

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 6th November 2018

The House met at 2.30 p.m.

[The Deputy Speaker (Hon. Mosses Cheboi) in the Chair]

PRAYERS

Hon. Deputy Speaker: I confirm that we have the required quorum and so business will begin.

PETITION

Hon. Deputy Speaker: Under that particular Order, there was a petition that I was to convey and shall proceed to do so as soon as it is ready.
Next Order.

PAPERS LAID

Hon. Deputy Speaker: We will have the Hon. Leader of the Majority Party who will be represented by the Hon. Deputy Leader of the Majority Party. Hon. Jimmy Angwenyi, are you ready or who is representing the Hon. Leader of the Majority Party?

Hon Jimmy Angwenyi, you have a big bundle with you and I am sure those are Papers that you want to present.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House:

The Retirement Benefits (Post-Retirement Medical Funds) Guidelines, 2018 (Legal Notice No. 192 of 2018) and the Explanatory Memorandum.

The Retirement Benefits (Good Governance Practices) Guidelines, 2018 (Legal Notice No. 193 of 2018) and the Explanatory Memorandum.

The Public Finance Management (Sports, Arts and Social Development) Regulations, 2018 (Legal Notice No. 194 of 2018) and the Explanatory Memorandum.

Report of the Board of the National Government Constituencies Development Fund (NG-CDF) on Project Proposals Approvals, Disbursement Status and Restrictions imposed on Constituency Account for the First Quarter of 2018/19 Financial Year for the period 1st July to 30th September 2018.

The Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30th June 2017 and the certificates therein:

- a) Juja;
- b) Igembe North;
- c) Kiharu;

- d) Kigumo;
- e) North Imenti;
- f) Fafi;
- g) Kirinyaga Central;
- h) Kandara;
- i) Ndia;
- j) Kitui West;
- k) Laffey; and
- l) Githunguri.

Hon. Deputy Speaker: Very well. Next is Hon. Amos Kimunya.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Report on attendance of the National Conference of State Legislatures 2018 Legislative Summit held in Los Angeles, California from 30th July to 2nd August 2018.

Hon. Deputy Speaker: Very well. Next is the Hon. Chairperson, Public Investments Committee (PIC).

Hon. Abdullswamad Nassir (Mvita, ODM): Thank you very much. Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

The Twenty Second Report of the Public Investments Committee on the Audited Financial Statements of State Corporations.

Hon. Deputy Speaker: Very well.

Next Order.

NOTICE OF MOTION

Hon. Deputy Speaker: Again the Chairperson...

(Hon. Opiyo Wandayi shook hands with Hon. Abdullswamad Nassir)

Hon. Wandayi, you cannot take selfies in the House. I understand that you have a very close working relationship as chairs of the investigative committees but proceed.

Hon. Abdullswamad Nassir (Mvita, ODM): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Twenty Second Report of the Public Investments Committee on the Audited Financial Statements of State Corporations, laid on the Table of the House on Tuesday, 6th November 2018.

Hon. Deputy Speaker: Let us move to the next Order.

QUESTIONS

Hon. Deputy Speaker: Starting off will be the Member for Laffey, Hon. Abdi Mude.

Question No. 105/2018

RECRUITMENT OF TEACHERS FROM NORTH EASTERN REGION

Hon. Ibrahim Abdi (Lafey, EFP): I would like to ask the Cabinet Secretary for Education the following Question:

Could the National Government consider recruiting more teachers from counties in the North Eastern region to ease the shortage of teachers being experienced in schools in the region?

Hon. Deputy Speaker: That Question will be replied before the Departmental Committee on Education and Research. Next will be the Member for Wundanyi, Hon. Danson Mwashako.

Question No. 110/2018

MEASURES TO ENSURE PAYMENTS TO TVETs ARE MADE

Hon. Danson Mwashako (Wundanyi, WDM-K): Hon. Deputy Speaker, I rise to ask a Question to the Cabinet Secretary for Public Service, Youth and Gender Affairs.

- a) When will the Ministry make payments to Technical Vocational Education and Training Institutions (TVETs) for the training of National Youth Service recruits that are referred to undertake specialised courses?
- b) Could the Cabinet Secretary provide a list of all TVETs which have not been paid the said funds to date and amount owed to each institution?
- c) What measures is the Ministry putting in place to ensure that the payments to the said institutions are not delayed further to ensure that the running of these institutions is not adversely affected as a result of debts?

Hon. Deputy Speaker: That Question will be replied before the Departmental Committee on Labour and Social Welfare. Next will be the Member for Bonchari, Hon. Oroi Oyioka.

Question No. 115/2018

CONSTRUCTION STATUS OF SUNEKA AIRSTRIP IN KISII COUNTY

Hon. John Oyioka (Bonchari, PDP): Hon. Deputy Speaker, my Question is directed to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development.

What is the construction status of Suneka airstrip in Kisii County?

Hon. Deputy Speaker: That one will be replied before the Departmental Committee on Transport, Public Works and Housing. Next Member to ask a Question will be the Member for Kathiani, Hon. Robert Mbui.

Question No. 116/2018

IMPLEMENTATION OF THE 2-6-3-3-3 EDUCATION CURRICULUM

Hon. Deputy Speaker: I do not see the Member. Therefore, the Question is dropped.

(Question dropped)

Next will be Hon. Tim Wanyonyi, Member for Westlands.

Question No. 118/2018

STATUS OF THE FREE PRIMARY EDUCATION PROGRAMME

Hon. Tim Wanyonyi (Westlands, ODM): Hon. Deputy Speaker, I rise to ask the Cabinet Secretary for Education the following Question:

- a) Could the Cabinet Secretary confirm whether the free primary education programme is still in place?
- b) If so, could she explain why some public primary schools are still charging admission fees as well as fees for other school activities?

Question No. 119/2018

REASONS FOR STALLED CONSTRUCTION OF THE NORTHERN BY-PASS ROAD

Hon. Tim Wanyonyi (Westlands, ODM): Hon. Deputy Speaker, I rise to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development the following Question:

- a) Could the Cabinet Secretary explain why the construction Northern By-pass Road stalled?
- b) When is the construction work expected to resume, and when is it expected to be completed?

Hon. Deputy Speaker: Hon. Wanyonyi, the first Question you asked will be answered before the Departmental Committee on Education and Research and the one which you have just asked now will be answered before the Departmental Committee on Transport, Public Works and Housing. I realise there is one which we skipped, that is the one by Hon. Manje. Hon. Manje, proceed.

Question No. 117/2018

MEASURES TO ENSURE FERTILISER IS AVAILABLE TO FLOWER FARMERS

Hon. Joseph Manje (Kajiado North, JP): Hon. Deputy Speaker, I want to ask the Cabinet Secretary for Agriculture and Livestock the following Question:

- a) Is the Cabinet Secretary aware that the slow inspection of fertiliser for flower farming at the port of Mombasa has resulted in huge shortage and increase of prices in the market and that this has negatively affected flower farming activities?
- b) What measures has the Ministry put in place to ensure that fertilizer is available to flower farmers within the time required?

Hon. Deputy Speaker: That Question will be replied before the Departmental Committee on Agriculture and Livestock. Lastly on the Questions is the one by Hon. Dan Maanzo, Member for Makueni.

Question No. 123/2018

STATUS OF IMPLEMENTATION OF THE NEW 2-6-3-3-3 EDUCATION CURRICULUM

Hon. Daniel Maanzo(Makueni, WDM-K): Hon. Deputy Speaker, I would like to ask the Cabinet Secretary for Education the following Question:

- a) How will the recently introduced new curriculum, 2-6-3-3-3 be implemented?
- b) What is the status of implementation and preparedness by the Ministry in ensuring smooth rolling out of the new curriculum in terms of teacher trainings, technologies such as the National Education Management Information System (NEMIS) and availability of books and other learning materials?
- c) Was the new curriculum subjected to the public participation, scrutiny and approval by relevant stakeholders?

Hon. Deputy Speaker: That Question will be replied before the Departmental Committee on Education and Research. That marks the end of Question Time. We move to the statements. On statements we have Hon. Ben Jomo Washiali.

STATEMENTS

CHALLENGES EXPERIENCED IN GOVERNMENT CASH TRANSFER PROGRAMME

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Deputy Speaker. I rise to make this Statement and request if it could be considered for zero hour.

Pursuant to Standing Order No. 43, I wish to make a Statement regarding Government Cash Transfer Programme for the elderly, popularly known as *pesa kwa wazee*. It is a few years since the Government started this programme for the elderly persons aged 70 and above who are entitled to a bi-monthly stipend of Kshs2,000. However, residents in various areas of the country and in Kakamega County in particular, are not fully benefiting from this stipend. There is a general fear among Kenyans that this could be a brewing scandal in the Department of Social Protection under the Ministry of Labour and Social Protection concerning the allocation and disbursement criteria of these funds to the intended beneficiaries.

There is need for the Government to clarify the criteria required for elderly persons to be identified and included in the list of beneficiaries, state the frequency and intervals at which the money should be disbursed, explain why there have been delays in disbursement of the funds to the approved persons, state the measures put in place to ensure regular predictable disbursement of funds, reduce inconveniences and curb corruption in the disbursement.

As earlier requested, could this Statement be debated by Members of this House during the Zero Hour?

Hon. Deputy Speaker: What is it, Hon. Leader of the Majority Party? I see you complaining.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, the Standing Order on statements does not give leeway for debates to ensue. If you allow me, I can look at that Standing Order.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): You can use Standing Order No.1.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, my deputy is making noise. He is the oldest Member in this House. Look at the Standing Orders.

(Laughter)

Hon. Deputy Speaker: Unfortunately, you were not out of order initially, Hon. Duale. But you were when you said that your deputy was making noise. Members do not make noise; they only consult aloud.

But Hon. Jimmy Angwenyi was referring to Standing Order No.1. Hon. Angwenyi, you are one of the dinosaurs of this House. You are one of the people who have been here long enough. Standing Order No.1 is only used when a matter is not specifically provided for in the Standing Orders. When there is a provision which shows how an issue must be transacted, my hands are tied. I cannot use Standing Order No.1.

What is it, Jimmy?

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Hon. Deputy Speaker, Standing Order No.1 allows the Speaker to override any other Standing Order. You are not restricted. It allows you to override the Standing Order that the Leader of the Majority Party is referring to.

Hon. Deputy Speaker: It is interesting that I see a healthy exchange between the Leader of the Majority Party and his deputy but Hon. Jimmy Angwenyi is wrong. Standing Order No.1 is very clear. It can only be utilised when there are no provisions guiding a particular matter. When there is a specific provision, we proceed and use it. I do not override it at all.

What is it, Hon. Member for Endebess?

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Deputy Speaker, the matter that has been raised by Hon. Washiali is very weighty. It is of public concern especially when it comes to disbursement of funds to the elderly in this country. I support the Hon. Deputy Leader of the Majority Party. He is elderly and is concerned about the other elderly people in this country. You could allow us to ventilate on this matter.

Hon. Deputy Speaker: I do not agree with you at all, Hon. (Dr.) Pukose, that Hon. Jimmy is elderly. I know that very well. I have seen him in this House for a very long time. Hon. Jimmy Angwenyi is representing his constituents. If he was a nominated Member, I would have said that his specific interest is in the elderly. He represents his constituency and does it very well.

Let me hear Hon. (Dr.) Wamalwa. I will give a chance to one more Member.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD – K): Thank you, Hon. Speaker. It is true that Hon. Washiali has raised something very important. The elderly people in our constituencies do not get their money. This is a very vulnerable group. Standing Order No.1 gives you discretion on matters which are not provided for. It does not harm the request that Hon. Washiali had put in place because as per our Standing Orders, we have a provision for Zero Hour which is also called a “happy hour”. In that connection, we humbly request you to rule so that we can discuss the matter of the funds for the elderly when that particular time comes. The elderly people are really suffering. Because we have a provision for “happy hour” or Zero Hour, we humbly request you to allow us to discuss matters of national importance.

Hon. Deputy Speaker: Even as I proceed to consider what you are saying, Hon. Wamalwa, let us do away with issues of “happy hour”. “Happy hour” is completely different. You know where the “happy hour” is domiciled. It is definitely not in the august House.

Let us have Hon. Wangwe. Use the next microphone.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Deputy Speaker. As Hon. Washiali has put it, this matter affects Kakamega County as a whole where my constituency lies. It is very true that we have that challenge. As my colleagues have said, we kindly request that you use Standing Order No.1. You are the best one to use it.

Hon. Deputy Speaker: Hon. Wangwe, I will not use Standing Order No.1. I will use Standing Order No.43 (1) which makes sense.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Deputy Speaker. I stand guided. I seek that you help us shed more light on what is happening as far as the fund is concerned.

Hon. Deputy Speaker: Standing Order No.43 (1) states:

“Notwithstanding Standing Order No.30 (Hours of Meeting), the Speaker shall interrupt the business of the house every Tuesday at 6.30 p.m. to facilitate Members to make general statements of topical concern.”

I can explore that one. I will not explore the first one because it will be out of order. What is it, Leader of the Majority Party?

Hon. Aden Duale (Garissa Township, JP): As you make that ruling, you have to make a choice between referring this matter to the Zero Hour or as the Whip of the Majority Party has requested, this matter be referred to a Committee and for the Committee Chair to give a statement. Which direction do we go?

