DAM PROJECT IN MAKUENI****COMPENSATION TO PERSONS DISPLACED
BY THE SGR PROJECT****INVASION BY ILLEGAL SETTLERS/ILLEGAL
SUB-DIVISION OF KALRO LAND****DIVISION OF REVENUE OBTAINED FROM
MINING IN TAITA-TAVETA COUNTY**

The Speaker (Hon. Lusaka): Where is the Chairperson of the Standing Committee on Lands, Environment and Natural Resources to issue the statements? We will come back to that Statement.

LICENSING OF LIQUOR AND CO-ORDINATION OF
LIQUOR RELATED LAWS

The Speaker (Hon. Lusaka): Where is the Chairperson of the Standing Committee on Tourism, Trade and Industrialization to issue the statement? We will come back to that Statement.

DISAPPEARANCE OF PATIENT LEMELOI SHONKO
FROM COPTIC HOSPITAL

The Speaker (Hon. Lusaka): Where is the Chairperson of the Standing Committee on Health to issue the Statement? We will come back to that Statement.

EMPLOYMENT REQUIREMENTS FOR FRESH GRADUATES

The Speaker (Hon. Lusaka): Where is the Chairperson of the Standing Committee on Labour and Social Welfare to issue the Statement? We will come back to that Statement.

KDF OPERATIONS IN LAMU COUNTY

The Speaker (Hon. Lusaka): Where is the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue the Statement? We will come back to that Statement.

MANAGEMENT OF KPA

The Speaker (Hon. Lusaka): Where is the Chairperson of the Standing Committee on Roads and Transportation to issue the Statement?

TRANSFER OF TEACHERS FROM NORTHERN KENYA

The Speaker (Hon. Lusaka): Where is the Chairperson of the Standing Committee on Education to issue the Statement? We will come back to that Statement.

Sen. (Dr.) Langat: Mr. Speaker, Sir, I have the response, and I have shared it with the Senator who sought the Statement.

The Senator sought to know why the Government resorts to transfer the teachers from schools in Northern Kenya whenever the area faces insecurity. The Ministry of Education through the Teachers Service Commission (TSC) is in charge of transfers and deployment of teachers throughout the country. Non-local teachers have been killed and

others maimed in the recent past in Mandera and Wajir counties by the *Al-Shabab* militants.

Mr. Speaker, Sir, the transfer of the non-local teachers in such situations is in line with the court ruling of 2015 against the TSC which held that the right to life is sacrosanct and supersedes all other rights under Chapter Four of the Constitution. The transfers are aimed at protecting and preserving the lives of the targeted teachers whose attacks are at times aided by some members of the local communities. In addition, the TSC transfer policy allows transfer of teachers who have completed three years since the first date of employment in the Arid and Semi-Arid Lands (ASALs) areas. In other areas, it is supposed to be five years, however, the current TSC policy, in ASALs areas, a teacher qualifies for transfer after three years of employment.

Mr. Speaker, Sir, I have a very extensive table showing the number of teachers that have been transferred. However, in the interest of time, allow me to go to the summary part of the response.

First, on the affirmative action, the TSC continuously recruits teachers from Northern Kenya on contract for three years upon their retirement. To this end, the TSC has recruited a total number of 184 teachers; 105 for primary schools and 79 for secondary schools since 2015 when the first serious insecurity incident was reported.

Mr. Speaker, Sir, secondly, all primary school teachers in Northern Kenya who have acquired a diploma or degree certificates and have met the minimum requirement have been deployed to secondary schools in the region for optimal utilization.

Thirdly, all persons from Northern Kenya who have been registered as teachers by the TSC have been employed and deployed in the region.

Lastly, the TSC has also opened up the recruitment period for teachers in Northern Kenya unlike other parts of the country where the deadline for recruitment always apply. Up to this time, the recruitment for teachers in the North Eastern region is still on. I am informed that a great number of teachers have applied and by the start of second term from May, these schools will be staffed as usual.

Sen. Farhiya: Mr. Speaker, Sir, in my Statement, I had requested for a table indicating the number of teachers transferred from schools in Wajir county since 2015 which has been provided. However, I have just gone through the report and they have not indicated the teacher to student ratio.

Sen. (Dr.) Langat: Mr. Speaker, Sir, Sen. Farhiya had asked for a comprehensive table showing the number of teachers that have been transferred. I have answered that; that the recruitment for teachers in Northern Kenya is open. Today, I spoke to the TSC Chief Executive Officer (CEO) and she said that the recruitment is taking place right now and they will realize that ratio---

(Sen. Farhiya spoke off mic)

I will get that information and make sure that I avail it to the concerned Senator.

The Speaker (Hon. Lusaka): Order, Senator! The Senator is still on the Floor. What is your point of order?

Sen. Farhiya: Mr. Speaker, Sir, the reason I asked for the teacher to student ratio is because I wanted to show the gravity of the issue that is facing Northern Kenya. In the absence of that table, then the essence of this Statement is not satisfactory.

The Speaker (Hon. Lusaka): Chairperson, can you give an undertaking?

Sen. (Dr.) Langat: Mr. Speaker, Sir, give me one week to get the teacher to student ratio.

The Speaker (Hon. Lusaka): That is okay. We will get the response in one week's time.

Hon. Senators, we will come back to the statements later. Let us go back to Order No. 6 – Notice of Motion.

NOTICE OF MOTION

APPOINTMENT OF MEMBERS TO THE PAN AFRICAN PARLIAMENT

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

THAT, pursuant to Article 5 of the Protocol to the Treaty establishing the African Economic Community and relating to the Pan-African Parliament, the Senate approves the appointment of the following Members of Parliament to the Pan-African Parliament-

- (1) The Hon. Jude Njomo, MP;
- (2) The Hon. Beatrice Kones, MP;
- (3) The Hon. Janet Ong'era, MP;
- (4) Sen. (Dr.) Abdullahi Ibrahim Ali, MP; and
- (5) Sen. Stewart Madzayo, MP.

MOTION

APPOINTMENT OF MEMBERS TO THE PAN AFRICAN PARLIAMENT

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

THAT, pursuant to Article 5 of the Protocol to the Treaty establishing the African Economic Community and relating to the Pan-African Parliament, the Senate approves the appointment of the following Members of Parliament to the Pan-African Parliament-

- (1) The Hon. Jude Njomo, MP;
- (2) The Hon. Beatrice Kones, MP;
- (3) The Hon. Janet Ong'era, MP;
- (4) Sen. (Dr.) Abdullahi Ibrahim Ali, MP; and
- (5) Sen. Stewart Madzayo, MP.

Mr. Speaker, Sir, this is a straightforward Motion on approving the names of our colleagues from both the National Assembly and the Senate for the purpose of them going to serve in a very important organ of the African Union (AU) which is the Pan-African Parliament (PAP).

I am privileged to have been part of the first team that represented this country in the PAP from 2013 until 2016 when I was elevated to the position of the Deputy Majority Leader where Sen. Billow Kerrow took over that responsibility.

Mr. Speaker, Sir, the Pan-African Parliament (PAP) is a very important institution and organ of the African Union (AU). It is the legislative arm and the body charged with the responsibility of generating Motions that are necessary for adoption in member countries.

Recently, something drastic, important and historic happened in Kigali, Rwanda, when AU members signed a protocol to create one economic region in the whole of Africa. This will be one of the biggest economic zones ever created since the inception of the World Trade Organization (WTO). That means something for the PAP because our colleagues who are going to serve in that Parliament will have an opportunity to work on the legal framework for mainstreaming of that important protocol.

It will also mean that the reforms that we have been pursuing, even when I was in the PAP, related to strengthening the PAP itself to be a legislative body of the AU, just the same way the European Parliament legislates on behalf of European Union (EU). The PAP now needs to be moved to the stage of being a full Parliament of the people of Africa.

Mr. Speaker, Sir, we are one community as a continent, considering the way we trade, our relationships and the language that our people speak. There are so many people who share almost similar languages with the people from the western part of the country in southern Africa. For example, if you listen to people from Zambia or Zimbabwe speaking, you will think that they come from Bungoma or Kakamega counties because of the similarity of language, history and heritage. It is important that our President and his colleagues in Africa have realized the importance of uniting the people of Africa to do business together as a united entity.

I am emphasizing this because those who are now going to serve in the PAP must accelerate the process of reforms to make it a truly African Parliament. This is so that Bills can be passed there, which must be domesticated in the member countries. This will ensure that we do not have a Parliament that will only be dealing with matters of suggestions and opinions; but a fully-fledged Parliament on behalf of the people of Africa.

Mr. Speaker, Sir, I commend Sen. (Dr.) Ali and Sen. Steward Madzayo, who are seasoned legislators, who are representing this House. Sen. Madzayo is serving his second term while Sen. (Dr.) Ali has served many terms in Parliament, having also been a Commissioner in the Parliamentary Service Commission (PSC). I believe that they have a greater role to play, together with Hon. Jude Njomo, of the banking interest rates capping fame. He can now take that experience to Africa to share what he did in the National Assembly and also deal with matters of facilitating trade and investments, because dealing with matters of interest rates has something to do with trade and investments.

They will also be with hon. Beatrice Kones, who is also an experienced legislator. My colleague and former Senator, who is now a Member of the National Assembly, hon. Janet Ong'era will also be with them. I was appointed by this House to represent Kenya in the PAP together with hon. Ong'era and she is the one who will have the institutional memory of what has been happening. She will also be the one who will tutor other Members so that they can be in tune with what is happening in the PAP.

Mr. Speaker, Sir, this is an area in which I have a lot of interest and I would have said so many things but I will not, in the interest of time. I schooled in the University of Nairobi, but I also had the opportunity to study trade and investment law in South Africa at the University of Pretoria. I am, therefore, nostalgic about Pretoria and Midrand, where the PAP is located. I am also nostalgic about issues of trade and economy of Africa and I could write a whole PhD thesis about it. I can speak here for the whole day because I still have about 55 minutes, but I do not want to do that because this is an important day. We have so many businesses that we must complete.

Mr. Speaker, Sir, This is a straightforward Motion. I request my colleagues to join hands to approve these colleagues to go and serve us in the PAP. Let us tell them to go and serve the world, make a difference and leave a mark in Midrand and in Africa.

Mr. Speaker, Sir, I beg to move and, in the absence of the Senate Minority Leader and in the spirit of unity, which is purely discretionary, I request the Senator for Kwale County, Sen. Boy, to Second this important Motion.