Hon. Deputy Speaker: That makes a lot of sense. I was going to ask the Whip of the Majority Party that specific question.

Hon. Washiali, let us be clear before I make up my mind. Will you proceed in the manner in which you have requested or do you want to dispense with this during the Zero Hour? Be specific.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Deputy Speaker. This is my 12th year in this House. I am requesting the Speaker to accept that we debate this during the Zero Hour so that all the Members can ventilate. This is not an issue for Kakamega County or Mumias East Constituency which I represent. I request Members to ventilate on this matter and after that we go another step.

Hon. Deputy Speaker: Then you have answered the question of the Leader of the Majority Party. If it is Zero Hour, I grant it. The matter will be considered today at 6.30 p.m.

Let us go to the next Member, Hon. Lentoimaga.

Hon. Alois Lentoimaga: Thank you, Hon. Deputy Speaker. This matter has already been canvassed. I brought a Petition in this House a few months ago and it was referred to the Committee which round the country up to Samburu and wrote a very strong Report. Maybe it is the Ministry, the Cabinet Secretary or his administration who are not serious on the matter because the Report is already there.

Secondly, this is a very weighty matter. Elderly people and disabled people are suffering even after that Report was written and tabled in this House. People travel for long distances in my place and banks are not honouring payments properly. The elderly people in this country depend on that money. When you are elderly, you only require food and healthcare. So, it is a weighty matter and we need to canvass it again.

Hon. Deputy Speaker: I agree with you, Hon. Lentoimaga but I have acceded to the request by the Majority Whip. In my opinion, it does not harm anybody if a serious matter is canvassed even in a different manner. You have the avenue where you can approach the Committee on Implementation if the matter has been dispensed with. In any case, I am sure you

are in that Committee. So, that is something which you can pursue in that particular Committee or else discuss it at 6.30 p.m. There will be no harm absolutely.

Hon. Member: Point of clarification.

Hon. Deputy Speaker: What are you clarifying? Proceed. Next is Hon. Tindi Mwale. Where are you?

Hon. Nicholas Mwale (Butere, ANC): Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Mwale, I am so used to you sitting on my left. Proceed.

INSECURITY IN BUTERE SUB-COUNTY

Hon. Nicholas Mwale (Butere, ANC): Thank you, Hon. Deputy Speaker. I rise to give notice of a Zero Hour Statement. Pursuant to Standing Order No. 43, I wish to make a Statement regarding the state of insecurity in Butere Sub-county. The level of insecurity in Butere is alarming, occasioned by the emergence of an armed group calling itself 42 brothers comprising of members aged between 15 and 25 years old.

Hon. Deputy Speaker: Your microphone is not very audible. There must be a problem. Go to the next one please. That will be fine.

Hon. Nicholas Mwale (Butere, ANC): Thank you, Hon. Deputy Speaker. The gang has been terrorising villagers for months and has killed at least 12 people and injured 40 others within the last six months using crude weapons. The gang has left behind bodies with tongues, genitals and eyes ripped off. Tension continues to be high in the area. There is urgent need for the Government to act quickly to identify and capture members of this gang to bring an end to their gruesome activities and restore peace to the villages of Butere.

The Constitution is very clear on the responsibility of Government. Its primary responsibility is to offer protection.

Hon. Deputy Speaker: Hon. Mwale, I do not want you to take too much time on the Statement because if it is approved at the end of the day, you will have an opportunity to discuss it. Once you have given us the gist of what you really want, it will be upon me to make a decision on whether these are real topical issue that should be of concern that we can interrupt the House at 6.30 p.m . You can wind up.

Hon. Nicholas Mwale (Butere, ANC): Hon. Deputy Speaker, there is additional information which I wanted to bring to your attention. We led a peaceful demonstration in Butere last Friday. On Monday, we held a security consultative meeting chaired by His Excellency the Governor of Kakamega County, Wycliffe Ambetsa Oparanya, and we agreed on some resolutions. Therefore, I want to suggest that instead of putting it as Zero Hour Statement, you refer it to the Departmental Committee on Administration and National Security and you give it top priority.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Mwale, you had brought it well because you wanted Zero Hour and that was going to be easy for us to dispense with but now you have changed. You want a referral, which is only done on Thursday or in any other manner prescribed. If you asked a Question, it would be referred to the Committee. If you place a Petition before the House, it will be done. If you want us to refer it to the Committee, then you will have to wait until Thursday for us to make that decision. So, for today, it is up to you to make a decision. As far as I am concerned, you look like you are more interested in the referral. So, we will leave it for Thursday. Is that okay, Hon. Mwale?

(Loud consultations)

Hon. Nicholas Mwale (Butere, ANC): Pardon, Hon. Deputy Speaker. There is a lot of consultation here.

Hon. Deputy Speaker: Order, Members! Let us give some attention to Hon. Mwale. I am saying that you have to make a choice, one way or the other. You approached the Speaker with an intention to make a Zero Hour Statement. You have now changed your mind and you want the matter referred to the relevant Committee. Which is the final position that you are taking? Is it Zero Hour Statement or referral?

Hon. Nicholas Mwale (Butere, ANC): Thank you, Hon. Deputy Speaker. Initially, I took the Zero Hour because there was no intervention. However, since the governor has come in and he has already done one consultative meeting, I would suggest that we refer it to the Committee level.

Hon. Deputy Speaker: Okay. That will not be done today. So, we will proceed in the normal manner. We will wait for you to make an approach again and then we will make that decision.

Hon. Nicholas Mwale (Butere, ANC): Thank you.

Hon. Deputy Speaker: That marks the end of the matter as far as the original approach is concerned.

What is it, Hon. Member?

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Deputy Speaker. This is the Kenya National Assembly. I do not think we have governors here. Can the Hon. Member tell us whom he was referring to as governor in his contribution because if there was a governor here, then he could be a stranger in this House?

Hon. Deputy Speaker: I am making an assumption that it must be his County Governor. Well, it cannot be the Governor of the Central Bank of Kenya (CBK) because this is a matter to do with security and his constituency.

(Laughter)

The Member has made a decision that he would want the matter to be referred to the Committee in charge of security. Unfortunately, we cannot do it in the manner he has requested. So, he will have to approach us in the normal manner, which I am sure he understands. So, we do not need to know the governor or otherwise concerned because the matter is already settled. When it comes back again we will, at that point, want to know all those details, if they are necessary.

Let us proceed to the next Order.

At this point, I will give opportunity to the Chair of the Budget and Appropriations Committee to make a brief statement. I can see that happily, we have the Chair of the Departmental Committee on Transport, Public Works and Housing. I am sure he will be interested in responding to this because it will affect the order of our business in the next few hours.

Proceed Hon. Ichung'wah.

THE URBAN AREAS AND CITIES (AMENDMENT) BILL (SENATE BILL)

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Deputy Speaker, for the opportunity. As you have rightly said, this is in relation to Order No.12, when we move to the Committee of the whole House to consider the Urban Areas and Cities (Amendment) Bill, (Senate Bill No.4 of 2017). Regarding the amendments proposed by the Committee, particularly the amendment that was proposed immediately after Clause 18, New Section 49 of the principal Act, and New Clauses 49A, 49B and 49C, we have consulted with the Chair of the relevant Departmental Committee and we have agreed with him.

The Chair may concur with me because this is a very weighty matter since it is a creation of a new fund. In line with our Standing Orders and the Constitution, the amendment qualifies to make the Bill a money Bill. But, in its original form, it had not been marked as a money Bill. The import of the amendment would make it a money Bill and the matter has been forwarded to the Parliamentary Budget Office and also to the National Treasury. We have consulted with the Chair and agreed that the Committee drops that particular amendment because it would make the Bill a money Bill yet before that it was not.

Hon. Deputy Speaker, I am sure the Chair of the Departmental Committee on Transport, Public Works and Housing will concur and confirm that.

Hon. Deputy Speaker: That would have come under Order No.12: Committee of the whole House. Let us hear from the Chair of the Departmental Committee on Transport, Public Works and Housing.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Deputy Speaker. Indeed, we have consulted and agreed. The amendment was going to make it a money Bill and would have changed the whole spectrum of the Bill that it would have to be restarted anew again.

I take this opportunity to urge you

(Loud consultations)

Hon. Deputy Speaker: Order, Members. I understand that you have just resumed from the short recess and there might be excitement of meeting one another. But, please, let us give opportunity to the Chair of the Departmental Committee on Transport, Public Works and Housing.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Deputy Speaker. I take this opportunity to urge you to consult your colleague in the Senate. The Chair of Budget and Appropriations Committee and I have fast-tracked this Bill. We are asking what happens to Bills from the National Assembly that are sitting in the Senate. We do not know what is going to happen to them. I am particularly concerned because I have the Roads Bill, 2017 and 2018 in the Senate. The Bill is very important in the sharing of revenue between the national Government and county governments on matters of roads. As we fast track their Bills by withdrawing my amendments to this Bill, the same spirit should prevail in the Senate so that they conclude that Bill for the benefit of our country.

Thank you.

Hon. Deputy Speaker: That has been heard. Let us have the Leader of the Majority Party, Hon. Duale. Would you want to have a shot on this because you are the major stakeholder here?

Hon Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, I confirm that what the Chair of the Budget and Appropriations Committee and the Chair of the Departmental Committee on Transport, Public Works and Housing have said is the position. When we go to the Committee of the whole House, the Chair of the Departmental Committee on Transport, Public Works and Housing will withdraw that amendment.

Hon. Deputy Speaker: That being the case, we will have no hurdle in the Committee of the whole House when the time comes. Had it not happened, of course, we would have given them more time to consult and see that we do not offend Article 114 of the Constitution and our Standing Orders by discussing matters that have money implications without involving the National Treasury. That is a good way of handling matters where chairs consult and come with a way forward to make things easier for the House. When that time comes, we will proceed and the Chair of the Departmental Committee on Transport, Public Works and Housing will withdraw his amendments and we will proceed smoothly.

On the issue of the Senate and the fact that your Bill is pending there, we could lead by example. If we process ours quickly, I am sure with time they will also be able to do the same. From the ordinary and local channels, we will see how we can discuss with our counterparts in the Senate to fast track some of the Bills that are before them.

Next Order.

THIRD READING

THE HEALTH LAWS (AMENDMENT) BILL

Hon. Deputy Speaker: Leader of the Majority Party.

Hon Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, I rise on Standing Order No.40 read together with Standing Order No.53(3) to request you to defer Order No.8 in today's Order Paper to tomorrow afternoon.

My request for deferment is informed by the fact that my office has received formal concerns regarding two items in the Health Laws (Amendment) Bill, 2018: the definition of the term "pharmaceutical practitioners" and the need to ensure conformity to standards and efficacy for the pharmaceutical products purchased by product identities outside the Kenya Medical Supplies Authority (KEMSA).

We are at the tail end of the legislative process. However, we have an option of recommitting the Bill should the concerns be determined as genuine and falling within the legislative framework. It is for this reason that I request we defer this Order to enable us to consult and thereafter move the House to either recommit the Bill in accordance with Standing Order No.138 or to proceed to the Third Reading in accordance with Standing Order No.139.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: That is granted.

(Putting of the Question and Third Reading deferred)

Let us proceed to the next Order.

BILLS

Second Reading

THE COUNTY GOVERNMENTS (AMENDMENT)

BILL (SENATE BILL NO.11 OF 2017)

Hon. Deputy Speaker: Leader of the Majority Party.

Hon Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, I beg to move that the County Governments (Amendment) Bill, Senate No.11 of 2017 be now read a Second Time.

Hon. Pkosing, the Chair of the Departmental Committee on Transport, Public Works and Housing raised a matter that there are a number of Bills the House has concluded to the tune of 12: the Roads Bill, Energy Bill, Petroleum Bill, Land Index Bill, Irrigation Bill and many others. The County Governments Retirement Benefits Bill and I am sure we are under no obligation. We need to pass Bills that come from the Senate. Today, we have a number of them, this being a very important one. I am sure our colleagues on the other side...

Hon. Deputy Speaker, we were with you last week in the House of Commons. We also went to the House of Lords and they told us that they are referred to by their colleagues in the House of Commons as “The other House”. So, let me also use that term. Our colleagues in “the other House” will find it magnanimous to pass key Government Bills that are important to the people of Kenya.

By way of introduction, this Bill was passed by the Senate with amendments on 29th March 2018. The County Governments (Amendment) Bill, Senate Bill No.11 of 2017 seeks to amend the County Government Act No.17 of 2012. The County Government Act of 2012 which was passed by this House because there was no Senate then, wants to do the following:

- (a) clarify on the commencement and the sitting of a county assembly. For the National Assembly, the commencement date is clarified and the sitting of the Assembly is in this Chamber - the National Assembly.
- (b) put in place, for the first time, the legal framework for the establishment of the office of the deputy speaker of a county assembly. There was a court judgement on the Murang’a County Assembly where the court made a decision that the position of the deputy speaker in a county assembly is not recognised. So, this amendment...

Hon. Robert Pukose (Endebess, JP): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Pukose?

Hon. Robert Pukose (Endebess, JP): Thank you, Hon. Deputy Speaker. I would not want to interrupt the Leader of the Majority Party. Are we allowed to come with the new police uniform into the House? Hon. Mwashetani is dressed in the new police uniform. Are we allowed to dress that way?