Sen. Boy: Asante Bw. Spika. Ningependa kuongeza kwamba sisi Maseneta hapa tunaunga mkono kuteuliwa kwa ndugu zetu, Sen. Stewart Madzayo na Sen. (Dr.) Abdulahi Ibrahim Ali. Mimi, kama Seneta kutoka Kaunti ya Kwale, naunga mkono mswada huu. Niko na imani kwamba hawa Maseneta wenzetu watatufanyia kazi nzuri kule. Kwa hivyo naunga mkono orodha hii ambayo imeletwa katika Bunge letu la Seneti.

Bw. Spika, sina mengi ya kuongeza, isipokuwa kusema kwamba naunga mkono Mswada huu.

Asante sana, Bw. Spika.

(Question proposed)

An hon. Senator: Put the Question!

(Laughter)

The Speaker (Hon. Lusaka) I can see some interests on this Motion.

Proceed, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for this opportunity. I support this Motion on the appointment of these Members of Parliament to the PAP. This list is quite fair and comprehensive. I can see that the Senate is well represented by Sen. Madzayo and Sen. (Dr.) Ali and also by the Members in the National Assembly. I believe that they are going to serve and represent us well. Given the wealth of experience that they have, they will also express our thoughts.

Mr. Speaker, Sir, I just want to pick on one of the key issues that the Senate Majority Leader just talked about Hon. Jude Njomo; the issue of capping interest rates. This is a pertinent issue that affects all citizens in this country. Quite a number of citizens take loans from banks so that they can develop themselves, because there is no way they can develop themselves as citizens without taking loans from the banks. If the interest rates are capped, it will also help in the development of individual families and Kenyans at large.

Mr. Speaker, Sir, there is also something that has come out concerning linguistic issues. If Kiswahili can also be used as a language in the PAP, it will be very good

because it will also unite us. Kiswahili is an important language and it has come out clearly---

The Speaker (Hon. Lusaka): Sen. (Dr.) Musuruve, can you be relevant to what Standing Order No. 10 stipulates?

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, thank you for that caution. In brief, I support this Motion and believe that the Members will do a commendable job in representing us.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Given that the matter does not concern counties, I wish to put the Question.

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM CHWELE GIRLS HIGH SCHOOL, BUNGOMA COUNTY

The Speaker (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting students and teachers from Chwele Girls High School in Bungoma County. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

I thank you.

(Applause)

The Speaker (Hon. Lusaka): We will now go back to Order No.5; Papers.

PAPER LAID

REPORT ON THE DIVISION OF REVENUE BILL 2018

Sen.(Eng.) Mahamud: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Thursday 29th March, 2018:-

Report of the Standing Committee on Finance and Budget on its consideration of the Division of Revenue Bill (National Assembly Bill No. 7 of 2018.)

(Sen. (Eng.) Mahamud laid the document on the Table)

BILL

First Reading

THE PUBLIC PARTICIPATION BILL (SENATE BILLS NO.4 OF 2018)

(Order for First Reading read – Read the First Time and ordered to be referred to the Committee on Justice, Legal Affairs and Human Rights)

The Speaker (Hon. Lusaka): Hon. Senators, pursuant to Standing Order No. 134(1) the Bill stands committed to the relevant Senate Committee, in this case, the Senate Committee on Justice, Legal Affairs and Human Rights. In terms of Standing Order No.134(5) and 137(1) the Committee is required to carry out public participation on the Bill and table its report to the House within 30 days.

I thank you.

Hon. Senators, before we go to Order No.9, I will allow Sen. Wetangula, the Senator for Bungoma to acknowledge the teachers and students from his county.

Sen. Wetangula: Thank you, Mr. Speaker, Sir, for that magnanimous bend of the rule to allow me to acknowledge the teachers and students of one of the top schools in my county - Chwele Girls High School. It is a school that has a distinction in discipline, performance and every other positive attribute we can give to any girls' school.

I am particularly proud of this school because I have personally built a very modern dormitory there for the girls. I also promise that I will continue working closely with the management of the school. It is even closer to my heart because the secretary general of my party, hon. (Dr.) Eseli Simiyu, in his vocational engagement was a teacher in this school. He says that, that is where he earned his first salary ever in his whole life.

For the teachers and students, you are most welcome. I will see you out there when you take a recess from the Speaker's Gallery.

The Speaker (Hon. Lusaka): Thank you, Sen. Wetangula. I had to do that because the Speaker cannot do it himself, yet we come from the same place.

Next Order!

BILL

First Reading

THE COUNTY WARDS DEVELOPMENT EQUALIZATION FUND BILL (SENATE BILLS NO.5 OF 2018)

(Order for First Reading read – Read the First Time and ordered to be referred to the Senate Committee on Finance and Budget)

The Speaker (Hon. Lusaka): Hon. Senators, pursuant to Standing Order No. 134(1) the Bill stands committed to the relevant Senate Committee, in this case, the Standing Committee on Finance and Budget. In terms of Standing Order No. 134(5) and 137(1), the Committee is required to carry out public participation on the Bill and table its report thereon within 30 days.

I thank you.

(Applause)

Sen. Kasanga, you can seek your Statement.

STATEMENTS

AWARD OF CONSTRUCTION CONTRACTS TO FOREIGN COMPANIES

Sen. Kasanga: Mr. Speaker, Sir, Pursuant to Standing Order 46(2) (b), I rise to seek a Statement from the Chairperson, Standing Committee on Roads and Transportation on the award of construction contracts to foreign companies.

In the response the Chairperson should address the following:-

(1) Table a list of all foreign companies in the construction industry operating in Kenya indicating the respective year in which they commenced operations in Kenya;

(2) Table a list of all national governments contracts that have been awarded to foreign construction companies for the last five years and explain why the national government has been awarding more construction contracts to foreign companies at the expense of local companies;

(3) Explain the terms of reference for foreign contractors and whether they are allowed to engage in other activities in the country other than what is specified in the contract documents and explain why some of the foreign construction companies are being allowed to acquire and develop land for commercial purposes.

(4) Explain why the National Construction Authority has failed to enforce regulations requiring local companies to be protected from the expertise and the financial muscle of foreign companies.

(5) Explain measures that the Government has put in place to ensure that foreign companies employ a good number of Kenyans, ensure technology transfer, knowledge transfer and have mentorship programs through internships for Kenyan youths.

(6) State whether the foreign companies engaged by the Government are mandated to engage in corporate social responsibility projects and if they can give examples of the projects undertaken.

The Speaker (Hon. Lusaka): The Committee Chairperson for Roads and Transportation to give the commitment. Any member from the Committee? The Senate Majority Leader? Sen. (Prof) Ekal switch off your microphone. Yes, Sen (Prof.) Ekal.

Sen. (Prof.) Ekal: Mr. Speaker, Sir, since the Chair is not here, I ask for two weeks for investigations. For whatever!

The Speaker (Hon. Lusaka): Order, Senator! Two weeks to do what?

Sen. (Prof.) Ekal: Mr. Speaker, Sir, two weeks to respond to the question asked.

(Laughter)

The Speaker (Hon. Lusaka): We did not understand when you said two weeks to 'answer whatever'.

Sen. (Prof.) Ekal: The question asked was not clear.

The Speaker (Hon. Lusaka): Is two weeks okay, Sen. Kasanga?

Sen. Kasanga: Yes, Mr. Speaker, Sir. That is in order.

The Speaker (Hon. Lusaka): Hon. Senators, we shall come back to Statements. I now order that we move to Order No. 11, 12, 13 and 14 which will be handled together.

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Nyamunga) in the Chair]

THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 7 OF 2018)

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Chairperson, from your seat of authority, I would like you to request the Hon. Senators to sit together for the period of the amendments so that we can move faster. Remind them that we will do all the amendments for the three or four Bills then vote all of them at once.

Subsequently, even if a senator walks out in another 30 to 40 minutes we will be done with all of them and do the Division at once. Considering that today we might go on recess, let us make the highest sacrifice to complete these Bills before we go.

The Temporary Chairperson (Sen. Nyamunga): Order, Senators! We are now considering The Division of Revenue Bill (National Assembly Bills No. 7 of 2018).

Clauses 3, 4 and 5

(Question, that Clauses 3, 4 and 5 be part of the Bill proposed)

The Schedule

(Question that the Schedule be part of the Bill proposed)

Clause 2, The Title and Clause 1

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

The Temporary Chairperson (Sen. Nyamunga): Yes, Sen. Mwaura.

Sen. Mwaura: Madam Temporary Chairperson, I do not see the Division of Revenue Bill attached to the Order Paper.

The Temporary Chairperson (Sen. Nyamunga): Sen. Mwaura, the Bill is not attached on the Order Paper. Normally, Bills are not attached.

Sen. Mwaura: Fair enough, thank you.

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we will do the Reports at the end. Let us proceed to the next business on the Order Paper.

We are on Order No.12, The County Governments (Amendment) Bill (Senate Bills No.11 of 2017).

Let us have the Chairperson of the Standing Committee on Devolution and Intergovernmental Relations, Sen. Kinyua.

THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILLS NO.11 OF 2017)

Clauses 2, 3, 4, 5 and 6

*(Question that Clauses 2, 3, 4, 5 and 6
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Nyamunga): The Division will come at the end.

Clause 7

Sen. Kinyua: Madam Temporary Chairperson, I beg to move:
THAT, Clause 7 of the Bill be amended in subsection (2) of the proposed new section 11 by deleting paragraph (e) and substituting therefor the following new paragraph -

(e) inability to perform the functions of the office of Speaker arising from mental or physical incapacity;

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): The Division will come at the end.

Clauses 8, 9 and 10

*(Question, that Clauses 8, 9 and 10 be
part of the Bill, proposed)*

The Temporary Chairperson (Sen. Nyamunga): The Division will come at the end.

Clause 11

Sen. Kinyua: Madam Temporary Chairperson, I beg to move:

THAT Cause 11 of the Bill be amended—

(a) in the proposed new section 32B by deleting paragraph (b) and substituting therefore the following new paragraph -

(b) take and subscribe to the oath or affirmation, in public, before a High Court Judge.

(b) in subsection (1) of the proposed new section 32D by—

(a) deleting the introductory phrase and substituting therefore the following new introductory phrase—

Where a vacancy arises in the office of a deputy governor as provided for under section 32C, the governor shall -

(b) deleting the marginal note and substituting therefore the following new marginal note —

Filling of a vacancy in the office of deputy governor.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): The Division will come at the end.

Sen. (Eng.) Ephraim Maina, I understand you have a further proposed amendment to this Clause. Please, can you prosecute it?

Sen. (Eng.) Maina: Thank you, Madam Temporary Chairperson, I beg to move:-

THAT Cause 11 be further amended in the proposed new section 32D __

32D. (1) Whenever the office of a deputy governor becomes vacant, the governor shall—

(a) within fourteen days, nominate a person recommended by the county Senator in consultation with county leaders including the area Members of Parliament, for the position of deputy governor; and

(b) with the approval of the county assembly, appoint the nominee as deputy governor.

(1A) The County Assembly shall in considering the nominee for appointment as deputy governor, undertake public participation.

(c) in sub-clause (4) by inserting the words “who are present” immediately after the words “ county assembly”

Madam Temporary Chairperson, I wish to make a few comments with regard to the position of the deputy governor. We have a case in Nairobi County where the deputy governor resigned. In Nyeri County, the deputy governor assumed the office of the governor in accordance with the Constitution after the death of the then Nyeri County Governor through a road accident three months after the last general elections.

I want Members to focus their minds on one thing. As the clause now reads, the governor is free to appoint a deputy governor during the campaign. That is good. However, when he passes on, the deputy governor assumes office in accordance with the Constitution. I want Members to focus their minds on one thing because in this country people do not see the deputy governor during the elections. They see the aspiring governor and his images on campaign posters. We are, therefore, subjecting this country to a shortcut to power. Nobody in this country should ever assume power unless it is through the sovereignty of the people. The voters ---

The Temporary Chairperson (Sen. Nyamunga): Senator, kindly, be brief.

Sen. (Eng.) Maina: I am being brief, Madam Temporary Chairperson. It is important that people see where I am coming from.

(Laughter)

This is not a casual matter. Power should only be obtained through the sovereignty of the people. That is cardinal. Now, under the circumstances we are having a situation where somebody could pick his girlfriend as his deputy. She is chosen because of her image. When the governor passes on, she becomes the governor. That is where we are heading. It is not a casual affair. This is the truth.

The Temporary Chairperson (Sen. Nyamunga): Senator, kindly conclude.

Sen. (Eng.) Maina: In United States of America (USA), the deputy president assumes the presidency after the president dies like it happened in the case of John F. Kennedy. In the USA there is a legalised party process which nominates the governor and the deputy governor. Therefore, the deputy governor is there in his own right and he can assume office but here it is a personal choice. When you subject people to two poisons, it becomes unpalatable. That is total abuse of democracy.

The Temporary Chairperson (Sen. Nyamunga): I will allow Sen. Mwaura just one minute.

Sen. Mwaura: Madam Temporary Chairperson, when an amendment has been introduced, Members are given a chance to contribute because it is like Second Reading.

While I agree with the proposal by Sen. (Eng.) Maina, I find it a bit interesting that the nominee to be approved through public participation by the county assembly is supposed to be proposed by the Senator. How can a Senator who is supposed to oversight a governor participates in nominating a candidate? It should be governor to nominate his or her running mate. That is totally out of order because it goes against the spirit of separation of powers. It is like a Senator having his own person to deputise somebody who he is supposed to oversight.

The other provisions are okay but I have a problem with that particular amendment.

The Temporary Chairperson (Sen. Nyamunga): Sen. Sakaja, you have one minute.

Sen. Sakaja: Madam Temporary Chairperson, I understand the concern that Sen. (Eng.) Maina has. However, I think it is not in order and I oppose that further amendment. Senators should not be involved in the selection of a deputy governor. The governor has the executive mandate in a county and they should exercise it because, then, we will not be able to oversight them.

I want it to be on record that even me---

The Temporary Chairperson (Sen. Nyamunga): Senator, the point is clear.

Sen. Sakaja: We are not interested in that.

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, you should have allowed the Senator to persuade us about this amendment. It is not the text but the constitutional position of putting the Senator and other leaders in the executive role of selecting because a deputy governor is a running mate of somebody and also a potential governor.

Personally I have not understood the legal context but the political one. The legal context should have been explained more so that we understand where we should step in in such a gap or under which exceptional circumstances and where on earth would such an event occur. For now, I do not even know what you have allowed the Mover to move.

The Temporary Chairperson (Sen. Nyamunga): Honourable Senators, we will have two Divisions on amendments recommended by Members of the Committee and another one by Sen. (Eng.) Maina separately.

(Question of the amendment proposed)

Division will be at the end.

Clauses 12 - 14

(Question that Clauses 12, 13 and 14 be part of the Bill proposed)

Clause 15

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Chairperson, I have an amendment to Clause 15. I beg to move:-

THAT, the Bill be amended by deleting Clause 15 and substituting therefor the following new clause-

Amendment 15. Section 45 of the principal Act is amended-
of section 45 in subsection (1) by deleting the introductory clause and
of No. 17 of substituting therefor the following new clause-
2012.

Whenever a vacancy arises in the office of a county chief officer, the respective governor shall within fourteen days-

by deleting subsection (6) and substituting therefor the following subsection-

(6) The office of the county chief officer shall become vacant if the officer-

(a) dies;

(b) resigns by notice in writing addressed to the governor; or

(c) is removed from office in accordance with the terms of service or any other written law applicable to the officer.

There has been a situation where in many counties the office of the chief officer has been left unattended yet it is very important, constitutionally, in pursuing the accountability in the counties. In some counties it has been left vacant deliberately to facilitate confusion.

The office of the chief officer should not be indefinitely vacant. The county government should be given at least 45 days within which the position should be filled. They need 45 days because there will be advertisement, interviews and vetting which involves public participation. So, 45 days should be enough for purposes of filling that vacancy.

The second part implies that when a new governor takes office and wants to do away with the chief officers, or a situation of death or resignation arises, that office should be filled within 45 days.

Sen. Mutula Kilonzo Jnr. seconded.

(Question of the amendment proposed)

Clause 16

(Question that Clause 16 be part of the Bill proposed)

Clause 17

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Chairperson, I beg to move:-

THAT Clause 17 of the Bill be amended in the proposed new section 58A by deleting –

- (a) subsection (1) and substituting therefor the following new subsection-
- (1) Whenever a vacancy arises in a county public service board, the governor shall nominate and, with the approval of the County Assembly, appoint members to a selection panel for the purpose of selecting suitable candidates for appointment as members of the county public service board.
- (b) subsection (2) and substituting therefor the following new subsection-
- (2) The selection panel under subsection (1) shall consist of the following persons -
 - (a) a chairperson, not being a public officer;
 - (b) one person from the private sector;
 - (c) an Advocate of the High Court of Kenya, who is a member of the Law Society of Kenya;
 - (d) an accountant who is a member of the Institute of Certified Public Accountants of Kenya; and
 - (e) one person from an association representing workers.
- (2A) The governor shall, in nominating members to the selection panel, ensure that not more than two-thirds of the nominees are of the same gender.

I was the Mover of the Bill. If you look at the original amendment, I had proposed that we need a selection panel of a representative from the Law Society of Kenya (LSK), the Institute of Certified Public Accountants of Kenya (ICPAK) and the Federation of Kenya Employers (FKE). However, we realized later that it would create

chaos in the devolution sector because it was going to create centralization of people to be appointed, who are not even going to serve because they are just a selection panel.

To correct that anomaly, we will still allow the governor to appoint a selection panel but he must appoint an advocate, a certified accountant and someone who is representing the interest of workers. The list of his appointees must be approved by the county assembly. That will do away with the bureaucracy but achieve the independence required to get qualified people to sit in the selection panel.

The Temporary Chairperson (Sen. Nyamunga): I propose that---

The Senate Majority Leader (Sen. Murkomen): Does it have to be seconded?

The Temporary Chairperson (Sen. Nyamunga): No.

(Question of the amendment proposed)

Clause 17

(Question of that Clause 17 be part of the Bill proposed)

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

Clauses 18-24

*(Question, that Clauses 18, 19, 20, 21, 22, 23 and 24
be part of the Bill, proposed)*

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

New Clause 7A

The Temporary Chairperson (Sen. Nyamunga): Could the Chairperson of the Committee on Devolution and Intergovernmental Relations move the amendment?

Sen. Kinyua: Madam Temporary Chairperson, I beg to move:-

THAT the Bill be amended by inserting the following new clause immediately after clause 7 —

7A. The Principal Act is amended in section 25 by deleting subsection (2) and substituting therefor the following new subsection-

(2) Subject to subsection (3), the county assembly legislation shall come into force on the fourteenth day after its publication in the Kenya Gazette and the county Gazette, unless the legislation stipulates a different date on, or time at which, it shall come into force.

(Question of the New Clause proposed)

(New Clause read the First Time)

*(Question, that the New Clause be read a
Second Time proposed)*

(Question, that the New Clause be part of the Bill proposed)

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

Title and Clause 1

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

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.
Hon. Senators, we are now through with Order No. 12 and we are now moving to Order No. 13.

THE URBAN AREAS AND CITIES (AMENDMENT)
BILL (SENATE BILLS NO. 4 OF 2017)

The Temporary Chairperson (Sen. Nyamunga): We are looking at the Urban Areas and Cities (Amendment) Bill (Senate Bills No. 4 of 2017).

Clause 3

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

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

Clause 4

Sen. Kinyua: Madam Temporary Chairperson, I beg to move:-

THAT Clause 4 of the Bill be amended in the proposed new section 4A by inserting the following new subsection immediately after subsection (4) —

(4a) The representative from the national government drawn from the Ministry for the time being responsible for urban development appointed under subsection (3)(b)(i) shall serve as the secretary to the *ad hoc* committee.

(Question of the amendment proposed)

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

Clause 5

Sen. Kinyua: Madam Temporary Chairperson, I beg to move:-

- THAT clause 5 of the Bill be amended by –
- (a) deleting paragraph (a); and
 - (b) deleting paragraph (e).

(Question of the amendment proposed)

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

Clause 6

Sen. Kinyua: Madam Temporary Chairperson, I beg to move:-THAT the Bill be amended by deleting clause 6.

(Question of the amendment proposed)

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

Clause 7

*(Question, that Clause 7
be part of the Bill, proposed)*

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

Clause 8

Sen. Kinyua: Madam Temporary Chairperson, I beg to move:-
THAT Clause 8 of the Bill be amended by inserting
the following new section immediately after the proposed
new section 10A—

Delineation of
boundaries of a market\

10B. (1) Delineation of the boundaries of a market may be initiated by a county governor.

(2) The county governor shall, for the purpose of subsection (1), appoint by notice in the county Gazette an *ad hoc* committee to delineate the boundaries of a market.