Hon. Deputy Speaker: Are you suggesting that he is in full police uniform together with the cap?

Hon. (Dr.) Robert Pukose (Endebess, JP): Yes.

Hon. Deputy Speaker: Hon. Mwashetani, you must convince the Chair that you are properly dressed.

Hon. Khatib Mwashetani (Lungalunga, JP): Hon. Deputy Speaker, thank you so much for appreciating my attire.

Hon. Deputy Speaker: Who has appreciated your attire? Are you talking about Hon. Pukose? It is definitely not the Speaker who has appreciated your attire.

Hon. Khatib Mwashetani (Lunga Lunga, JP): My apology, Hon. Deputy Speaker. This is African attire. I am sure it is parliamentary.

Hon. Members: No.

Hon. Khatib Mwashetani (Lungalunga, JP): It is parliamentary. What is the difference between the one I am wearing and the one which is normally worn by lawyer Otiende Amollo? There is no difference. It is only that I have...

Hon. Deputy Speaker: Hon. Mwashetani, yours does not seem to have a collar. That cap is not convincing, it is probably not religious. Because I have never found it proper to ask a Member to exit quietly, when he comes back to the House next time he should be properly dressed. I am not convinced I should ask you that today. I am not convinced I should tell you to leave. Well, I have a problem with my eyesight. So, I am unable to know whether it is blue or black. You do not have a collar. Maybe, I will have to consult a little to make sure that somebody who is seeing you clearly can advise. Sit down for the time being.

(The Deputy Speaker consulted the Clerk-at-the-Table)

Hon. Aden Duale (Garissa Township, JP): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, we must follow the Standing Orders and the dress code. It is important that, at least, there must be a collar. If you become lenient, then tomorrow I will come with a *Kikoi*. I will come with whatever I want. Hon. Ichung'wah will come with a t-shirt. We are not in the South African Parliament. This Parliament is unique. That cap is not religious and that dress is close to a police uniform. We do not want to turn this Chamber into a police station by designing and wearing police uniform. Hon. Mwashetani is in my leadership. He is a Vice-Chair and he should lead by example. He should exit with your orders.

Hon. Deputy Speaker: What is it Hon. Mwashetani before I inform you on how you should be dressed?

Hon. Khatib Mwashetani (Lungalunga, JP): Hon. Speaker, I believe in African attire. If you are telling me that this is not proper, then most of the *kanzus* that we wear do not have

collars and we still come with them to Parliament. Is that not proper? What tells you that the one I am wearing is not religious?

Hon. Deputy Speaker: Now take your seat, Hon. Mwashetani. As I guide the Members on how they should dress, there are orders regulating the conduct of Members, admission and conduct of media representatives and visitors within the precincts of Parliament.

On the dress code which is at No.8, members of press and guests shall not enter the Chamber, lounge and the dining room and committee rooms without being properly dressed. For the purposes of these rules, proper dress means: “(a) coat, collar, tie, long-sleeved shirt, long trousers, service uniform for men...” I am yet to be convinced because when you stood, I am not so sure about it. The socks, shoes... this is what is creating some little confusion.

The Leader of the Majority Party and Hon. Pukose raised this point of order and spoke of it being close to police uniform. I am wondering whether it is covered under service uniform for men. I do not think so. I can see the lady colleagues applauding and thinking that you are properly dressed. I agree with them but for a different occasion. Hon. Mwashetani, so that I do not break my own record kindly do what is very honourable. I am not going to say it so that I do not go on record as having done it, but please do it.

I can see many Members appreciate. You are not going to say anything after what I have said. I did not tell you to go out but I am sure you are going to do that.

(Hon. Khatib Mwashetani withdrew from the Chair)

(Laughter)

Hon. Kimani Ichung’wah (Kikuyu, JP): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is it, Hon. Ichung’wah?

Hon. Kimani Ichung’wah (Kikuyu, JP): Hon. Deputy Speaker, I have a lot of respect for the Hon. Member for Yatta. Hon. Nzambia is sitting on the armrest. It is okay to sit on armrests in bars and restaurants, but not in the National Assembly. This is the behaviour that the Hon. Member for Yatta should be educating the new Member for Kilome about. It is the same behaviour you saw the other day during the Finance Bill where Members turned this Chamber into a *Mugithi* dancehall, coming to sing *mugithi* songs instead of debating on the merits and demerits of the Finance Bill. We must be disciplined.

Hon. Deputy Speaker: There are only two languages which are admitted in this House – English and Kiswahili. I got lost somewhere as you brought issues that I could not understand. But I believe it could not have been English because I understand most of the English words.

Hon. Member: Let him substantiate.

Hon. Deputy Speaker: There will be no substantiation on that one. Hon. Members, you are not permitted to be squatters. We have sufficient chairs in the august House. Kindly, take your seats. If there is any Member who sat on the armrest, I did not see it. But Hon. Ichung’wah has pointed that out and we should not accept that.

I want to introduce, in the Public Gallery, students from Starehe Boys Centre, Starehe Constituency, Nairobi County, represented by Hon. Njagua. Next are pupils from Mbooni Primary School from Kaiti Constituency, Makueni County. They should feel welcome in the august House. They will be given all the appropriate assistance in studying what is supposed to be studied in the august House.

Next Order.

Hon. Aden Duale (Garissa Township, JP): No! I was moving.

Hon. Deputy Speaker: Sorry, you were moving until you were interrupted by Hon. Pukose.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, whatever has transpired between the time Hon. Pukose stood and now is not part of the Bill!

This Bill is addressing four key issues. One, it clarifies on commencement and sitting of a county assembly – where it should be and when it should sit. Two, it is putting in place, for the first time, legal framework for the establishment of the office of the deputy speaker of a county assembly. This is urgent because a court has ruled in a matter concerning Murang'a County Assembly that the office of the deputy speaker does not exist. That has made all the deputy speakers in all the 47 counties vulnerable and they are waiting for this Bill.

Hon. Deputy Speaker: You must always be very specific, Leader of the Majority Party, by saying “Deputy Speakers in the county assemblies”.

(Laughter)

Hon. Aden Duale (Garissa Township, JP): Of course, the Deputy Speaker of the National Assembly is provided for in law. He is not under threat. I want to assure the Deputy Speaker that, unless another Bill comes to the House, you are safe for now.

It clarifies how we can establish, in law, the office of the deputy speaker in a county assembly. Nearly all the 47 deputy speakers were in my office. They are waiting for this Bill to be enacted so that they can have their position anchored in law. This law will clarify on the process for removal of a speaker of a county assembly. You have seen there are very many people who have either been removed or are in the process of being removed at the county assemblies. This law will give the process and procedure on how a speaker of a county assembly can be removed. If you are from Nyandarua County, Homa Bay County, Migori County, Nairobi County and many others, I am sure you will have interest. It is because this is a very important piece of legislation that will set the record straight. Also, this law will also ensure clarity as regards powers of the governors to appoint and dismiss county executive committee members. As of now, there is no procedure. This law is very important.

This law from the Senate provides for the legal framework for assumption of office of a governor by the deputy governor and the appointment of a new deputy governor. What happens if the governor dies? How do you appoint a deputy governor to take over? There is the framework for the assuming of office of a governor by a deputy governor. This law is very important. I am sure Members will read one by one.

The last thing this law will do is to ensure the independence, professionalism, transparency and promotion of equity in the functioning of county public service boards (CPSBs). The current members of CPSBs are people who work at the whims of governors. So, we want to use this law to get a more professional, transparent, independent and a procedure of equity on how the various CPSBs function.

Those are the six highlights of this Bill.

Having said that, if Members have this piece of the Bill, let me go clause by clause – while highlighting what it says. As I said, this Bill was read the First Time in this House on 19th April 2018. I now seek to highlight the proposed amendments contained in this Bill.

If you look at the amendment contained in Clause 2 of the Bill, it seeks to amend Section 4(2) of the County Governments Act, 2012 to provide for the obligation of the County Executive

Committee to apply to the College of Arms for grant of the coat of arms. How do they apply and get it?

The amendment in Clause 3 seeks to provide for commencement of county assembly sittings. Section 136(1) of the County Governments Act provides for the first sitting of a county assembly after the first election under the new Constitution. The Act does not provide for what happens in the second election and subsequent ones under the new Constitution. So, the County Governments Act only talks about the first election. What happens in subsequent elections? Where will be the sittings of the county assemblies?

The amendment in Clause 4 of the Bill seeks to cure an incorrect cross-reference to Section 27(3)(a) of the County Governments Act instead of Section 26(3)(a). It is about numbering.

The amendment in Clause 5 seeks to amend Section 9(3) of the Act. You have the principal Act at the back of that Bill. When I refer to the principal Act or the current Act, it is the County Governments Act (No. 17 of 2012). It seeks that amendment so that members of a county assembly shall be sworn in on the first sitting of the county assembly, instead of after the announcement of the final results of an election. The swearing in takes place during the first sitting just like we have it in the National Assembly. So, county assemblies should, in many forms, be a replica of what goes on in the National Assembly. If you look at the amendment in Clause 5 of the Bill, it seeks to delete subsections (4) and (5) of Section 9 of the principal Act where it provides that any other member elected to act as speaker by the county assembly shall take up the role where the speaker is absent. This stems from Article 178(2)(b) of the Constitution. The amendment seeks to provide certainty upon the absence of the speaker.

Hon. Deputy Speaker, the amendment on Clause 6 of the Bill seeks to achieve three things: one, it provides for the election of the speaker; secondly, it establishes the office of a deputy speaker for each county assembly; and thirdly, makes provision where both the speaker and the deputy speaker are absent. It happens in our case. That is why we have the Speaker's Panel. Hon. Omulele and the gracious lady from Makueni, Hon. Jessica Mbalu, fit in that category. When the Speaker and the Deputy Speaker are away, there is cover.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): On a point of order.

Hon. Aden Duale (Garissa Township, JP): I hope there is nobody else wearing police uniform.

Hon. Deputy Speaker: What is it Hon. (Dr.) Wamalwa?

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Hon. Deputy Speaker, you know some of us are very keen to details. I respect Hon. Duale. He has been a Leader of the Majority Party for a second term.

Hon. Deputy Speaker: You could actually start with saying that he is the first Leader of the Majority Party in the new Constitution. Proceed.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Yes. So, with all due respect, I expected Hon. Duale to have known Hon. Omulele. Omulele is not Amalemba. Amalemba was also a Member of Parliament (MP).

Hon. Aden Duale (Garissa Township, JP) (*Off-record*)

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): No, you never said "Omulele". I was listening. He is doing his second term. I know they come from the same sub-tribe and they are neighbours. But, he should know people.

(Hon. (Dr.) Chris Wamalwa faced Hon. Aden Duale)

Last time you referred to me as Hon. Eugene Wamalwa. I remember the last time he did that. This is Chris Wamalwa. You should know people. I thank you.

Hon. Deputy Speaker: Hon. Leader of the Majority Party, I think you should not respond to that. I realise that there is a history of what he raised today. I sat here and I know Hon. Omulele for a long time. I know when that name is pronounced correctly. You pronounced it correctly. I think Hon. (Dr.) Wamalwa wanted to remind you that you actually referred to him as someone else. It did not have anything to do with Hon. Omulele.

Proceed. Maybe you should resolve the other first one, once and for all.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, Hon. Wamalwa wants me to learn the many sub-tribes of the Luhya community. Following the Friday Big Lunch, we are heading towards uniting Kenyans outside sub-tribes and tribes. I know Hon. Omulele is a second term; a serious Member of the Speaker's Panel. I never said "Omulembe". I said "Omulele". But I will take some time and learn the many sub-tribes. It will be of great benefit to where I come from, going forward – the 2022 equation. So, I am under obligation to learn all the sub-tribes; not only in Western but even in Ukambani, Mt. Kenya and the North.

Hon. Chris has disoriented me. I had the Floor. We were at Clause 6.

Clause 6 of the Bill seeks to achieve three things. One, it provides for the election of the speaker. Two, it establishes the office of the deputy speaker for each county assembly. Three, it makes provision in a situation where the speaker and the deputy speaker are not present.

Clause 7 of the Bill seeks to provide comprehensively the instances and procedures for the removal of a speaker and a deputy speaker of a county assembly. The current Section 11 of the Act has left a lot of issues unaddressed or a lacuna in law with regard to vacation of office of speaker or deputy speaker. For instance, it does not provide when the offices shall become vacant. The Act does not say the grounds for removal of a speaker or deputy speaker. And it does not talk of the procedure for moving a Motion for a resolution to remove the speaker or the deputy speaker. All these are missing in the current parent Act, the County Governments Act (No. 17 of 2012). This clause fills that gap.

Clause 8 of the Bill seeks to amend Section 27 on the recall of a member of a county assembly (MCA). It proposes to delete subsection (2) and substitute it with a new provision which provides the grounds for recalling an MCA, the process and how precise it should be. Clauses 8 and 9 of the Bill in totality seek to remedy the unconstitutionality of Sections 27 and 28 of the Act. This provision provides that a recall can only be initiated upon judgement by a High Court and that a person who contested cannot initiate a recall and that the recall be signed by persons who were voters in the election in respect of which the recall is sought. So, the whole process of recalling an MCA is that if you contested against that candidate, then you cannot initiate a recall.