(3) The *ad hoc* committee appointed by the county governor under subsection (2) shall comprise—

(a) a representative of the Independent Electoral and Boundaries Commission based at the county office, who shall be the chairperson;

(b) two representatives from the county government drawn from—
(i) the county department for the time being responsible for urban development who shall be the secretary;

(ii) the county department for the time being responsible for environment;

(c) a representative of the national government based at the county office;

(d) two representatives from the following professional associations in the county —

(i) Institute of Surveyors of Kenya; and

(ii) Kenya Institute of Planners.

(4) Each professional association shall nominate its representative referred to under subsection (3)(d) for appointment by the county governor.

(5) Where the boundaries of a market extend in more than one county, the membership of the ad hoc committee shall include representatives of the relevant counties and the proposal for delineation of the boundaries shall be handled by the Council of Governors.

(Question of the amendment proposed)

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

Clause 9

*(Question, that Clause 9
be part of the Bill, proposed)*

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

Clause 10

*(Question, that Clause 10
be part of the Bill, proposed)*

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

Clause 11

*(Question, that Clause 11
be part of the Bill, proposed)*

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

Clause 12

Sen. Kinyua: Madam Temporary Chairperson, I beg to move:-

THAT clause 12 of the Bill be amended in the proposed new section 14(2) by –

(a) deleting paragraph (b), and substituting therefore the following new paragraph –

(b) three members shall be appointed by the county governor, with the approval of the county assembly;

(b) deleting paragraph (c), and substituting therefore the following new paragraph –

(c) four members shall be nominated by an association and appointed by the county governor, with the approval of the county assembly;

(Question of the amendment proposed)

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

Clauses 13-20

(Question, that Clause 13, 14, 15, 16, 17, 18, 19 and 20 be part of the Bill, proposed)

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

Clause 2

(Question that Clause 2 be part of the Bill, proposed)

The Division will be done at the end.

Title and Clause 1

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

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we will do all the divisions at the end of the amendments.

We now we move to order No. 14; The Warehouse Receipts System Bill (Senate Bills No.10 of 2017).

THE WAREHOUSE RECEIPTS SYSTEM BILL
(SENATE BILL NO.10 OF 2017)

Clause 3

The Temporary Chairperson (Sen. Nyamunga): Proceed, Chairperson of the Committee on Agriculture, Livestock and Fisheries.

Sen. Ndwiga: Madam Temporary Chairperson, I beg to move:-

THAT, Clause 3 of the Bill be amended in sub-clause (3) —

(a) by inserting the following new paragraph immediately after paragraph (b) —

- (ba) the Principal Secretary for the time being responsible for matters related to trade or a representative;
- (b) by deleting the words “one person” appearing immediately before the words “nominated by the” in paragraph (c) and substituting therefore the words “two persons”;
- (a) deleting paragraph (g) and substituting therefore the following new paragraph
- (g) one person nominated by the umbrella body representing farmers in Kenya; and
- (b) by deleting the words “East African” appearing immediately after the words “members of the” in paragraph (h) and substituting therefore the words “Eastern Africa”.

The Committee proposes to amend the Bill to insert a new paragraph (ba) to include the Principal Secretary responsible for matters related to trade or a representative in the membership of the Warehouse Receipts System Council.

The Committee also proposes to amend paragraph (c) to increase the number of people nominated to the Warehouse Receipt System Council by council of governors from one person to two people. Agriculture being a devolved function, it is important for counties to be sufficiently represented in the council.

The Committee further proposes to amend paragraph (g) to provide that one member of the Warehouse Receipt System Council would be nominated by the umbrella body representing farmers in Kenya. The Bill currently provides for the nomination to be done by the Kenya Farmers Association (KFA). However, the Committee was advised by the state Department of Agriculture during the public participation exercise that the current top body representing farmers in Kenya is the Kenya National Farmers Federation (KNFF).

The Committee also proposes to amend paragraph (h) to provide that one member of the Warehouse Receipts System Council will be nominated by the Kenyan Members of the Eastern Africa Grain Council (EAGC). This is to correct an error in the Bill which provides for the nomination to be done by the East Africa Grain Council.

(Question of the amendments proposed)

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

Clause 4

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, I would suggest that because the amendments are very many, you cannot go through all of them because it will take a lot of time. You can just respond by agreeing that they be amended as proposed.

Proceed, Chairperson of the Committee on Agriculture, Livestock and Fisheries.

Sen. Ndwiga: Madam Temporary Chairperson, I beg to move:-

- THAT, Clause 4 of the Bill be amended by —
- (a) deleting paragraph (h) and substituting therefore the following new paragraph —
 - (h) monitor and oversee the issuance, suspension or revocation of registration or licences issued under this Act; and
 - (a) deleting paragraph (i);

(Question of the amendment proposed)

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

Clauses 5 - 15

(Question that Clause 5 - 15 be part of the Bill, proposed)

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

Clause 16

Sen. Ndwiga: Madam Temporary Chairperson, I beg to move:-

- THAT, Clause 16 of the Bill be amended —
- (a) in sub-clause (1) by deleting the word “Council” appearing immediately after the words “apply to the” and substituting therefore the words “respective county executive committee member”;
 - (b) in sub-clause (3) by deleting the word “Council” appearing immediately after the word “The” and substituting therefore the words “county executive committee member”; and
 - (c) by inserting the following new sub-clause immediately after sub-clause (4)

—

(4a) Each county executive committee member shall furnish the Council with details of a license issued under subsection (1) within seven days of issuance of the license.

(Question of the amendment proposed)

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

Clause 17

The Temporary Chairperson (Sen. Nyamunga): Proceed, Chairperson of the Committee on Agriculture, Livestock and Fisheries.

Sen. Ndwiga: Madam Temporary Chairperson, I beg to move:-

THAT, Clause 17 of the Bill be amended —

- (a) (a) in sub-clause (1) by deleting the word “Council” appearing immediately after the word “The” in the introductory clause and substituting therefor the words “county executive committee member;
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—
- (2) The county executive committee member shall before revoking or suspending a licence, inform the licensee of the intended revocation or suspension, in writing, and give the licensee an opportunity to make representations before making a determination.
 - (c) in sub-clause (3) by —
 - (i) (i) deleting the words “Council” appearing immediately after the words “a licence the” and substituting therefore the words “county executive committee member”; and
 - (ii) (ii) deleting the words “Council” appearing immediately after the words “licence to the” and substituting therefore the words “county executive committee member”; and
 - (b) in sub-clause (6) by deleting the word “Council” appearing immediately after the words “or revoked the” and substituting therefore the words “respective county executive committee member”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end. Senate Majority Leader, I understand that you have a further amendment on Clause 17?

The Senate Majority Leader (Sen. Murkomen): Yes, Madam Temporary Chairperson. I beg to move:-

THAT clause 17 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause 6—

“6(a) The County Executive Committee Member shall furnish the Council with details of the Warehouse whose licence has been revoked within seven days of the revocation of licence by the County Executive Committee Member.”

This is just to add value in terms of informing the Council through the relevant County Executive Committee Member who is presiding over trade within the county itself and also in charge of matters related to Warehouse.

Thank you, Madam Temporary Chairperson.

(Question of the amendment proposed)

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

Clause 18

The Temporary Chairperson (Sen. Nyamunga): Proceed, Chairperson of the Committee on Agriculture, Livestock and Fisheries.

Sen. Ndwiga: Madam Temporary Chairperson, I beg to move:-

THAT, the Bill be amended by deleting clause 18 and substituting therefor the following new clause —

Fees. **18.** The county executive committee member shall charge fees for initial warehouse inspection and issuance of a warehouse operator's licence as may be prescribed by the Council.

(Question of the amendment proposed)

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

Clause 19

(Question that Clause 19 be part of the Bill, proposed)

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

Clause 20

The Temporary Chairperson (Sen. Nyamunga): Proceed, Chairperson of the Committee on Agriculture, Livestock and Fisheries.

Sen. Ndwiga: Madam Temporary Chairperson, I beg to move:-

THAT, Clause 20 of the Bill be amended in sub-clause (2), by deleting the words "a recognized competent Authority" appearing immediately after the words "graders certified by" and substituting therefore the words "the Agriculture and Food Authority".

(Question of the amendment proposed)

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

Clauses 21-42

(Question that Clauses 21-42 be part of the Bill proposed)

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

Clause 43

The Temporary Chairperson (Sen. Nyamunga): Proceed, Chairperson of the Committee on Agriculture, Livestock and Fisheries.

Sen. Ndwiga: Madam Temporary Chairperson, I beg to move:-

THAT, Clause 43 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (1) —

(1a) In particular and without prejudice to the generality of the power conferred by sub-section (1), the Cabinet Secretary shall make Regulations—

- (a) (a) on insurance policy required under this Act;
- (b) (b) for the procedure for appealing to the Council or the Appeal Committee;
- (c) (c) for the qualifications and appointment of officers undertaking inspection of warehouses registered or licensed under this Act; and
- (d) (d) on the form of warehouse receipts, whether negotiable or non-negotiable.

(Question of the amendment proposed)

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

New Clause 4A

Sen. Ndwiga: Madam Temporary Chairperson, I beg to move:-

THAT the Bill be amended by inserting the following new clause immediately after clause 4 —

Functions of the county

executive committee member

4A. The county executive committee member-

- (a) shall establish and maintain a county registry for the management of warehouse receipt transactions under this Act;
- (b) shall promote the development of a county network of privately or publicly managed warehouses that have the capacity to issue warehouse receipts;
- (c) may issue, suspend or revoke registration or licenses issued under this Act;
- (d) shall enforce the standards prescribed by the Council under this Act;
- (e) shall ensure the inspection of warehouses in the county;
- (f) shall promote confidence in and participation of farmers in the respective county in the warehouse receipt system;
- (g) shall develop and implement strategies to facilitate the utilization of the warehouse system by smallholder farmers;

- (h) shall create support mechanisms to facilitate access to warehouses by all farmers in the respective county; and
- (i) may carry out any other function necessary or incidental to the implementation of this Act.

(Question of the New Clause 4A proposed)

(New Clause 4A read the First Time)

*(Question, that the New Clause 4A be read a
Second Time, proposed)*

(Question that the New Clause 4A be part of the Bill proposed)

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

New Clause 16A

Sen. Ndwiga: Madam Temporary Chairperson, I beg to move:-

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 16 —

Performance

Bond

16A. (1) A person applying for a license under this Act shall, further to other requirements prescribed by the Council or imposed under this Act, provide a performance bond in such form as the Cabinet Secretary may prescribe.