Clauses 10 and 13 of the Bill propose to amend Sections 31 and 40 of the Act in order to alter the powers of a governor to appoint and dismiss a county executive committee member. The powers of a governor in appointing and dismissing CEC Member is provided for in Clauses 10 and 13.

The amendment contained in Clause 11 of the Bill seeks to fill the existing gaps in law on what happens when a governor-elect dies or is incapacitated before he or she is sworn in. The other one is the county public service boards established under Section 57 of the Act. The principal role of that board includes establishment and abolition of offices in the respective counties. What happens? A governor loses an election and 65 per cent of people working in that county were his people. Then a new governor comes in and wants to send those people home and bring his people. Those are the issues that this law wants to deal with, in terms of making sure that the CPSB is transparent, independent and professional in how it deals with matters. They must be independent of the executive.

Clauses 14, 16, 17, 18, 20 and 21 of the Bill seek to set out a framework to address the issue by ensuring that the appointment of persons serving in CPSBs is transparent and ensures that only qualified persons are appointed. Two, that the CPSB comprises of persons who have diverse skills and knowledge which is key in the establishment and abolition of offices. Right now it says “the following people will be members of the CPSB”, but this law is saying, no, you must have diverse people: an auditor, HR person and somebody with legal background so that, that board that oversees all the staff of the county has a lawyer who can give brief if it is sued. If a staff is sacked because of audit issues, they must have a board member with audit background.

Thirdly, the CPSB must be able to carry out their functions independently and without external influence, independent of the executive, the governor and any other external influence. Lastly, the CPSB’s recruitment of persons who play key roles in its functioning must be fair, transparent and must ensure that competent persons are employed. The biggest problem we have in county governments is that, at times, people are not employed based on their competencies and qualifications. They are employed because they are relatives or friends of the governor or the county government. In some cases a fresh graduate is appointed by a county government at the same scale with a county commissioner. There is chaos. I do not think I will ask my son to go and work in a county government. There are even no offices. A county can have 7,000 staff and only 50 offices. A county will have 200 drivers and they have only 30 vehicles. It is serious. It is very chaotic. So, this law is trying to set up a more professional, independent and transparent CPSB.

As I conclude, the gaps that are being addressed by this Bill emanate from either the ambiguity of constitutional provisions or lack of provisions on important matters such as a vacancy in the office of the deputy governor or the vacancy arising when a deputy governor has assumed the office of governor. A number of amendments seek to clarify certain ambiguities in this law or in other provisions. Other amendments seek to address the challenges faced in the service board and the need to have a competitive process of the county assembly.

I want to thank the Senate. This Bill now tells us the function of the Senate. The rest of the other Bills I have seen here do not. This one is a true meaning of the constitutional function given to the Senate under Article 96. The Senate, ideally, is supposed to look at all the laws concerning devolution, look at gaps, deficiencies and bring legislation to fill those gaps. So, I

really want to thank the Senate - “the other House”, as we were told with the Deputy Speaker when we were in London last week.

As I finish, I saw something in the newspapers that Hon. Mutula Kilonzo Jnr and Hon. Sakaja have a Bill that will regulate how the two Houses relate. I am shocked.

The Constitution in Articles 109, 110, 111 and 112 provides how the two Houses must relate in terms of which Bills must go to the Senate and which ones must come to the National Assembly, and which House is supposed to deal with money Bills. So, the Constitution has created demarcation.

Finally, Hon. Deputy Speaker, I really want to thank you because the team that you led to London was one of the most successful. What we learnt is very relevant.

I beg to move and ask the Chair of the Committee in charge of national security and Member for Kiambaa, Hon. Koinange, to second.

Hon. Deputy Speaker: Proceed, Hon. Koinange.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Deputy Speaker. I rise to second the Bill. The amendments done by the Senate are welcome since they are intended to streamline the operations of the county governments and especially the county assemblies, meaning there will be benefits for the county executives and county assemblies. The Bill provides for how the offices of the speaker and deputy speaker become vacant. It also provides for the removal of the speaker. It also creates the process for recalling an MCA. It also seeks to standardise the procedures of county assemblies. My Committee is planning to meet the Council of Governors and the Ministry of Devolution.

Thank you, Hon. Deputy Speaker. I do second this Bill.

(Question proposed)

Hon. Deputy Speaker: I will give the first shot to Hon. Oundo Ojiambo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Deputy Speaker. I rise to support the proposed amendments to the County Governments Act, 2012. The amendments are long overdue because there have been very many challenges with the way the county governments are run, arising out of the lacuna in the law and from typical value-based leadership in the counties.

It is commendable that the Senate, for the very first time, has played its role of legislating for purposes of streamlining the management of devolved functions. We cannot over-emphasize the importance of devolved functions. Consequently, as a country and as lawmakers, we must continuously strengthen the county governments.

I want to dwell on the issue of the CPSBs. I want to reiterate what the Leader of the Majority Party has said. Sincerely speaking, a person employed in a county government is a civil servant. His or her service to the county government should not be necessarily determined by the changing regimes. Governors and their deputies will come and go, but the stability of service delivery of any arm of government essentially depends on the permanent employees, that is, the

Civil Service. The CPSBs need to be empowered and strengthened to ensure that they are able to recruit persons who have the requisite qualifications, and to ensure that the different shades of the society are truly reflected in the county government. The CPSBs should also ensure that as long as a public servant working in a county government delivers and is able to work according to the terms of employment, he or she should never be victimised merely because he or she is perceived to belong to a different political persuasion.

Secondly, it is expected that CPSBs will rationalize employment in the county governments to ensure that we do not have a case of over-employment or a case where people are employed yet the county governments have no capacity to pay them or provide office space for them or even allocate budget to enable them discharge their duties. For example, in Busia County, Funyula has so many members of staff who purport to be employees of the county government. But since the county government was established in 2013 to date, they have no letters of appointment and they have never received salaries. They simply wake up in the morning to go and serve the public in the Department of Water and occasionally guard vocational training centres. I suggest and sincerely hope that the county assemblies will look into these matters so that those people do not unnecessarily go through untold suffering and yet, they generate revenue through collection of user charges.

I must also commend the Senate for institutionalising the position of deputy county governor and deputy speaker. There has been a joke going round in social media and other forums that deputy speakers and deputy governors are generally flower girls who really have no role to play at all in the county governments. We need to strengthen them to ensure that they have a role to play. For example, deputy governors and deputy speakers should come together as a unit to mirror the position in the national Government where we have the presidency constituting of the President and the Deputy President. We, therefore, need to put measures in place to ensure that we strengthen those positions.

If there are members of the society who live in perpetual fear of the unknown or the unpredictable behaviour of the MCAs, it is the speakers of the county assemblies. Focus has now shifted from threats to impeachment of governors to threats to impeach the county assembly speakers. We need to initiate measures to ensure that speakers are never voted out on frivolous claims or simply because they have either refused to approve some foreign trips or stood their ground on constitutional matters. We need to strengthen the law to ensure that the process is transparent and ensure that only good grounds provided for in the Constitution can allow MCAs to move to impeach a speaker or a deputy speaker.

As I conclude, the issue of appointment of a county deputy governor, using the case of the Nairobi City County, has to be addressed as a matter of urgency. It has been several months and we have had no deputy governor in Nairobi. In the event, as we say elsewhere, the boss was knocked by a bus, we would then have a constitutional crisis that will require a lot of time and legal minds to resolve.

With those few remarks, I support the Bill.

Hon. Deputy Speaker: Very well. Hon. Mutua Barasa. Absent. Let us have Hon. Sankok David.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Deputy Speaker. I support this Bill because we have severally witnessed the chaotic manner in which our county governments and assemblies operate.

This Bill will streamline the operations of our county assemblies and governments. It is specific on the issue of the CPSBs. Officers of CPSB in county governments have been mostly appointed by the governors and lack the requisite qualifications to balance between the wage bill and the development agenda of the specific county. That is why the wage bills in our county governments are pathetic, thus leading to ghost workers. This is because if you are employed and there is no space for offices, then it is common knowledge that you become a ghost worker because you report to nowhere.

Just as what the Hon. Leader of the Majority Party has said, county governments may have 100 vehicles but they have more than 300 drivers. I do not know of a car that is driven by more than one person. It is only an aeroplane that has a pilot, a co-pilot, engineers and cabin crew.

However, vehicles that have been bought by the county assemblies have been designated several drivers such that you wonder what their job descriptions are.

The issue of deputy speakers and deputy governors... When I do this, I do not refer to the Hon. Deputy Speaker of the National Assembly. I know you are not comfortable with that but we need to have a clear way.

Hon. Deputy Speaker: If you proceed in that direction, you will be in a very difficult situation. Just proceed with your arguments and contribution. So, proceed with the Bill as it is.

Hon. David ole Sankok (Nominated, JP): Hon. Deputy Speaker, why are you so excited when I mention the title of a deputy speaker?

Hon. Deputy Speaker: If you proceed in that direction, I am actually going to deny you the opportunity to speak. So, proceed.

Hon. David ole Sankok (Nominated, JP): I am sorry, Hon. Deputy Speaker. I withdraw.

Our own capital city which is also a county government has been without a deputy governor for some time. This Bill will come in handy to streamline how such conflicts can be resolved. Up to now, we have a county government that is controlling 60 per cent of our revenue, having no deputy governor and speaker. The speaker was impeached. This Bill has come at the right moment so that we can streamline these issues.

Hon. Deputy Speaker, in conclusion, we need to streamline the operations of our county governments. We have directed our attention so much on the corruption that is happening in the national Government. However, I can assure you the corruption that is happening in the county governments will shock the devil.

Hon. Deputy Speaker, with those many remarks, I support this Bill.

Hon. Deputy Speaker: Very well. Let us have Hon. Wakhungu Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Deputy Speaker. I support this Bill. I thank the Senate for doing a good job. Article 96 of the Constitution is very clear in terms of jurisdiction when it comes to matters of legislation. The Senate has been wasting a lot of time on some Bills which are not of priority to it. This is the only Bill we are seeing that shows that the Senate is working. This is because all matters of legislation on the interests of the county governments and county assemblies are the mandate of the Senate. It is

very embarrassing that we have been having deputy speakers that are not covered anywhere in the law and this is the business of the Senate. I thank that court that made this ruling.

It is, indeed, true that when it comes to matters of legislation, there is no other institution that can legislate in this country. It is Parliament that has the powers of legislation. The court has the power of the interpretation of the law and that is why when this matter of deputy speakers went to court, there was an interpretation that was done. Our work is now to incorporate that gap that was missing. The people who have issues are the speakers of the county assemblies because they can be thrown out any time.

If they come to the House and they are not dressed well or they cannot smile well, the county assemblies can bring a Motion to remove them. These are the offices that have been at risk. This law is going to streamline that. We are going to have order. The speakers are going to work because there is a law and procedure that must be followed.

We are also warning our speakers in the county assemblies. Most of them have not passed any laws. They have just been doing oversight roles but when it comes to legislation, they must pull up their socks. It will be important for us to know which county assembly is doing well when it comes to matters of legislation. I thank the Senate Committee particularly on the issue of assumption of office of the governor. Look at what happened in Nyeri. It is very dangerous. The governor is the president of the county and in case he cannot assume office for one reason or the other, there must be clarity on the due process and how it should be followed. So, it is going to fill the lacuna that exists in the law.

Also, when it comes to the issue of the governor and the deputy governor, they are mutually inclusive. By this I mean that the two cannot be separated. It is like when you want to put on shoes, you must have both the left and the right one. So, in a situation such as what happened in Nairobi County... If for one reason or another a deputy governor is not there, it must be fixed within the framework of the law and I am happy they have put 14 days. So, I am sure my friend, Hon. Sonko is listening such that after Miguna Miguna was rejected, he should have moved with speed to get a deputy governor to help him work.

I know it is a big threat if you get a deputy governor who can work for your removal so that he can take over. The law says if the governor dies, the deputy takes over and so it is risky. But you must balance.

(Hon. (Ms.) Sophia Noor walked into the Chamber)

Hon. Deputy Speaker: Order. Maybe you should stop for a little while to recognise a leader from this House who has been recognised internationally.

It is very critical, Hon. (Dr.) Wamalwa to recognise her. She would have left before we recognise her. I think it is something we should do as a House. If, eventually, Hon. Abdi Noor would want to speak she will obviously have an opportunity.

Proceed, Hon. (Dr.) Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Hon. Deputy Speaker, how I had wished for a bit of disclosure so that we can also salute and congratulate this Hon. Member

because I know a bit of history about her and the last time she was in Parliament. She is a first woman MP to be elected directly from Garissa County. I know the person that she removed, the Hon. Member who is currently the Speaker of Garissa County Assembly. We were with him in the last Parliament. He was also a very good legislator and, obviously, if she managed to remove him, then she is a better legislator. So, can you also tell us more about what she has won so that we can also congratulate her?

Hon. Deputy Speaker: Know your colleagues. You are the Whip of the Minority Party and nowadays there is the handshake fever. You should know your Members and whatever accolades they acquire. If at the very worst you cannot get it from any other means, read the newspapers.

Proceed.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Deputy Speaker. I respect you. For you to know, I was out of the country. I was in the holy land of Israel and I just came in yesterday. Otherwise, I am up to the task on current matters. Actually, I have been away for the last two weeks. Maybe that is why I am behind the news.