(2) A Performance bond shall serve as a financial assurance for the fulfillment of all obligations arising out of the licence under this Act, including potential costs relating to rescue, recovery of other costs and fines, penalties or compensation for violations against this Act, and shall be drawn upon in the prescribed manner.

(3) The form of financial assurance acceptable under this section shall include —

- (a) surety bond;
- (b) trust fund with pay-in period;
- (c) insurance policy;
- (d) cash deposit; or
- (e) annuities.

(New Clause 16A proposed)

(New Clause 16A read the First Time)

(Question, that the New Clause 16A be read a

Second Time, proposed)

*(Question that the New Clause 16A be
part of the Bill proposed)*

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

New Clause 16B

Sen. Ndwiga: Madam Temporary Chairperson, I beg to move:-

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 16 —

16B. A person shall not qualify for the grant of a licence under this Act unless that person provides an insurance policy securing the respective warehouse and goods against fire, flood, theft, burglary, earthquake, explosion and any other risk as the Cabinet Secretary may prescribe.

(New Clause 16B proposed)

(New Clause 16B read the First Time)

*(Question, that the New Clause 16B be read a
Second Time, proposed)*

*(Question that the New Clause 16B be
part of the Bill proposed)*

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

New Clause 16C

Sen. Ndwiga: Madam Temporary Chairperson, I beg to move:-

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 16 —

16C. A person who is aggrieved by a decision of the county executive committee member may, within thirty days of being notified of the decision, appeal to the Council in the prescribed manner.

Insurance
Appeal to
the council .

(New Clause 16C proposed)

(New Clause 16C read the First Time)

*(Question, that the New Clause 16C be read a
Second Time, proposed)*

*(Question that the New Clause 16C be
part of the Bill proposed)*

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

New Clause 41A

Sen. Ndwiga: Madam Temporary Chairperson, I beg to move:-
THAT, the Bill be amended by inserting the following new Clauses immediately
after clause 41 —

Depositing goods
Without proper title

41A. A person who deposits goods whose title belongs to another party in a warehouse registered or licensed under this Act without the approval of the owner commits an offence and is liable, on conviction, to a term of imprisonment not exceeding fourteen years.

(New Clause 41A proposed)

(New Clause 41A read the First Time)

*(Question, that the New Clause 41A be read a
Second Time, proposed)*

*(Question that the New Clause 41A be
part of the Bill proposed)*

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

(Several Senators consulted while standing)

Order! Hon. Senators, you cannot stand between the Chair and the Senator speaking. I know that you are excited to welcome the new---

(Loud consultations)

Order! Order, Senate Majority Leader! Kindly, consult in low tones.

New Clause 41B

Sen. Ndwiga: Madam Temporary Chairperson, I beg to move:-
THAT, the Bill be amended by inserting the following new Clauses immediately after clause 41 —

Obstruction

41B. A person who obstructs the inspection of a registered or licensed warehouse in contravention of this Act or any other law commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to a term of imprisonment not exceeding five years, or to both

(New Clause 41B proposed)

(New Clause 41B read the First Time)

(Question, that the New Clause 41B be read a Second Time, proposed)

(Question that the New Clause 41B be part of the Bill proposed)

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

New Clause 44

Sen. Ndwiga: Madam Temporary Chairperson, I beg to move:-
THAT, the Bill be amended by inserting the following New Clause immediately after Clause 43-

Consultation

44. The Cabinet Secretary shall, in carrying out the function under this Act, consult the Cabinet Secretary responsible for matters related to trade.

(New Clause 44 proposed)

(New Clause 44 read the First Time)

(Question, that the New Clause 44 be read a Second Time, proposed)

(Question that the New Clause 44 be part of the Bill proposed)

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

Clause 2

Sen. Ndwiga: Madam Temporary Chairperson, I beg to move:-

THAT, Clause 2 of the Bill be amended by —

- (a) deleting the definition of the term “holder” and substituting therefor the following new definition —

"holder" means a payee or endorsee of negotiable or non-negotiable warehouse receipt who is in possession of the receipt;

- (b) inserting the following new definitions in the proper alphabetical sequence —

"Agriculture and Food Authority" means the Agriculture and Food Authority established under section 3 of the Agriculture and Food Authority Act, 2013;

"county executive committee member" means the county executive committee member responsible for matters relating to agriculture in the respective county;

(Question of the amendment proposed)

Title and Clause 1

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

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

Hon. Senators, we have now gone through the Committee of the Whole House covering the four Bills. We will now go for the Division. I order that the Bell to be rung for five minutes.

(The Division Bell was rung)

The Temporary Chairperson (Sen. Nyamunga): Order, Senators! We are now going to have a Division on the Division of Revenue Bill (National Assembly Bills No.7 of 2018).

I order the Doors to be locked and the Bars to be drawn.

(The Door was closed and the Bars drawn)

(Several Senators stood up)

Members, please, take your seats so that we can continue with the Business of the House.

You can log in now.

Clause 3-5

(Question, that Clauses 3-5 be part of the Bill put,

and the Senate proceeded to vote by County Delegations)

Members, please, you can now vote in 60 seconds.

(Voting in progress)

The second Bill is the County Governments (Amendment) Bill (Senate Bills No.11 Of 2017)

Schedule

*(Question, that the Schedule be part of the Bill put
and Senators proceeded to vote by County Delegations)*

Kindly, start voting.

(Voting in progress)

Any Senators who were unable to vote electronically, please, come forward.

The Temporary Chairperson (Sen. Nyamunga): Any Senator who is not able to vote electronically, please, come forward.

THE DIVISION OF REVENUE BILL (NATIONAL
ASSEMBLY BILLS NO.7 OF 2018)

DIVISION

ELECTRONIC VOTING

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

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheragrei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Loitiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve, Kakamega County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Mwaura, Kiambu County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi County; Sen. Seneta, Kajiado County; and Sen. Wario, Tana River County.

NOES: Nil

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

AYES: 31

NOES: 0

ABSTENSIONS: 0

The “Ayes” have it.

(Question carried by 31 votes to 0)

DIVISION

ELECTRONIC VOTING

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

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheragrei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. M. Kajwang’, Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang’ata, Murang’a County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Loitiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve, Kakamega County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Mwaura, Kiambu County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi County; Sen. Seneta, Kajiado County; and Sen. Wario, Tana River County.

NOES: Nil

The results are as follows:

AYES: 31

NOES: 0

ABSTENSIONS: 0

The “Ayes” have it.

(Question carried by 31 votes to 0)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 2, the title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheragrei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Loitiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve, Kakamega County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Mwaura, Kiambu County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi County; Sen. Seneta, Kajiado County; and Sen. Wario, Tana River County.

NOES: Nil

The results are as follows:

AYES: 30

NOES: 0

ABSTENSIONS: 0

The "Ayes" have it.

(Question carried by 30 votes to 0)

We now proceed to The County Governments (Amendment) Bill (Senate Bills No. 11 of 2017).

(Voting in Progress)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators kindly, we are voting. It is time to vote. Sen. (Eng.) Maina, where are you voting? He is not even paying attention. We need to save time. We are left with only seven seconds. If you have not voted, you will be out of time. Let us have the assisted voters please.

(Sen. (Eng.) Mahamud walked to the Clerks-at-the Table and registered his vote)

Sen. (Eng.) Maina did you vote?

Sen. (Eng.) Maina: Yes, Madam Temporary Chairperson.

The Temporary Chairperson (Sen. Nyamunga): Sen. Orengo have you voted?

(Sen. Orengo walked to the Clerks-at-the Table and registered his vote)

Hon. Senators, we are going for the second voting. We are going to vote twice: One from the Committee of the Whole, and the second one from Sen. (Eng.) Maina.

(An Hon. Members spoke off record)

Hon. Senators, we are voting. Kindly vote. The voting is on. We are doing the amendment from the Committee of the Whole. Kindly vote if you have not done so. Let us have the assisted voters.

Sen. Orengo and Sen. (Eng.) Mahamud, kindly, come and vote.

(Sen. (Eng.) Mahamud and Sen. Orengo walked to the Clerks-at-the Table and registered their votes)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we are now going to the amendment proposed by Sen. (Eng.) Maina. Please, vote. Let us have the assisted voters please. Sen. Orengo and Sen. (Eng.) Mahamud, Sen. (Prof.) Kamar you have not voted.

(Sen. (Eng.) Mahamud and Sen. (Prof.) Kamar approached the Clerk's Table and registered their votes)

Hon. Senators, we are now moving to the New Clause 7A. Kindly vote now; the voting is on.

Assisted voters, Sen. (Eng.) Mahamud and Sen. Orengo, please come forward.

Hon. Senators, kindly start voting now.

The Temporary Chairperson (Sen. Nyamunga): Assisted voters, Sen. (Eng.) Mahamud and Sen. Orengo, please come forward.

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we are through with the division on the County Governments' Amendment Bill (Senate Bill No. 11 of 2017).

THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILLS NO.11 OF 2017)

DIVISION

ELECTRONIC VOTING

(Question that clauses 7, 15 and 17 be amended as proposed and be part of the Bill, put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County ;

Sen. (Dr.) Langat, Bomet County ; Sen. Loitiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County ; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve, Kakamega County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Mwaura, Kiambu County; Sen. Ndwiga, Embu County ;Sen. Nyamunga, Kisumu County; Sen. (Prof.) Onger, Kisii County; Sen. Orenge, Siaya County ;Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wario, Tana River County;

NOES: Nil

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

AYES: 31

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 31 votes to 0)

DIVISION

ELECTRONIC VOTING

*(Question that the clause 11 be amended
as proposed and be part of the Bill, put and the Senate
proceeded to vote by County delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. M. Kajwang’, Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County ; Sen. (Dr.) Langat, Bomet County ; Sen. Loitiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County ; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve, Kakamega County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Mwaura, Kiambu County; Sen. Ndwiga, Embu County ;Sen. Nyamunga, Kisumu County; Sen. (Prof.) Onger, Kisii County; Sen. Orenge, Siaya County ;Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County;

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, on the Second Division; the Committee Amendment, the results of the Division are as follows:-

AYES: 30

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 30 votes to 0)

DIVISION
ELECTRONIC VOTING

*(Question that Clause 11 be amended in the proposed New
Section 32D as proposed and be part of the Bill,
put and the Senate proceeded to vote by County delegations)*

AYES: Sen. Iman, Garissa County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County ; Sen. Wario, Tana River County;

NOES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. (Dr.) Langat, Bomet County ; Sen. Loitytip, Lamu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County ; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve, Kakamega County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Mwaura, Kiambu County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County ; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County;

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

AYES: 5

NOES: 25

ABSTENTIONS: 0

The "Noes" have it.