Hon. Deputy Speaker: Now that is understood.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Deputy Speaker. I was talking about the issue of the deputy governor. The law talks of 14 days; that whenever an office of a governor becomes vacant under Article 182 of the Constitution, a person who assumes that office of the governor under that shall, within a period of 14 days... How I had wished when we come to the Committee of the whole House we amend that to one week because the deputy governor is already there. I do not see why we should wait for the 14 days. It is too long when it comes to matters of anxiety. So, at the Committee of the whole House, we will propose an amendment. We do not have to go with the 14 days. We should be within the seven days because there is already an existing deputy governor who has already been elected. So, there is no point of lengthening the period to 14 days because it will increase anxiety and matters of insecurity. At that particular time, we are going to propose amendments.

I will move on to the county public service board. The county public service board is very critical when it comes to matters of human resource management, particularly when it comes to recruitment. You can only recruit for a position, if there is a vacancy. If there is a vacancy in that particular position, there must be a clear job description. If there is a job description, it must be merged with the job skills and when it comes to job skills, you look at the academic qualifications and experience. When you go to some of the counties, there is mismatch. You find a job description which requires somebody of high skills and when it comes to the requirement, maybe it requires somebody with experience of 10 years and you find you are putting something which is contrary. That is why when it comes to performance, it becomes a problem.

The county public service boards must be professional. Some of the county public service boards are working under duress of the governor. If the governor says “left” they go to the left. If the governor says “right” they go to the right. It is high time we asked for professionalism particularly when it comes to matters of recruitment. We have seen that in some counties, somebody has been given a very critical job but when you look at the academic qualifications of that person, he has no qualifications that match that. This is a very good Bill that is going to bring professionalism at the county level. If we are going to have a proper match and professionalism at the county level, obviously we are going to see performance and results. This

Bill is very critical. It has not come at the right time. It has been long overdue. Senate has been sleeping on the job but now that they have done something, it is good we salute them.

The Leader of the Majority Party referred to the other House. Last time I was in the House of Lords with him and, obviously, when you look at the functions in the United Kingdom (UK) system, you find that the House of Lords is higher. In this country, when you look at the functions of the National Assembly, like other jurisdictions, you will find that the National Assembly should be an upper House as compared to the Senate. This is because in other jurisdictions, Houses that are higher deal with matters of the budget and executive appointments where you must do the vetting which done in this House. So, when it comes to ranking, it goes without saying that the National Assembly, by virtue of its functions, is an upper House. Majority of the people who were in that Senate were, obviously, there when this matter of constitution-making was there.

I used to admire Hon. Kimunya those days. When it came to matters of the Salaries and Remuneration Commission (SRC) he debated very well. I still admire him. He has a good brain. You know that when he debates, he debates objectively and from a logical perspective. He is agreeing with me. I can see him saluting me. You know I am also a good brain when it comes to matters of legislation. That is why we are here because we debate so that we make good laws for this country. That is why we support this Bill.

As I conclude, it is high time we borrowed from the Public Appointments (Parliamentary Approval) Act that already exists and then cascade it down to the counties on all those appointments that come when it comes to the county assembly vetting. They do the same thing so they should use the Public Appointments (Parliamentary Approval) Act which already exists. Although it has a lot of shortcomings, this is the law that we have. I am happy to note that the Senate looked into that law and that is why they have tried to cascade it down.

I request Hon. Members who are here today that for us to bring professionalism at the county level and ensure that there is going to be efficiency and effectiveness in service delivery, we should support this Bill. Once again, I thank the Senate for doing good work.

Thank you. I support.

Hon. Deputy Speaker: Let us have Hon. Marania Teiyaa.

Hon. Janet Teiyaa (Kajiado CWR, JP): Asante sana, Mhe. Naibu Spika kwa kunipatia nafasi hii ili nizingumze kwa Mjadala huu. Nashukuru Seneti sana kwa kutuletea mabadiliko haya kuhusu bunge zetu za kaunti. Tumeona mambo kadhaa yakitendeka katika bunge zetu za kaunti, mengi ambayo hayapendezi. Jambo la kwanza ambalo nataka kulizungumzia ni kumuondoa Spika kwenye kiti. Tumeona mambo mengi katika kaunti tofauti na mambo hayo hayajapendeza. Tunataka sheria ambayo inalinda spika akiwa kwenye kiti.

Jambo jingine ni uajiri wa wafanyakazi katika bunge zetu za kaunti. Bunge zetu za kaunti mara nyingi hazitumii uwazi kuwaajiri wafanyakazi na hili ni jambo kubwa ambalo halipendezi watu katika kaunti zetu kwasababu hatuwachukui wafanyakazi kulingana na uwezo wao wa kutendakazi bali tunatumia njia kadhaa tofuti ambazo hazisaidii.

Ni vizuri kama mtu ana uwezo na masomo yakutosha apewe kazi katika kaunti yake bila kuangalia rangi, kabila, chama ama mlango. Unajua kaunti nyingine zina milango na madirisha. Kwa hivyo, tukipata uwazi huo, kaunti zetu zitaendelea vizuri.

Jambo lingine ni Ofisi ya Naibu wa Spika. Ni vizuri pia iwe na uwazi ili watu wajue kazi ya Naibu wa Spika. Isikuwe jina tu bali iwe ofisi inayoonekana. Naunga mkono uapishaji wa Wabunge wa Kaunti. Wanapaswa waapishwe siku ya kwanza ya bunge ili waweze kutendakazi yao kama vile Katiba yetu ilitarajia.

Naunga mkono Mswada huu.

Hon. Deputy Speaker: Very well. Let us have Hon. Dennitah Ghati.

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): *Asante Mheshimiwa Naibu wa Spika.* For now, allow me to speak in the English language. Thank you for catching my eye or enabling us to catch your eye.

I support this Bill from the Senate. I thank the Senate. This Bill should have come earlier. All the deliberations we are having should have happened in the last Parliament when we came under the new Constitution. We should have set the system straight. We are learning. I thank the brains that crafted this Bill. I am happy because this is a Bill for posterity.

This Bill has come from the Senate. It is even touching on my county. As you are aware, I am from Migori County. Migori has been making news of late for right or wrong reasons. This Bill is coming after the promulgation of the new Constitution. As you are aware, I served this House in the last Parliament as the first County Woman Representative for Migori County. There are challenges in our counties. We need to set them straight. I am happy because you are aware about what has been happening in the county of Migori. This Bill looks at the grounds for impeachment. What are the grounds for impeaching a governor? What are the grounds for a deputy governor taking over? I am happy that it is now clear and will be clearer as we move on what the grounds are for a deputy governor to assume office when a governor is in distress, in court or indisposed in a way. I am happy that it is happening at a time when this is an issue that is affecting my county.

I support the 14 days for purposes of handing over and planning in the county. I am happy that this Bill has the interests of the county at heart. Governors and deputy governors as we said come and go but the institution of the county remains for our children and our children's children.

I am extremely pleased and happy to look at the county public service boards. It is the engine that runs the county. It is prudent that even within the arrangement of the county public service board, people serving on those boards should be qualified and sensitive to the needs of the county. If, for example, a county public service board exists in Migori where I come from, it is mandated to recruit the staff who will serve in that county government. It is also a shame that in so many counties, you find that in the Ministry of Education, for example, the Chief Officer, the County Executive and the staff are from the same constituency. That is wrong. That is what has been happening in most counties, mine included. It is prudent that the county public service board ensures that in their recruitment in a simple position such as the health docket for example, the CEC Member should come from one constituency and the Chief Officer from a different constituency. That way you ensure that we have representation. We are also observing.

The county public service board should look at the issue of gender representation even in the recruitment. I am the Member of Parliament for people with disabilities. People with disabilities deserve appointments and recruitment in the counties. As much as we think about diversity in other areas, disability is diversity. That should be reflected in the recruitments by the county public service board in various counties. County public service boards that exist in our counties need a lot of capacity building. Those boards are mandated to carry out recruitment of staff. If the capacity of those boards is not good enough, they will not do a good job in our countries. That is why you see most of our counties are failing.

What are the grounds for the incapacitation of a governor? We know the grounds. Therefore, those laws are well-planned. If everything is inscribed in law, it is very clear for that county to know that these are the grounds for impeaching a governor. In my county, for example,

twice, thrice or four times, the county assembly has tried to impeach the speaker. We need to know what the grounds are for impeachment of the speaker. This is so that it is not about witch-hunt or tribal lineage; it is about what the law says. I am happy that the County Governments Bill is putting in place various grounds for impeachment of a governor and a county speaker.

This Bill should have come earlier. It has very good intentions for our people and counties. It will strengthen the various operations in our counties. Allow me to thank the Senate.

Hon. Deputy Speaker: Let us have Hon. Leonard Brighton.

Hon. Leonard Yegon (Konoin, JP): Thank you very much, Hon. Deputy Speaker. For the first time in many months, I wish to commend the Senate for working towards its goal and mandate of drafting legislations that are geared towards promotion, legislation and streamlining operations in county governments.

This legislation is meant to address a *lacuna* in law. It addresses a number of issues such as when there is a vacancy in the office of the deputy governor due to health issues, death or resignations. Take for example Nairobi County where the seat of the Deputy Governor has been vacant for a very long time following the resignation of Mr. Igathe.

This Bill gives us 14 days for the governor to nominate and give a clear guideline for filling that particular position. Therefore, it will assist in operations.

Clause 7 provides some direction in terms of when the county assembly wants to impeach the speaker and deputy speaker. This gives a clear guideline that will actually lead to aversion of drama and even chaos that come along with lack of legislation that guides such particular issues. I am also looking at things that are of great importance, like the county public service boards. There is a very clear criterion for selecting members of the county public service board. It even gives a very clear watertight process of choosing the selection panel. The chairperson should not be a public officer. There should be a person from the private sector, an Advocate of the High Court who is also a member of the Law Society of Kenya (LSK), a Certified Public Accountant and representatives of different associations of workers. This is an all-inclusive process that will lead to a very good county public service board. Clause 68A of this Bill is introducing the aspect of promotion of equal opportunity in terms of employment and eliminating discrimination on the basis of gender, ethnicity, health, religion, mental status or even disability. It also seeks to promote diversity and distribution. This legislation is long overdue.

With those remarks, I support.

Hon. Deputy Speaker: Hon. Muhinga. That is Hon. Kimunya.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: You must always declare all your names, otherwise, it creates some confusion.

Hon. Amos Kimunya (Kipipiri, JP): We seem to have not quite learnt to appreciate our three names.

I rise to support this Bill. I want to remove the doubt of some Members. This is an amendment of a Bill that was brought in this House in 2012 as part of fulfilling the obligations under Article 200 of the Constitution which sets out some certain legislation that require to be brought, especially with respect to county governments. I am happy because the Senate has at last woken up and done something. If you look at what is happening within the counties, there are obviously a lot of problems. Some of them are engineered by the governors within our counties. There is a section in respect of which I will seek the support of this House to amend. The county assemblies were set up with the mandate of not just approving expenditure of the monies that are disbursed to the county governments and putting them at the disposal of

governors to spend for the benefit of people in the counties, but they are also supposed to play the critical role of providing oversight. I am speaking with pain because my own county, Nyandarua, does not have a functional county assembly right now. There seems to be some kind of capture of members of the county assembly by the County Executive. The MCAs have been split into two camps; those who support the Governor and those who do not.

[The Deputy Speaker (Hon. Moses Cheboi) left the Chair]

[The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu) took the Chair]

The oversight role is being compromised by making the County Assembly of Nyandarua inoperable as late as this afternoon despite us having spent lots of time, as leaders of Nyandarua, in trying to bring sanity to the leadership of the County Assembly and the County Executive. It is obviously very clear that those who were against the governor continue being against him and those who were purported to be for the governor do not listen to him; they have no respect for him because even when he tells them not to cause chaos, they continue doing so.

Hon. Temporary Deputy Speaker, I recognise that there is change of Chair. It is against this background that I feel we have glorified the office of county governor. If you remember where we started in terms of creating the office of governor, we wanted to run away from a situation where county council chairs and mayors would book themselves into some hotels with some councillors, buy their support and get re-elected. We chose universal suffrage for purposes of electing county council chairpersons and mayors. The system grew from that point, with more resources being devolved and we eventually have county governors. This title ‘governor’ seems to have gone into their heads. They now think of themselves as demigods within our counties. It started with the titles “His Excellency the Governor,” and “Her Excellency the First Lady.” If you are told a first lady is visiting your constituency, you would not even know which of the 48 first ladies would be visiting. We know that we only have one First Lady in the nation. Governors have created themselves as demigods instead of knowing that the function they are carrying out is exactly what was carried out under the Local Governments Act, Cap 265. There are 14 functions that were under the Local Governments Act. Those functions have been put under the Fourth Schedule. They have become what they are today.

We glorified the governors and as a result, they are now capturing the county assemblies, which are supposed to oversee them. The county governors are now free to do whatever they want. Consequently, we will not see the benefit of the more than Kshs1.8 trillion that has been devolved to the counties. When you look out there in the countryside, the people are not necessarily any better. There are no medicines at public hospitals and poverty levels remain high. However, monies are being devolved and the governors are asking for more.