(Question negatived by 25 votes to 5)

DIVISION

ELECTRONIC VOTING

*(Question that New Clause 7A be Read a Second
Time put, and the Senate proceeded to vote
by County delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County ; Sen. (Dr.) Langat, Bomet County ; Sen. Loitytip, Lamu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County ; Sen. (Dr.) Mbito, Trans Nzoia

County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve, Kakamega County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Mwaura, Kiambu County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Prof.) Onger, Kisii County; Sen. Orenge, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wario, Tana River County;

NOES: Nil

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

AYES: 31

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 31 votes to 0)

DIVISION

ELECTRONIC VOTING

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

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Langat, Bomet County; Sen. Loitiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve, Kakamega County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Mwaura, Kiambu County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Prof.) Onger, Kisii County; Sen. Orenge, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wario, Tana River County;

NOES: Nil

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

AYES: 30

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 30 votes to 0)

We are now moving to the Division on the Urban Areas and Cities Amendment Bill (Senate Bill No. 4 of 2017)

I now put the question; that Clause 6 be deleted.

Kindly, hon. Senators, proceed to vote. Assisted voters, proceed to vote manually.

(The Senators proceeded to vote)

I now put the question; that Clauses 4, 5, 8 and 12 be amended as proposed.

Kindly, proceed to vote. Manual voters, please, proceed to vote.

(The Senators proceeded to vote)

I now put the question; that Clauses 3, 4 (as amended), 5 (as amended), 7, 8 (as amended), 9, 10, 11, 12 (as amended), 13, 14, 15, 16, 17, 18, 19, 20, Clause 2, the Title and Clause 1 be part of the Bill.

Hon. Senators, proceed to vote.

(The Senators proceeded to vote)

THE URBAN AREAS AND CITIES AMENDMENT BILL
(SENATE BILLS NO. 4 OF 2017)

DIVISION

ELECTRONIC VOTING

*(Question, that Clause 6 be deleted as proposed,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. Kajwang' M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Loitiptip, Lamu County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve, Kakamega County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Mwaura, Kiambu County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; and, Sen. Seneta, Kajiado County.

NOES: Nil

The Temporary Chairperson (Sen. Nyamunga): Hon. Members, the results of the Division are as follows:

AYES: 28
NOES: 0
ABSTENTIONS: 0
The “Ayes” have it.

(Question carried by 28 votes to 0)

(Clause 6 was deleted)

DIVISION

ELECTRONIC VOTING

*(Question, that Clauses 4, 5, 8 and 12 be amended as proposed
and be part of the Bill, put and the
Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. Kajwang’ M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Loitiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve, Kakamega County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Mwaura, Kiambu County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; and, Sen. Wario, Tana River County.

NOES: Nil

The Temporary Chairperson (Sen. Nyamunga): Hon. Members, the results of the Division are as follows:

AYES: 31
NOES: 0
ABSTENTIONS: 0
The “Ayes” have it.

(Question carried by 31 votes to 0)

DIVISION

ELECTRONIC VOTING

*(Question, that Clauses 3, 4(as amended), 5(as amended), 7,
8(as amended), 9, 10, 11, 12(as amended), 13, 14, 15, 16,*

17, 18, 19, 20, Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. Kajwang' M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Loitiptip, Lamu County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve, Kakamega County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwaruma, Taita-Taveta County; Sen. Mwaura, Kiambu County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orendo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; and, Sen. Wario, Tana River County.

NOES: Nil

The Temporary Chairperson (Sen. Nyamunga): Hon. Members, the results of the Division are as follows:

AYES: 29

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 29 votes to 0)

We will now proceed to vote on the Warehouse Receipts System Bill (Senate Bill No.10 of 2017)

Hon. Senators, manual voters can come for assistance. We are now moving to the last Bill.

DIVISION

ELECTRONIC VOTING

THE WAREHOUSE RECEIPTS SYSTEM BILL (SENATE BILLS NO.10 OF 2017)

(Question, that the New Clauses 4A, 16A, 16B, 16C, 41A, 41B and 44 be now read a Second Time put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Langat, Bomet

County; Sen. Loiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Manderu County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve, Kakamega County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Mwaura, Kiambu County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orendo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County and Sen. Wario, Tana River County.

NOES: Nil

The Temporary Chairperson (Sen. Nyamunga): Hon. Members, the results of the Division are as follows:

AYES: 30

NOES: 0

ABSENTIONS: 0

(Question carried by 30 votes to 0)

*(Question, that Clauses 3, 4, 16, 17, 18, 20, 43 and 2
be amended as proposed and be part of the Bill, put and the
Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Langat, Bomet County; Sen. Loiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Manderu County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve, Kakamega County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Mwaura, Kiambu County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orendo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County and Sen. Wario, Tana River County.

NOES: Nil

The Temporary Chairperson (Sen. Nyamunga): Hon. Members, the results of the Division are as follows:

AYES: 31

NOES: 0

ABSENTIONS: 0

(Question carried by 31 votes to 0)

*(Question, that Clauses 2(as amended), 3(as amended), 4(as amended),5-15,
16(as amended), 17(as amended), 18(as amended), 19, 20(as amended), 21-42, 43(as*

amended), New Clauses 4A, 16A, 16B, 16C, 41A, 41B and 44, the Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Langat, Bomet County; Sen. Loitiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve, Kakamega County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Mwaura, Kiambu County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County and Sen. Wario, Tana River County.

NOES: Nil

The Temporary Chairperson (Sen. Nyamunga): Hon. Members, the results of the Division are as follows:

AYES: 31

NOES: 0

ABSENTIONS: 0

(Question carried by 31 votes to 0)

Hon. Senators, we have now come to the end of the Committee of the Whole.

Sen. Mutula Kilonzo Jnr.: On a point of order Madam Temporary Chairperson.

The Temporary Chairperson (Sen. Nyamunga): What is your point of order, Sen. Mutula Kilonzo Jnr.?

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, the numbers are strange because if we are all here, why do we have 30, 31 and even 32? There must be direction that people must vote. Otherwise, it is against the Standing Orders not to vote when you are in the Chamber.

The Temporary Chairperson (Sen. Nyamunga): We have taken note of that Hon. Senator.

We are going to resume Plenary but I kindly ask you not to leave because we still have to do the Third Reading on the Bills but we are going to report starting with the first one.

THE DIVISION OF REVENUE BILL
(NATIONAL ASSEMBLY BILLS NO.7 OF 2018)

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Chairperson, I beg to move that the Committee of the Whole do report to the Senate its consideration of the Division of Revenue Bill (National Assembly Bills No.7 of 2018) and its approval thereof without amendments.

Sen. Mutula Kilonzo Jnr. seconded

(Question proposed)

(Question put and agreed to)

THE COUNTY GOVERNMENTS (AMENDMENT)
BILL (SENATE BILLS NO.11 OF 2017)

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Chairperson, I beg to move that the Committee of the Whole do report to the Senate its consideration of the County Governments (Amendment) Bill (Senate Bills No.11 of 2017) and its approval thereof with amendments.

Sen. Orengo seconded

(Question proposed)

(Question put and agreed to)

THE URBAN AREAS AND CITIES (AMENDMENT)
BILL (SENATE BILLS NO. 4 OF 2017)

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Chairperson, I beg to move that the Committee of the Whole do report to the Senate its consideration of the Urban Areas and Cities (Amendment) Bill (Senate Bills No. 4 of 2017) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE WAREHOUSE RECEIPTS SYSTEM BILL
(SENATE BILLS NO.10 OF 2017).

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we now move to reporting of the Warehouse Receipts System Bill (Senate Bills No.10 of 2017). I request the Mover to proceed.

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Chairperson, pursuant to Standing Order No.142, I beg to move that the Committee do now report to the Senate its consideration of the Warehouse Receipts System Bill (Senate Bills No.10 of 2017) and its approval thereof with amendments. I request Sen. Mutula Kilonzo Jnr. to second.

Sen. Mutula Kilonzo Jnr. Seconded.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Temporary Speaker (Sen. (Prof.) Kamar) in the Chair]

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Members, can the Door be opened and the Bars drawn?

(The Door was opened and the Bars drawn)

Hon. Senators, please, do not leave the Chamber because we still have two very important items to dispose of. Can you take your seats so that we can proceed?

Let the Chairperson of the Committee of the Whole rise and report on one Bill after the other. Madam, please get a working microphone.

REPORTS AND CONSIDERATION OF REPORTS

THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 7 OF 2018)

Sen. Nyamunga: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the Division of Revenue Bill (National Assembly Bills No. 7 of 2018) and its approval thereof without amendments.

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said report. I request Sen. Mutula Kilonzo Jnr. to second.

Sen. Mutula Kilonzo Jnr.: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Speaker, I beg to move that the Division of Revenue Bill (National Assembly Bills No. 7 of 2018) be now read a Third Time. I request the Senate Minority Leader, Sen. Orengo, to second.

The Senate Minority Leader (Sen. Orengo): Madam Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Members, I will put the question for the Third Reading for all the Bills at the same time. So, let us move to the next one.

Proceed, Chairperson.

THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILLS NO. 11 OF 2017)

Sen. Nyamunga: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the County Governments (Amendment) Bill (Senate Bills No. 11 of 2017) and its approval thereof with amendments.

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said report. I request the Senate Minority Leader to second.

The Senate Minority Leader (Sen. Orengo): Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Speaker, I beg to move that the County Governments (Amendment) Bill (Senate Bills No. 11 of 2017) be now read a Third Time. I request the Senate Minority Leader to second.

The Senate Minority Leader (Sen. Orengo): Madam Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Mover.

We are again going to delay the putting of the question for the Third Reading so that we do all of them at one time.

THE URBAN AREAS AND CITIES (AMENDMENT) BILL
(SENATE BILLS NO. 4 OF 2017)

Sen. Nyamunga: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the Urban Areas and Cities (Amendment) Bill (Senate Bills No. 4 of 2017) and its approval thereof with amendments.

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said report. I request the Senate Minority Leader to second.

The Senate Minority Leader (Sen. Orengo): Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Speaker, I beg to move that the Urban Areas and Cities (Amendment) Bill (Senate Bills No.4 of 2017) be now read a Third Time. I request the Senate Minority Leader to second.

The Senate Minority Leader (Sen. Orengo): Madam Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Sen. (Prof.) Kamar): I will put the question for the Third Reading later.

Next Bill.

THE WAREHOUSE RECEIPTS SYSTEM BILL
(SENATE BILLS NO.10 OF 2017)

Sen. Nyamunga: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the Warehouse Receipts System Bill (Senate Bills No. 10 of 2017) and its approval thereof with amendments.

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said report. I request the Senate Minority Leader to second.

The Senate Minority Leader (Sen. Orengo): Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Speaker, I beg to move that The Warehouse Receipts System Bill (Senate Bill No.10 of 2017) be now read a Third Time.

I request the Senate Minority Leader to second.

The Senate Minority Leader (Sen. Orengo): Madam Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, we will now go to Division. I request that the Bars be drawn and the Bell be rung for three minutes.

(The Bars were drawn and the door closed)

THIRD READINGS

THE DIVISION OF REVENUE BILL
(NATIONAL ASSEMBLY BILLS NO.7 OF 2018)

DIVISION

ELECTRONIC VOTING

*(Question, that the Division of Revenue Bill
(National Assembly Bills No.7 of 2018) be now read a
Third Time put, and the Senate proceeded to vote
by County Delegations)*

AYES:Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, (Garissa County); Sen. (Dr.) Kabaka, Machakos County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Linturi, Meru County; Sen. Loitiptip, Lamu County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve, (Kakamega County) Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, (Kisumu County); Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, (Kajiado County); Sen. Wamatangi, Kiambu County; Sen. Wario, Tana River County; and, Sen. Wetangula, Bungoma County

NOES: Nil

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Members, the results are as follows:

AYES: 35

NOES: 0

ABSTENTIONS: 0

The Ayes have it.

(Question carried by 35 votes to 0)

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

Hon. Members, I now proceed to put the Question on the County Governments (Amendment) Bill.

Hon. Senators, a question was raised earlier that some Members are not voting in some instances. You are allowed to vote Yes, No or Abstain, but you must press the button. Sen. Wamatangi and Sen. Madzayo, please, move forward. Two Members are still missing. Sen. Wario of Tana River County, you have not voted. Since you did not vote in the first instance, please, move forward. Sen. Cherargei of Nandi County, you have not voted. Please vote.

(Voting in progress)

THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILLS NO.11 OF 2017)

DIVISION

ELECTRONIC VOTING

*(Question, that the County Governments (Amendment)
Bill (Senate Bill No.11 of 2017), be now read a Third Time,
put, and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Linturi, Meru County; Sen. Loitiptip, Lamu County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve, (Kakamega County); Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, (Kisumu County); Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, (Kajiado County); Sen. Wamatangi, Kiambu County and Sen. Wario, Tana River County.

NOES: Nil

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Members, the results are as follows:

AYES: 34

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 34 votes to 0)

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

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Members, let us move to the Warehouse Receipts System Bill (Senate Bills No.10 of 2017).

Please, go ahead and vote. Make sure that you all vote.

(The Senators proceeded to vote)

Sen. Wamatangi, please come to be assisted.

Sen. Seneta and Sen. (Prof.) Ekal, you have not voted. You are time-barred on voting. Please, come forward.

THE WAREHOUSE RECEIPTS SYSTEM BILL
(SENATE BILLS NO.10 OF 2017)

DIVISION

ELECTRONIC VOTING

*(Question, that the Warehouse Receipts System Bill
(Senate Bills No. 10 of 2017) be now read a Third Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Langat, Bomet County; Sen. Linturi, Meru County; Sen. Loitiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve, Kakamega County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Prof.) Onger, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; and Sen. Wario, Tana River County.

NOES: Nil

Hon. Senators, the results on the Warehouse Receipts Systems Bill are as follows:

AYES: 35

NOES: 0

ABSTENSIONS: 0

The "Ayes" have it.

(Question carried by 35 votes to 0)

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

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, we now move to the last Bill.

I will now put the question.
Please go ahead and vote.

(Voting in progress)

The Temporary Speaker (Sen. (Prof.) Kamar): Let the assisted voters come forward so that we finish in good time. Please, take the register to Sen. (Dr.) Musuruve. Is there anybody else requiring assistance?

THE URBAN AREAS AND CITIES (AMENDMENT) BILL
(SENATE BILLS NO. 4 OF 2017)

DIVISION

ELECTRONIC VOTING

*(Question, that the Urban Areas and cities (Amendment) Bill
(Senate Bills No. 4 of 2017) be now read a Third Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County ; Sen. (Dr.) Langat, Bomet County ; Sen. Linturi, Meru County; Sen. Loitiptip, Lamu County; Sen. (Eng.) Mahamud, Mandera County ; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve, Kakamega County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County ;Sen. Nyamunga, Kisumu County; Sen. (Prof.) Ongeri, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County Sen. Wario, Tana River County;

NOES: Nil

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

AYES: 33

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 33 votes to 0)

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

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, we are done, open the bars.

(The doors were opened and the Bars drawn)

The next order is very important. We can have the Leader of Majority to make his Statement.

STATEMENT

BUSINESS FOR THE WEEK COMMENCING,
MONDAY, 2ND APRIL 2018

The Senate Leader of Majority (Sen. Murkomen): Madam Temporary Speaker, pursuant to Standing Order 46(2) (c), I hereby present to the Senate the business of the House for the week commencing on Monday, 2nd April 2018.

Pursuant to the Senate Calendar approved on 28th February, 2018, the House will be proceeding to recess today, Thursday, 29th March 2018, until Monday 7th May 2018. As a result of that, the Senate Business Committee has not scheduled any business for the coming week.

However, the Senate will continue with the following business upon resumption of the sittings on 8th May 2018. In addition to other business approved by the Senate Business Committee;

(1) The Food Security Bill (Senate Bills No 12 of 2017) should be on Second Reading which should have been concluded today but it is not possible at the moment.

(2) The County Boundaries Bill (Senate Bills No 6 of 2017) for the mover to reply.

(3) The Office of the County Attorney Bill (Senate Bills No 3 of 2018.

(4) The County Government Retirement Scheme (Senate Bills No 6 of 2018.

More Bills will be ready for Second Reading and Committee stage when we reconvene.

I take this opportunity to commend all of you for your dedication to the work of the Senate during the first segment. I also commend Standing Committees that have submitted reports on Bills. I also ask Standing Committees that are yet to conclude considerations of Bills to use the recess period to do so. Kindly, finalise reports on pending petitions.

Lastly, let me take this opportunity to wish you and your families a blessed Easter and a fruitful engagement with your constituents during the short recess period.

Madam Temporary Speaker, I thank you and hereby lay the Statement on the table.

(Sen. Murkomen laid the document on the table)

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Leader of Majority.

(Senators stood up in their places)

Hon. Members, please, take your seats.

From the Speech of the Leader of Majority, it is very clear that we are not going to proceed to Order Nos.15-22. We will head to Order No 23 – the Motion to be moved by the Senate Majority Leader. Before that, I have a Communication to make.

COMMUNICATION FROM THE CHAIR

THE FIFTH ANNUAL DEVOLUTION CONFERENCE 2018

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, as you are aware, the Devolution Conference has, since the year 2013, been organized on an annual basis bringing together all the implementers of devolved governance to celebrate the gains that have been made and identify the challenges that can be addressed collaboratively among the stakeholders for the welfare of our country. Participants of the conference get an opportunity to deliberate on the successes of the devolved system of governance and how to take advantage of the emerging opportunities presented by devolution.

(Sen. Kwamboka remained standing on the aisle)

May I allow the hon. Member standing on the aisle to take her seat. Hon. Member, you may now seat.

(Sen. Kwamboka walked to her seat)

Hon. Senators, the participants of the annual devolution conference comprise, but are not limited to, representatives from both levels of Government; Independent Commissions; Academia; policy practitioners; civil society organizations, the donor community, international organizations, the general public as well as the Media. The First Annual Devolution Conference was held in Kwale County in April, 2014; the second one was held in Kisumu County in April, 2015; the third was in Meru County in April, 2016 and the fourth was in Nakuru County in February, 2017. The Fifth Annual Conference is scheduled to be held in Kakamega County from 23rd to 27th April, 2018.

Hon. Senators, the proposed theme of the Fifth Devolution Conference will be: Sustainable, Productive, Effective and Efficient Governments for Results Delivery. The key conference objectives are as follows:-

(1) To provide a forum for collaboration, cooperation and consultation in all matters related to devolution.

(2) To share experiences, challenges and lessons learnt in the last four years and set clear targets for devolution for the next five years.

(3) To celebrate the successes of devolution.

(4) To provide a platform for participants to identify opportunities for partnerships.

The conference will adopt a sectoral approach. The key sectors are in line with the Presidents' Big Four Agenda, which shall guide discussions in the conference. These are health, urban development, housing infrastructure and energy; agriculture, trade and manufacturing.

Hon. Senators, more than before, the Senate is an equal partner in organising the devolution conference. In this regard, Senators Irungu Kang'ata, John Nderitu Kinyua and Rose Nyamunga are serving in the Steering Committee coordinating the planning of the conference. Senators have also been allocated various slots in the programme as

session chairpersons, panelists and moderators. Additional information on the arrangements of this event will be provided through the Office of the Clerk.

Hon. Senators, I request all of you to attend this very important conference.

Thank you.

Hon. Senators, we now move to Order No.23.

The Senate Majority Leader, you have the floor.

MOTION FOR ADJOURNMENT

ADJOURNMENT OF THE SENATE PURSUANT TO THE APPROVED CALENDAR FOR THE 2018 SESSION

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Speaker, I beg to move the following Motion:-

THAT, pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 8th May, 2018.

Madam Temporary Speaker, time is far much spent and I know many Senators would like to say something. However, I would like to thank all the Senators, the Speaker and the Members of the Speakers Panel for their commitment in this first segment of this Session of the Senate. We have achieved a lot; for example, just right now in this sitting, we have passed four Bills that include the Division of Revenue Bill.

If my memory serves me right, this Bill has been passed in good time for the first time. Our focus will be on the County Allocation of Revenue Bill.

Secondly, Part I of the Second Session has witnessed our commitment to pass many Motions. We have also shown the dedication to address many statements. We have had the highest number of statements since the second Senate under the new Constitution was established because Senators are very committed to ensure that they represent the interest of their supporters.

Politically, we have also gone through difficult times from the time of elections to post-elections disagreement. We witnessed an important moment of the handshake and the challenges that came thereafter.

As a House, we have demonstrated great maturity by being available. Although we have different opinions, representing political parties and political interests, we have acted with utmost maturity to ensure that the interests that brought us here under Article 96 of the Constitution to protect the interests of our counties and county governments are not lost. That is the spirit we need so that we move together as a team and as a House.