Against this background, I want to urge this House to consider within these amendments the provision that is proposed on Clause 7B. I know we had good faith when we did it in 2012. Clause 7B says that whenever a new county assembly is elected, the governor, by notice in the Gazette, shall appoint the date when the assembly sits. By doing this, we are elevating the governor to a local president. We know that the National Assembly sits at the request of the President, acting as Head of State but not as the Head of the Executive. The President convenes

us through a Gazette Notice. Is there a head of state for the county? This is the distinction we need to bring out, that whatever is done by the President does not get replicated at county level by the governor. The governor is not the President of Kenya. He is not a head of state at the county level. There is no head of state at the county level. So, we need to amend that section. I wish the Chair of the Committee or the Members of the Committee are here, so that during the Committee of the whole House, we can bring an amendment to replace the title 'governor' with the President so that the President, acting as the Head of State, can have the power to convene the county assemblies for the first time. That will insulate the county assemblies from being subjected to the whims of governors. The first day a county governor convenes an Assembly, he becomes superior to the Assembly. He decides when the Assembly sits at his convenience and, obviously, he reminds them that he has power over them because he is the one who decides when they can sit through publication of a Gazette Notice. We must remove that power from the governor and take it to the Head of State because the county assembly is a critical cog within the governance system of this country. If we are going to do anything to these amendments, I would ask that we first of all look at Clause 7B. The Constitution was silent in terms of who convenes the county assemblies, but it gave that responsibility, in respect of the national Parliament, to the President, acting as the Head of State but not as Head of the Executive. The county governor and his team of CEC Members on one hand and the county assembly on the other, are two arms of the county government which check one another. If you subject the county assembly to the governor from day one, then there is no way you are going to get any accountability through the county assembly.

He will always be telling them that he is the boss and that he convened the county assembly yet the two are supposed to have checks and balances at par.

So, I urge the Chair of the Committee and Members that when we come to the Committee of the whole House stage, let us remove this anomaly and free our county assemblies from over-dominance by county governors.

Hon. Temporary Deputy Speaker, I am happy that we now have a new process in the removal of a county assembly speaker, away from the hooliganism we have been witnessing across county assemblies. We thought that by elevating former councillors to Members of County Assemblies and paying them more their mannerisms would change, but we can only do so much. It is hoped that in due process, we will protect the institutions we create so that county assembly speakers do not just get removed at the whim of a few chaps sitting in a corner and saying that a speaker has not approved their allowances to go for a trip so they must remove him or her. Now there is due process that will ensure the speaker has time to respond to accusation in public so that people who voted for the Members of a County Assembly see whether there is justification in the issues brought forward.

I support due process because I have been a victim of lack of the due process in this very House when the Standing Order of the House were flouted to bring a Motion in an afternoon after a notice of the Motion was given in the morning. Standing Orders were very clear that it required a three-day notice. But all that is history. I am happy that those who brought it did what they had to and I survived and did what I had to do later. I would hate to see lack of due process imposed on any other person because it is a great injustice. I would not want to see even my worst enemy subjected to it, not that I have many. I have some. Even those few, I would not wish them that misfortune.

I request that we relook at the role of the governor in terms of county assembly and delink the two totally by amending Clause 7B to make it the role of the President, acting as the Head of State, to convene county assemblies.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): We do not clap when we talk about that position. I am not so sure whether Hon. Maanzo Kitonga wants to be the next governor of Makueni County. Hon. Maanzo is next on my request list.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I would like to contribute to this very important Bill. The County Governments original law had a lot of gaps. I thank the Senate for a very good job done this time round. There has been much input from Senator Sakaja and Senator Mutula Kilonzo Junior to make sure that counties operate smoothly and that devolution really works in the country. They may have been misunderstood through what appears in the newspapers on further amendments and coming up with clear-cut rules of the Senate and the National Assembly. That is clear in the Constitution. I am sure the two understand that very well. We congratulate the two senators for working together with the other senators to make sure the County Governments (Amendment) Bill, Senate Bill No.11 of 2017 which is now coming a year later becomes a reality.

This followed a ruling by the Supreme Court as to what should happen. I am aware when deputy speakers in counties got into a lot of trouble they received a lot of legal advice from my Senator, Mutula Kilonzo Junior. One of the solutions was this law. There is a lot of chaos in many counties. We have seen what is happening in many parts of the country between speakers and MCAs. The moment there is a little quarrel; there is no mechanism of resolving it. County Assemblies impeach speakers and quite a number have been impeached. Right now, the reasons for impeaching a county assembly have been given in this law. A county assembly speaker may be removed pursuant to the law for gross violation of the Constitution or any other law, incompetence, gross misconduct, if convicted of an offence punishable by imprisonment for at least six months - that is the lowest jail term available – and for inability to perform the functions of the office of the speaker arising from mental or physical incapacity. These have not been in law. Now it is clear under what circumstances a county assembly speaker can exit office, unlike what was happening where MCAs would wake up one day and impeach their speaker, if they felt that a mistake had been done. We have the case of Homa Bay County and Nairobi County.

The case of the deputy governor has been unique to Nairobi County. Despite the advice from the Supreme Court, the deputy governor resigned. I believe governor Sonko has been waiting for this law because he was aware that it in the process of being passed by Parliament. He will use the law in appointing his deputy. Deputy governors are voted for just like governors. Therefore, it is good for them to be in their place. Makueni County has been good. The relationship between Governor Prof. Kivutha Kibwana and the deputy Adelina Mwau should be emulated by other counties. They give each other space and respect and are able to work together very well. They were both elected on a Wiper Democratic Movement - Kenya ticket. If governors and their deputies work together without one looking down upon the other, I believe a county benefits more. A deputy governor is an officer who is fully in office with a salary and benefits. Therefore, he should be given an opportunity to work, earn a living and serve a county by deputising the governor whenever he is not available.

The gaps being filled by this law are important. There are articles of the Constitution which are being implemented properly. There has been mix up especially when it comes to public appointments. We need to look at the matter critically at the Committee of the whole

House stage because there are two sets of public officers in counties. The original county council employees were absolved but then governors employed other people. The first time, hiring of staff was a political process. There may not have been balancing of constituencies, as mentioned by the nominated Member, former Member of Parliament for Migori. There must be balance and diversity in hiring of county employees. That is why there is a challenge. The first people to be hired were hired politically and were given permanent jobs. A successive governor finds it difficult to work with such officers. So, they should follow the system we use at the national level. The CEC Members and Chief Officers should serve like the Cabinet Secretary and Principal Secretary at the national Government. Those two top positions are under contract for five years.

I believe we could have a system where the permanent employees and those on contract remain so that when a new governor comes or when the two terms of a governor are coming to an end, the employees of the county do not feel threatened by the change. If they may have failed to treat a candidate properly, then they are aware that their jobs are at stake or in the event they support a candidate, then they know their jobs are at stake. Just like the national scenario, the public servants are not supposed to participate actively in elections; they can only vote but cannot campaign. At least, the CEC Members and the Cabinet Secretaries have a leeway to support the incumbents because they are politically elected. This law has come in handy to fill the gaps.

I have noticed that we may have to do a little bit of fine-tuning at the Committee Stage on some of the issues. The issue of deputy speakers in the county assemblies has been regularised in the law, the way a deputy speaker is regularised in the National Assembly and in Senate. You will also notice that the panel of speakers is very important in that it helps run the assembly whenever the substantive speaker and the deputy speaker are not available. The rest, the panel and the chairpersons are able to handle very effectively and competently. Therefore, a similar scenario has now been put to the counties.

Also, Article 96 and the Fourth Schedule of the Constitution are clear on the roles of Senate and devolution and what functions are devolved to the counties. I believe that sometimes the Fourth schedule has not been followed. A matter which touches on the counties must be sent to the Senate because it is a devolved matter.

Similarly, all the laws passed by Senate just like these amendments also come to the National Assembly for concurrence. It is important that we are clear on devolution levels such that the counties do their duties and the national government does its duty. That is why there is Division of Revenue Bill. That is why we have a certain revenue serving in the counties. A lot of times, we have got to chip in because all of us are serving Kenyans. We are serving our constituents and constituencies are in counties. The role of a governor is specific but a Member of Parliament can also chip in if there is an emergency. One time after public participation, we realised that a very important nursery school had been left out in Wote Town and my team of the National Government Constituencies Development Fund (NG-CDF) refurbished it so that the children could be safe.

We look forward to make further amendments at the Committee Stage. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I now give the Floor to the Member for Ndaragwa, Hon. Jeremiah Kioni.

Hon. Jeremiah Kioni (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Speaker, for the wonderful opportunity. At the outset, those of us elected within Nyandarua County spent the whole of yesterday afternoon and the better part of last night trying to find a solution to

issues that are now giving us problems within our county. It is for that reason that I think this Bill from the Senate is very timely. It is going to help us resolve some of the issues that are already on our table. I commend the Senate for giving us an opportunity to inform this process.

However, let me say that I have gone through the Bill, and I am certain in my mind that the Senate could have done better. They would have gone into better detail because these opportunities do not come often. When we created these devolved units, maybe we were quarrelling as to whether we wanted them as centres of political power or centres of economic growth. Having had the Constitution for the number of years that we have, it is now clear in the minds of Kenyans that, and if you listen to all Kenyans from all parts of this country, they want their devolved unit to be a centre of economic growth. Senate should seize the opportunity to ensure that the Act...I am sure we will introduce amendment to this Bill so that we are able to pronounce our 47 counties as centres of economic growth.

For as long as we leave it to their own interpretation like we have given them political power, the games that we have across the country and especially now within Nyandarua County will continue. Our people will continue fighting not because they want to bring economic development but because they are fighting for that political power. A bit of that was addressed by Hon. Kimunya when he talked about the powers that we seem to have given the governor. It is for that reason that if you do not interact with them often, when they come to your area, you get confused because you hear people talking of Your Excellency, His Excellency – funny things that do not seem to add up. When we were creating these units, we were not creating excellences across this country, we wanted people who are going to help grow the economy faster because we wanted money taken down into the rural areas. What we now have is money taken to the rural areas to create kings and excellences, people you have to bow to.

It is drama when you attend some of the national functions like *Mashujaa* day celebration and you have a governor there. You literally think that the Head of State may be visiting your constituency like the case of Kakamega. You cannot quite tell. There is confusion. The county commissioner and deputy county commissioners are also confused; they do not know how to treat these people. I am saying this because the Senate should seize the opportunity to deal with these gaps. There are gaps that were created because when we were doing these roles back in 2010 and 2011, there was a little haggling between the Party of National Unity and the Orange Democratic Movement (ODM) for good reasons, but we are through with that phase. I hope the Senate can seize the opportunity and bring sanity into this unit. If we do not do it, we will have failed what we aspire to do.

More specifically, we now have the county governments as employment bureaus. All that they do is to employ people. It is not bad when our people get employed but what was the intention? The intention was for them to create employment opportunities within the counties by making sure that we have industries that are functioning but all they do is promise every other *boda boda* person that they are going to employ him as a driver as long as he gives them votes – things that do not help us at all.

One of the other things that we also need to do is ensure that there is stability. Some of the provisions contained in this Bill are useful. For example, if I pick out the issue of the speaker, if we lower the threshold for him to be sent home and we say that all you need is two-thirds, all these speakers will be home. We need to make it more difficult for MCAs to wake up one day and say “we are sending you home.” Let it be near impossible so that we have stability in the country. That is one of the areas that I believe we would seek amendment and perhaps retain it at 75 per cent as it is now in the Act.

The other thing that I need to point out is that if we are not able to spell out the role of the governor...I want to support the sentiments of Hon. Kimunya that this first day of meeting or assembly, there is a section in the Bill that is saying that the assemblies will be convened not after the general election but on their first day of meeting. I agree with the sentiment of *Mheshimiwa* Kimunya that, that convening should be done by the President.

That is so that we remove the notion that there is political power we were devolving. There are units that exist autonomously – totally devoid or independent of what is happening at the national level. We do not want the national Government to come and interfere with normal learning. But, let us have some order in the country. We seem to have lost that order. I think that is important.

Again, we have the issue of how we fill the position of the deputy governor when that position falls vacant. Members have contributed to it. It is useful. One of the reasons the position of Deputy President was put in the Constitution, if I recall, was because this country at one time went for 14 months without a Vice President. We thought that is very dangerous because the President could meet his day any time within the 14 months. We kept saying “God forbid”. These things happen. For that reason, we said there is need for the position of the Deputy President. We can now see this happening with the governors. They do not want to have deputy governors. It is very dangerous to us. We do not want this lacuna. I support the provision that allows us to have a clear way of getting a deputy governor into office, as quickly as is possible.

We now have grounds upon which a speaker can be impeached. It is also very useful so that we do not think of issues that are not very useful to us as a country including the ones like “you did not allow me to travel to go and benchmark or someplace” which have been mentioned. For that reason, the speaker is impeached. When we have grounds that have been set out clearly, it is useful for us. It also saves us these many court cases that we have.

The provisions that MCAs can also be recalled and the grounds upon which recall can be done are contained in the Bill and it is useful. As we call upon others to perform, it should not be left that MCAs cannot be recalled or grounds for their recalling set out.

We have the issue of the CPSBs. I think this is a disaster. We sought to create some autonomy by allowing the counties to employ their own staff, independent of the Public Service Commission here in Nairobi. While the intentions were good and they still are, we need to really introduce a lot of controls – some way of allowing these people to do some work in a professional manner. We have provided that for this to be done professionally, we have said the governor should select a panel. That is useful but, if we leave it to the governor alone to select that a panel, I do not think it is very useful.