Something very dear to us here is to encourage committees and committee Chairs to take seriously committee reports on various Bills and petitions that come to this House, so that we get quality submissions to give to the people of Kenya. I hope the committees will use the recess period to ensure that they complete the remaining business. The committees should also intervene in various issues of national importance – whether political, economic or social – to ensure that the presence of the committees of the Senate is felt.

The Leadership of this House will have a retreat and there are a number of things that we will evaluate. We will come back here knowing that we must move forward.

I also encourage each one of us Senators to strive to sponsor at least one Bill before five years end. This recess period will be very useful. We have the best and the most qualified staff in this part of the world and they are always ready to help us draft Bills. We only need to share our ideas with them so that they help us bring Bills to this House and we pass them. We believe that the National Assembly will also move expeditiously to ensure that the Bills we generate become law.

I want to thank the committee that was led by the Deputy Senate Majority Leader that dealt with rules and regulations related to the Oversight Fund. I also thank the Majority Leader of the National Assembly for tabling that and I also tabled it in this House. I believe that the committees on Delegated Legislation of both Houses will approve those regulations. The budgeting process is going on and we believe that resources will be given to Senators so that complaints of not having enough resources to oversight counties come to an end. I hope and that the institution of the Senate and the Senator's office will be strengthened to carry out the responsibilities that are necessary.

Lastly, I want to congratulate the new Senate Minority Leader for his election to that office. As I promised, we will work together as a leadership to ensure that we deliver the agenda of this House. I believe that as a country, we are ready and willing to hold hands together as a team, put behind the politics that we had in 2017 and begin a path of togetherness and ensure that the rule of law, good governance, development, infrastructure and many other good things that make people want to become Kenyans are achieved. We are moving from a history where people were running away from Kenya to a situation where every Kenyan who was away would like to be back home.

I know this Motion is not necessarily seconded but I would like, with your permission, to invite the Senate Minority Leader to second it.

The Senate Minority Leader (Sen. Orendo): Thank you Madam Temporary Speaker. First, I want to thank the leadership of the Senate, beginning with the Office of the Speaker and the staff of the Senate. So far, the exemplification of the work that they have done in realizing the mandate of the Senate is commendable. We will engage for another four years and that spirit needs to be maintained. The leadership provided by the Office of the Speaker together with the Office of the Clerk is very important.

I appreciate my election as the Senate Minority Leader. This is the first speech I am making as the Senate Minority Leader. I thank my colleagues in the coalition for the election. I would also like to thank the majority side because the comments that were made were, indeed, very positive. I hope that I will not disappoint both sides of the House.

I hope that in the spirit of bipartisanship, which existed in the last Senate, we may have to relook at the constitution of the Committees as established. I know that in the last Parliament, the spirit of the winner-take-it-all was not the rule. It was not applied universally, and to that extent, Members of the minority were able to chair some of the Committees. I am putting this matter on the table and I have talked to the Senate Majority Leader. In that spirit, we hope that when the leadership of the House meets, we will look into that.

I will not stop without saying that the communiqué which was signed by the leader of the Minority coalition and the President of the Republic was very important. One must appreciate that the communiqué was not a basis for giving goodies to the

leadership; it was issue-based. I think that we need to interrogate how we can make Kenya better on the basis of what the two leaders communicated on 9th March, 2018.

Let me conclude by saying that the issue of Dr. Miguna is not nice to the country. I think we need a resolution to that matter. I know that it is not beyond resolution. The courts have tried but in trying to resolve that matter, obedience to court orders must be taken very seriously. That is an important principle and value of our Constitution.

Without saying much, I beg to second and look for another opportunity to talk to the House.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, I want to propose the question, but before I do that, I want us to take note of the time that we have. Be considerate to your neighbour and give brief remarks.

(Question proposed)

Sen. Ongeri: Thank you, Madam Temporary Speaker. I also join the Senate Majority Leader and the Senate Minority Leader in congratulating all the Membership of this House for the excellent job that has been done.

Yesterday and today, when we were passing the Division of Revenue Bill, which I believe will be fast-tracked for the next event, there was something that bothered me as I was making comments. We should think through it over the period of our vacation. All these revenue allocations were based on audited accounts of 2013/2014. This means that the resources going to the counties are very minimal. Therefore, it behoves the two Houses of Parliament; the National Assembly and the Senate, to work fast on our audited accounts with the Auditor-General. So, we should bring it to speed in order to extract good resources for our counties to achieve meaningful results.

As a Member of the Sessional Committee on County Public Accounts and Investment, I promise that we will do our best to fast-track whatever events are remaining.

Finally, the “handshake” brought a lot of goodwill for this nation. It was not individual-based, but had a meaning and realisation that all of us belong to this nation. We should pick it up from there to institutionalise the way and the manner that Kenyans relate to one another.

Therefore, I wish you a happy Easter holiday and a wonderful weekend until we meet again. As we work out, let us believe that this nation belongs to all of us. Anything which happens to anyone of us is something that we need to be careful about.

Thank you. I beg to support.

The Temporary Speaker (Sen. (Prof.) Kamar): Proceed, Sen. (Dr.) Ali.

Sen. (Dr.) Ali: Thank you, Madam Temporary Speaker. I also wish to contribute to the Adjournment Motion.

The handshake between the President and the National Super Alliance (NASA) Leader has helped to cool down a lot of tempers in this country. Unfortunately, for some of us who come from the northern part of Kenya, we have a lot of problems with teachers and security. I hope that they will look into that as well because this issue has been with us for a very long time. Students are now out of school. Over 200 schools have been closed in Wajir County because of lack of teachers. Unfortunately, I could not move my Motion because we are time barred. I had a Motion which was to discuss about this issue

of insecurity and teachers in general in the northern Kenya. It would have been very helpful towards this. I would have urged the leadership, even though I can see both of them have left, to get involved in these issues and help us resolve some of them. There have been problems when it comes to the Division of Revenue Bill. We have just passed it because most of the people have agreed, but what we know is that something like the Collective Bargaining Agreement (CBA) in the health sector has not been catered for. I am afraid that very soon we might land ourselves in big problems since the health sector workers might go on strike.

The issue of cancer and many other chronic diseases in this country are increasing. Now that health has been devolved, the national Government through the Ministry of Health is not doing much on the issue of surveillance and other issues. They should be looked into. The Standing Committee on Health and the leadership of the Senate should take advantage of the positions we are in and the jobs we are doing so that we do our mandate properly.

Thank you. I wish everybody a happy Easter Holiday.

The Temporary Speaker (Sen. (Prof.) Kamar): Proceed, Sen. Cherargei.

Sen. Cherargei: Thank you, Madam Temporary Speaker. I join my colleagues in wishing everybody happy holidays. I know we are taking a break from the Plenary Session, but our Committee work will still continue.

For the first time, there are many things that have been a milestone, especially, the handshake between His Excellency, the President and the NASA Leader, Raila Odinga. That one has become a milestone in terms of bringing the nation together. There are many issues that we will consider as the Senate, going forward.

We did not discuss the last report on the issue of corruption in our counties. We need to prioritise it when we come back to ensure that corruption is eradicated or reduced so that we do not devolve it.

We call upon all Kenyans to obey the rule of law whether it favors them or not. That is one of the principles of good governance as provided in Article 10 of the Constitution of Kenya 2010. I urge all Kenyans to respect the law. There is no one who is above the law.

I wish all my colleagues and Kenyans at large, a peaceful holiday. I hope that when we come back, we will continue to serve this great nation with a lot of commitment and in a godly way.

Thank you, Madam Temporary Speaker, Sir.

Sen. (Eng.) Mahamud: Thank you, Madam Temporary Speaker. I would also like to contribute to this Motion of Adjournment.

First of all, the Senate has done a good job. We have passed many Bills. This afternoon, we have passed quite a number of Bills including The Division of Revenue Bill in a record time. I thank Members of my Committee for participating in this session to make sure this important Bill is passed. We will soon pass the County Allocation of Revenue (CARA) Bill which will be due when we will be on recess and we might have a Special Sitting.

As we go to our counties, we should preach peace and urge our people to bring cohesion in this country. The issue of the handshake between the two leaders has cooled the temperatures in this country. We need to build on that. We hope that the discussions which are going on between the two leaders will create cohesion. I urge leaders to be

careful when commenting negatively on that handshake. I have heard people trying to talk on what it is and what it is not. That is not fair. Let us wait for the people who have been mandated to look at that to work out a structured programme so that we can discuss it when we come. Many falsehoods have been peddled about the issue of teachers in Northern Kenya as we saw yesterday in this House and last week in the National Assembly. This has been exaggerated. We are concerned about the security of our people including non-local teachers. I want leaders to be careful when they comment on this because we can tear this country apart for no reason. Other issues of segregation and sexual harassment that have come up are not factual and it is not fair on the population of Northern Kenya. I was taught by teachers from other parts of Kenya. Since that time, they have been respected as teachers.

The issues of people being racists and all those bad things are false. We would like our teachers to look for the transfers in an organized and decorum manner and not invoke unnecessary and untrue things. In the same token, I want leaders to be careful on what they take as the truth. Going forward, we want the Cabinet Secretary of Education and the Teachers Service Commission (TSC) to deal with the issue of shortage of teachers and the teacher to student ratio. We should stop being emotional and overreacting. Employment of teachers is ongoing and other citizens are welcome to apply for teaching jobs in North Eastern Region. When they are employed, they must be bonded to work there for a certain number of years.

Madam Temporary Speaker, when we were looking at The Division of Revenue Bill, we realised that we are always using the wrong audited accounts. The Constitution requires the last audited accounts approved by Parliament to be used. I urge the National Assembly to rise up to the task because the Report of the Auditor-General for 2015/2016 Financial Year is available and they should be up-to-date regarding the approved audited reports so that we can have the latest audited revenues. We are now using the ones for 2013/2014 audited accounts because we have no other alternative.

Madam Temporary Speaker, with those many remarks, I beg to support this Motion of Adjournment. When we come back, we would have attended the Devolution Conference and then proceeded to do the CARA Bill.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Members, I thank you, for those nice contributions. I join those who have wished everybody a good holiday by wishing all Senators and our staff a wonderful Easter weekend. We look forward to meeting again on 8th, May, 2018.

ADJOURNMENT

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, it is now time to adjourn the House. The Senate stands adjourned until Tuesday, 8th May, 2018, at 2.30 p.m.

The Senate rose at 6.30 p.m.