Let me say one final thing – the role of the nominated MCAs. What the governors do is that, immediately they are in office, they get all the nominated MCAs and put them in their camps. They start working with them.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let me add you one more minute to finish that.

Hon. Jeremiah Kioni (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Speaker. Thank you so much for that. I just want to say that the role of the nominated MCAs is crucial, we want them. But, we must cushion the elected ones from being undermined by the nominated. However daft the elected one is, that is the one people gave votes. So, we want to make sure that the people’s choice is respected and the governor does not find a way of using nominated MCAs to destabilise a county, a thing that is happening in quite a number of the counties.

Thank you so much, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I now give it to the Deputy Whip of the Minority Party, the Member for Kathiani.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Temporary Deputy Speaker for this opportunity although you have demoted me in your comment. I am the Deputy Leader of the Minority Party, not the Deputy Whip of the Minority Party.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Oh! Sorry. You know when and where we started.

(Laughter)

I do not want to tell the House that we had to put you as the Deputy Whip of the Minority Party at one point; you were almost the Deputy Whip of the Minority. Of course, I was still there. But, you are the Deputy Leader of the Minority Party.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Temporary Deputy Speaker for this opportunity. I also arise to support these amendments to the County Governments Act. It is very timely; an opportune moment in Kenya's history.

I begin by saying that I believe county assemblies are a miniature version of the National Assembly. In fact, if you look at the roles that are carried out by our MCAs, they are exactly a direct replication of the ones we carry out in the National Assembly. The Senate has a responsibility to ensure that the laws that we use in the National Assembly to run our business are cascaded down to the counties so that there is no lacuna on how they operate. We have had issues for a long time. There have been issues all over the country. You can see county assemblies are not able to really bite as they should. Therefore, this Bill is really timely. For the first time since I was elected in 2013, I think this is the first time I can say the Senate has made this country proud. I believe they are now doing the job for which they were employed. It is to ensure that the laws that are coming out of the Senate are able to put sanity in the county assemblies and ensure the business of county assemblies and county governments is carried out appropriately.

I recently saw an attempt by the Senate to make amendments to some laws like the Statutory Instruments Act that govern operations of this House. I tend to ask myself why they cannot just concentrate on their jobs. I am happy they have decided to do that.

There have been ambiguities in the law, the County Governments Act. That is what has been used by our rogue governors. I am not calling all governors "rogue" but we know there are some who have taken advantage of the weaknesses in the laws to do things that are not beneficial to the public. Just recently, Machakos County's MCAs had gone to court because the governor appointed CEC Members in complete disregard to the laws; in complete violation of the laws that are in existence. I am happy the court ruled that all the CEC Members in Machakos were appointed illegally. If we aligned our laws with the county assembly laws, it would be clear that the county assembly, just like the National Assembly, has a role to ensure that vetting is done properly.

Another issue is the assumption of office of a governor and vacation of that office. You know from 2015 or thereabouts up to sometime last year, Nyeri County had a problem because the governor was incapacitated by illness. So, that county operated without a governor. Unfortunately, the same county has again been hit by the loss of a governor immediately after the election. You look at that situation and you realise that this needed to be done now. The deputy governor is elected by the people as such. I find it very strange that a deputy governor

would run the term of the governor like it is currently happening in Nyeri County. I am not against the individual but the principle. The minute you say that the deputy governor will continue the rest of the term if the governor dies or is incapacitated in any way, it puts all 47 governors in grave danger. Not all of them get into these relationships of deputy governor and governor because they love each other. Many of them do it because of convenience. When you look at a county and the broadness of a county, people pick a deputy governor from the other corner so that they can get votes. There is no love lost many times between the governor and the deputy governor. If you allow that kind of law which is happening and is what is being done, governors will require maybe as much security as the Head of State – their lives will be in danger. Assassinations would be possible and they will take place. This law has made it clear that the deputy governor will act for only a maximum of 60 days and then an election will be held. That makes the governor safer because the deputy governor has no assurance of making it even if they attempted anything. So, I think we are regularising and making sense of the laws.

On the issue of election of speakers and deputy speakers, I am aware that the current law does not have a deputy speaker in the County Assemblies. It is a very strange situation. In fact, one of our assemblies was taken to court because of that. They had given an MCA the position of the deputy speaker. It was ruled by the court that there is no such position. In Machakos County, the person acting as a deputy speaker is actually called the chair of chairs. It is just like in the National Assembly where we have the Chair of the Liaison Committee, who is the Deputy Speaker. They do not use the term “deputy speaker”. It does not make sense to me. We require having a deputy in every office. In the absence of Hon. John Mbadi, Hon. Robert Mbui takes the management of the affairs of the coalition.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Just to remind Members, you are Hon. Mbui.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you. So, the issue of having a deputy speaker in law is critical. In the absence of the speaker, the deputy takes over. We have also provided for what happens when both of them are not there. We have also put sanity in the removal of the speaker. A colleague has just said that if you make it very easy then it will be abused. You know there is a lot of politics in our assemblies and even in National Assembly it happens all the time. There are disagreements on personal level because of basic things. People would even want to impeach the speaker if it was made very easy. This law is putting sanity by giving reasons which can be used to impeach a speaker. You cannot use frivolous reasons to impeach a speaker. It must be serious issues of incompetence, inabilities or committing a crime. Generally, this is worth supporting.

On the recall of MCAs after elections, this recall clause gives members a lot of sleepless nights. Opponents and sometimes those that were supporting the MCA and he has made it and they were expecting certain favours in return and they do not get them, quickly start collecting papers and going round the wards collecting signatures and telling them that they are going to remove them from office. So, by putting sanity on how an MCA can be recalled, we are stopping those idle threats by making it clear that you can only recall your MCA for certain violations not just because you do not like him. Not because you thought he would buy you a *tuktuk* and he did not buy it. It becomes clearer that you cannot just go out and impeach him because there must be proper grounds. This law has actually given us proper grounds.

Finally, on the issue of recruitment of county secretaries, members of the board, county service boards, there has been a lot of abuse from 2013 where governors recruit their cronies, friends and girlfriends. They put people who basically supported them. Recently in Machakos

County, our governor created positions that do not exist. He actually came up with water boards which are a violation of the law and the water boards that are known nationally told him off about it. In those boards, he just put all those people who vied in his party - Maendeleo Chapchap - as members of the board to run affairs of water in the county. Honestly, when we talk about proper recruitment processes, this is going to put sanity on how governors will operate and it will bring sense on how we run our county assemblies.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Thank you, the honourable Deputy Minority Leader. The Member for OlJorok, Hon. Muchira Mwangi

Hon. Michael Muchira (OlJorok, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support this County Governments (Amendment) Bill of 2017. This Bill is coming to cure some gaps which are in the original Act where the office of the deputy speaker in the county assembly was not recognised. We have seen courts pronouncing themselves in the case of Murang'a County Assembly. When the case was taken to court, the judge declared the position of the deputy speaker null.

We also have a gap in the parent Act in terms of the appointment of the deputy governor. We have seen it in the Nairobi County. We do not have timelines in terms of the appointment of the deputy governor. In the case of Nairobi County, we are still operating without a deputy governor. This Bill now provides timelines in case of vacancy in the office of the deputy governor, where within 14 days, the governor has to appoint or nominate a deputy governor who will then be vetted by the county assembly and assume office.

However, like other Members have said, I also have misgivings on some proposals that I hope this House will not support. For instance, we are lowering the threshold for removal of the speaker from 75 per cent to two-thirds majority. We need to ask ourselves, by doing this are we strengthening the oversight role of the county assembly or are we weakening it? In my opinion, when we lower the threshold, we will be weakening the oversight role of the county assembly. So, on this one, I would wish that in the amendments that we are going to bring, we retain the threshold at 75 per cent in the county assemblies because we know the number in our county assemblies are lower, so we should not at all lower the threshold of the removal of the speaker. Impeachment is not a solution so it should come as a last resort. We, therefore, need to discourage this issue of impeachment. We need to make it hard to impeach the speaker. I am happy that the proposed amendment is bringing in the grounds under which we can impeach a speaker. It is only under gross violation of the law. So, on the removal of the speaker, I oppose the lowering of the threshold.

On the selection panel for the county service board, I would wish that the House looks at the composition of the membership of the board in terms of appointment. Like Hon. Kioni said, we do not need to give the governor the whole mandate of picking all the members; we need independent members in that panel. In terms of composition, I do not think in the selection panel, there is any mathematics to be done to include accountants. We can probably say a member of professional societies of Kenya, if what we want is a professional, not specifying accountants or advocates. What we need in that membership are professional members.

The other issue that I would want to support is that of convening the first county assembly. We need to remove that role from the governor to the President. As it has been said, we do not want to devolve political power. It should be the President who within a certain number of days can convene all the county assemblies under a gazette notice. Save for those sections that I have pinpointed, I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The nominated Member, Hon. Oduol Odhiambo.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker. I do believe that Hon. Sankok is aware that 001 is relative. If he looks at the *Kenya Gazette*, he will see that Hon. (Prof.) Jacqueline Oduol is 001. He knows that.

I would like to support this Bill and thank the Senate because it goes a long way to help us citizens and particularly those that we represent fulfil their dreams. If you look at the manner in which the Bill has identified, as was indicated by the Leader of the Majority Party, gaps that were hampering the effective functioning of the county governments, you will see that this is work that really lives to the spirit of enabling the Senate to realise its role, as provided in Article 96 of the Constitution, of protecting the interests of the county governments.

As I support this Bill, I would like us to remember that devolution really brought a system by which two arms of government, the Legislature and the Executive, are devolved to the 47 counties. I particularly would like to indicate that the Bill allows us to fill the gaps that exist to live up to the objects of devolution, specifically that of promoting democratic and accountable exercise of power and in a way helping us, as a unique country with one national Government and 47 county governments, to give them a clear understanding of what roles each of the different offices, ranging from the governor to the deputy governor to the speaker and to the county assembly, would perform. As we speak to what has been seen as perhaps excessive power that seems to have been given to the governor, we should keep in mind that devolution did indeed devolve two arms of the government. As we look about the political and administrative functioning, we would want to ensure that this Bill allows clarity of roles and enables those respective office holders to realise their goals.

One issue that I would particularly like to commend is with regard to bringing some decorum and order. I remember when I had my induction in the National Assembly, the Speaker and all those who spoke to us reminded us that the Assembly is a House of rules and order. I am happy, looking at the Bill, that there is a way that the county assemblies, not only with regard to the manner in which the MCAs sometimes conduct their business, but in ways in which the speaker, in overseeing and moderating debate and being the referee of activities that take place in the county assembly, seem to have fallen short perhaps because of lack of clear procedures. I speak, in particular, to what happened in Kisii County when in spite of the clear constitutional stipulation of the roles of those in the county assembly—being responsible for legislation, oversight and representation—that we would have a county assembly sitting to legislate to exclude nominated members from performing some functions.

So, this is a Bill that is not only timely but also seeks to help us resolve what has been a lacuna and what seems to have turned a House of order and procedure and, by extension, the county government which was itself seen to be a government that would be organised to strengthen institutions, improve service delivery and ensure that recruitment of those who would occupy different offices, be they CEC Members or members of the CPSB or MCAs, would be done in line with how government functions. So, I would commend the Senate and indicate that it would be useful that as the Bill addresses the gaps that exist, they continue to be vigilant and in particular to recognise that there are some capacity gaps that might not immediately be addressed by legislation and perhaps find ways of additional amendments or some other monitoring mechanisms to address them. So, I thank the Senate and support this Bill because it is going to enable the county governments, and in particular the county assemblies, to work towards realising the goals for which devolution was set.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Kinangop, Hon. Thuku Kwenya.

Hon. Zachary Thuku (Kinangop, JP): Thank you, Hon. Temporary Deputy Speaker, for this opportunity to contribute to this Bill. I want to support the same with some reservations because there are some amendments that I do not support. I wish to state at the outset that I will bring some amendments during the Committee of the whole House stage.

This is a Bill whose time has come. I would rightly put it so, given the circumstances under which our county governments are being run. They are being run as if they are private members' clubs, with one person in whom all power is concentrated. Maybe by enacting this Bill we are going to cure some problems that we witness in our individual counties. You will agree with me that our county governments have turned into breeding grounds for impunity and corruption. You will agree with me because at the moment we are staring at a graft case where one county government is reported to have lost close to Kshs1.5 billion. As much as that has not been proven, it is something that should ring a bell and sadden all of us. A county government loses Kshs1.5 billion when it has an oversight body called county assembly.

Therefore, this Bill comes to cure the fears that the county assemblies in this country live by, because once the governor threatens the MCAs, they are not able to do their oversight job. For instance, there was a Motion in my own county where the MCAs wanted to impeach some CEC Members on grounds of corruption. All the MCAs who supported the Motion have since been marginalised; they have been marked and have been told categorically, "We are not going to bring development to your individual wards". That is a very dangerous precedent being set. Maybe, this Bill will safeguard these people and ensure that they do their job without fear of being de-whipped out of committees because the governor controls the county assembly. This Bill will cure that mischief. We also have to empower the people we entrusted with the responsibility of running the affairs of county assemblies, namely; speakers of the county assemblies. Clause 11(1)(c) seeks to lower the threshold for impeaching a speaker of a county assembly. This is very dangerous given the turbulence that the county governments are going through. Therefore, we should retain the threshold at three-quarters of the membership.

This Bill is also formally creating the position of deputy speaker, which is a very good thing. The deputy speaker in my county's Assembly is in office illegally because there is no statute that supports that office. There is a court ruling that set a precedent in respect of Murang'a County Assembly.

So this is a good Bill that I support. However, on the issue of removal, we should maintain the same threshold as it was at 75 per cent just to ensure that they work without fear and intimidation.

On the issue of deputy governors assuming office in the event of death or any eventuality of governors, I am of the opinion that we ought to be gender-sensitive on this issue because we are trying to be in support of the affirmative action. If the governor is of one gender, the deputy should be of the opposite gender. That way we shall create space for all the genders to be represented in the management of county affairs.

On the issue of nominated MCAs, we are creating a monster because most of the people who are nominated in these county assemblies do not have the competence. They are just there for sale. They will always follow the highest bidder. They have no capacity to represent. I am saying this from a point of authority because this is what we are going through.

As my colleagues from Nyandarua County have stated, yesterday we sat in a meeting trying to resolve some wrangles in our county. The people who were supposed to give numbers as far as doing the right thing is concerned could not stand to the occasion because they are so afraid that they may be de-whipped by the party if the governor prevails. So, we need to have a safeguard mechanism and house rules on how such can be appointed. If need be, if these county assemblies meet the threshold of the gender representation, then we do not need to nominate these MCAs. In fact, it will be a plus to our economy because we will minimise on the wage bill.

I would wish that going forward the Senate should come up with a legislation that is going to cure some of the problems that we are experiencing in our counties and constituencies. There are so many people with titles such as “Your Excellency”. It is not in order that governors bear the title of His Excellency. This is a preserve of a person who has been elected to the highest office of this land and that is the President, the Deputy President, former Vice President and maybe *Baba* because he is equal to the task to be called His Excellency but for all these governors, we are creating monsters, behemoths and people who feel like they are presidents and that way, they intimidate their subjects. I would request the Senate to generate a Bill that is going to cure some of these things that we are witnessing within our counties.

Finally, on the issue of the county service board, there is a threshold here of the people who are supposed to be its members. I do not see the need of giving one line of profession preference like advocates or accountants. We should not state expressly here because what has an accountant to do with appointment of people who must serve in a board? What does an advocate have to do and yet we have county attorney who is supposed to give guidance to county on legal matters? So, these are two issues I would request this House to look into and bring forth amendments.

With those few remarks, I wish to support with few amendments coming. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. The amendments are welcome. You know the procedure. Let us have the Member for Isiolo North. Hon. Hulufu Oda.

Hon. Hassan Hulufu (Isiolo North, KPP): Thank you, Hon. Temporary Deputy Speaker. I also support this proposed amendment to the County Governments Act. As Hon. Members spoke earlier on, this law was passed to meet the timeline as stipulated in the Constitution. So, having gone through the first cycle of county governments after the 2013 elections, we have realised that there are many gaps in the principal Act.

Having gone through these proposed amendments from the Senate, I thank them for doing a good job. We need to support it. There are a number of proposed insertions which I would like to speak to. If you look at the process of the first sittings of the county assemblies after elections, the principal Act has been silent. Some Hon. Members have raised concerns that indicating in the proposed amendments that the governors should be the ones convening could elevate governors and insubordinate the county assemblies who are supposed to play the oversight role. Personally, I have no problem with that proposal. The fact that His Excellency the President convenes our first sitting has not made us not do proper oversight over the Executive at the national level. So, my view is that it is in order.

When it comes to recognition of the office of deputy speaker of county assembly, at the moment we have MCAs who were elected as deputy speakers in all the 47 county assemblies, but these offices are not backed by law. So, on the expenditure they incur, the staff they employ, I am sure the Auditor General must have raised concerns on the same. So, it is in order that this office is recognised as one of the key offices in our county assemblies. Apart from recognising

and providing clearly on how the deputy speakers will be removed as and when it becomes necessary, those insertions in the principal Act are quite in order.

I would like to speak to the amendments which relate to the office of the speaker. We have realised that in these second county assemblies, the MCAs in many counties are trying to get rid of their speakers. Sometimes when you look at some of the reasons they put forward, you realise that they are trying to make use of the lacuna in law to try and remove the county speakers on very trivial grounds. So, clearly stipulating the process of impeachment and how it should be done, how the Motion should be brought, the number of Members who are required to support the same, how it should be communicated to the speaker through the clerk and the fact that the speaker is given adequate opportunity as provided for under our Constitution to defend himself against the various allegations, are very important insertions. It makes it very difficult for MCAs to just wake up one morning and decide that since they do not like the speaker, they can impeach him or her.

The other important thing, which, as a result of the lessons we have learnt from a few misfortunes that we have suffered as a country, especially when the governors-elect or governors die in office, is the need to appreciate that as human beings, all of us will die one day. Sometimes, it can come at very difficult times for families and also for voters. The only thing which we do not know is the time and the place we will die. Therefore, it is good that the law anticipates situations where governors-elect die and stipulates what should happen in terms of filling the vacancy. What is proposed in terms of what should happen is very good where the deputy governor-elect is sworn in for a period of time and thereafter, fresh elections take place. This is a very good anticipation. We are not praying that it happens in any of our counties in future, but should it happen, then there should not be a lacuna in law in terms of how to address that.

The only thing I am not comfortable with is the proposals for appointment of the committee to deal with the selection of members of county public service boards. I agree with earlier speakers that we seem to assume that it is only people in a few disciplines who are professionals. Therefore, we need to rethink why a few disciplines should only be included in such committees and not people who have studied other disciplines, who are equally professionals.

The proposed amendment has actually addressed some of the gaps when it comes to dealing with vacancies for the County Executive and Chief Officer at the CEC Member level. For example, in the principal Act, the only thing which was anticipated as far as the Chief Officers are concerned is resignation by the holder of the office. However, we know that a Chief Officer could be relieved of his or her duties as a result of quite a number of issues. It is not only on the basis of voluntary resignation. Therefore, the proposed insertions in this County Governments (Amendment) Bill clearly provide for all the reasons a Chief Officer could leave office and what is going to happen.

The other important thing relates to county public service boards. What is proposed is going to help us to make sure that Kenyans of integrity are appointed to this board to run the affairs of appointing and managing human resource for our counties. The only issue I have is what I have already said earlier and it is to do with the committee which is going to be appointed to do the selection. The proposed amendments also provide a very elaborate process on what is going to take place in terms of appointment of Kenyans into the public service boards. It is strict with clear timelines, what is expected of the selection committee and what is expected from the

governor. Once the governor passes it on, there are strict timelines within which each of the units is going to facilitate the process of constituting the county public service board.

We have also realised that at the moment, most county public service boards are operating like units which are under the command and control of the governors. This has created serious issues when it comes to discrimination on the basis of clan, ethnic affiliation and in some cases, on the basis of faith. Therefore, professionalising this is going to make our county public service boards to adhere to the principles of fairness as stipulated in our Constitution. They are also required to make sure that they have an equity plan. It also gives them a legal backing to do affirmative action. If they feel that a given section or certain groups within the counties have not been given equal opportunity in the county assemblies, and they give positive explanation in favour of those groups...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Your time is over. Hon. Members, you have 10 minutes to speak to such Bills. I now call upon the Member for Ol Kalou, Hon. Kiaraho Njuguna. This being the last request, we will have the Mover to reply.

Hon. David Kiaraho (Ol Kalou, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to add my views on this particular Bill. First and foremost, I would like to emphasise that this Bill has come at no better time because of what is happening in my Nyandarua County. Some of the issues which have been highlighted in this particular Bill are things we see being done openly in Nyandarua County.

In particular, I would like to comment on the issue of the three-quarter majority. This is a critical issue. On the issue of impeaching a speaker, I feel that the threshold should remain at three quarters. This morning, there was purported removal of the Speaker of the Nyandarua County Assembly. The role of the speaker is to bring the House together and to put things in order within the county assembly. Out of experience, this is one issue which can be misused. We have seen it in Makueni, Embu, Nakuru and now it is happening in Nyandarua. I think we should make it a bit difficult to impeach a speaker. We have seen that most of the governors are getting drunk with power. Their first target in most of the counties I have mentioned, and I think in many more which have not come to the open, is the speaker because he has a key role to play in managing the county assembly. So, the issue of reducing from three-quarters to two-thirds is something I feel is negative and we should resist it with all might.

The other issue is that of making the governor the one to convene the first meeting. I feel we should not give the governor these powers. They should be rested to the presidency. That is one issue which we should also resist. The other issue, which I feel is quite important, is that of the deputy speaker in terms of the impeachment or how they are elected, like what happened in Nyandarua County this afternoon. Actually, some of the issues which happened are criminal and I think this should be looked at in a deeper way. There is no way some county assembly members can purport to have made up their mace. I do not know where they went and made the speaker's gown. They came and declared that they had done a coup. When any county government reaches this level, it is *wanjiku* who is suffering. I strongly believe that when such a Bill comes to the House, we should look at it critically to make sure that, with all fairness, we safeguard the interest of *wanjiku* in our counties.

The other issue is that this Bill should have tackled the issue of nominated MCAs. Most of them have become guns for hire. Most of them are not answerable to the people directly because no one elected them. They are selected. In most county assemblies, governors use the nominated MCAs to achieve their ill motives, especially when it comes to the issue of voting. One element we should consider is that if nominated MCAs come from one particular party, they

should have one vote. That will make the county assemblies manageable and that is the way to go.

I do not want to dwell on the Bill. Most speakers who have contributed to this Bill have dwelt on most of the issues. I do not want to repeat myself. I want to emphasise and reemphasise that we should not make the issue of removal of a speaker automatic. We should make it difficult because in the first instance, that speaker was elected by the MCAs. What happens is that with time, when most of the governors see that they cannot micromanage the speaker, the next move is to plan how to remove him. Once you touch the seat of the speaker, deputy speaker and other leaders within county assemblies, you are left free to manage the county in the way you want. It is our responsibility, as we look at this Bill, to make sure that it is in line and is for the good of our people in the counties.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): As I had pronounced before, it is time for the Mover to reply, the Leader of the Majority Party and Member for Garissa Township.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Temporary Deputy Speaker. I thank all the Members who contributed this afternoon to the County Governments (Amendment) Bill (Senate Bill No.11 of 2017). A number of issues were raised such as nominated MCAs being guns for hire. I do not want to qualify that statement. If we want to deal with nominated MCAs, majority of whom are women, we must pass the two-thirds gender Bill. There is no short-cut about it, Hon. Engineer. Because we could not pass the two-thirds gender Bill, we ended up with the top-up of young beautiful ladies who were nominated by political parties.

Secondly, this Bill is important because it deals with the element of putting in law...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Leader of the Majority Party, all ladies are beautiful.

Hon. Aden Duale (Garissa Township, JP): I am talking about the ones in Garissa County Assembly. Those are the only ones I have seen. I have never seen the ones in Nyandarua and Kakamega, but only the nominated MCAs in Garissa.

This Bill deals with the issue of putting in law the office of the deputy speaker. We have a case of Murang'a County where the court has ruled that, that seat is illegal.

Thirdly, the Bill deals with how to establish the county assembly, the commencement date and when it should sit. It also stipulates how to deal with a case where a governor-elect dies before he is sworn in. It also deals with the case where a governor resigns, dies or is incapacitated. There are a number of very important issues and hopefully, next week, we will bring this Bill before the Committee of the whole House. I am sure Members must be ready with their amendments.

With those many remarks, I beg to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Mover begs to reply. Hon. Members, guided by our Standing Orders and the procedures of the House, I will not be in a position to put the Question to the County Governments (Amendment) Bill, (Senate Bill No.11 of 2017). I direct that the Question be put in the next sitting at the most appropriate time.

(Putting of the Question deferred)

Let us move to the next Order.

THE PARLIAMENTARY SERVICE BILL

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have the Chairperson of the Departmental Committee on Justice and Legal Affairs.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Temporary Deputy Speaker. I can hold brief for the Chair. He is yet to deal with two sections of that Bill. He is yet to table the Report. So, I advise the House Business Committee that we deal with this matter next week.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are holding brief for the Chair with his permission.

(Bill deferred)

Let us move to the next Order.

THE KENYA ACCREDITATION SERVICE BILL

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, I am a very serious guy, but my chairs are letting me down. I spoke to the Chair of the Departmental Committee on Trade, Industry and Cooperatives and we agreed that we will start on this Bill tomorrow afternoon. With your indulgence, we can do the Committee of the whole House, which is a small Bill, in the time left before we go to the Zero Hour. The Kenya Accreditation Service Bill is very important. So, I have agreed with the Chairman of the Departmental Committee on Trade, Industry and Cooperatives that we can deal with it tomorrow afternoon. So, we can deal with Order No.12, with your permission, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Thank you for the communication. You being the owner of the Bill, it is so ordered and advised that this Bill will be looked into tomorrow afternoon as it will appear in the Order Paper.

(Bill deferred)

Let us move to the next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

*[The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu)
left the Chair]*

IN THE COMMITTEE

*[The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu)
took the Chair]*

THE URBAN AREAS AND CITIES (AMENDMENT) BILL

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, we are now in the Committee of the whole House to consider the Urban Areas and Cities (Amendment) Bill (Senate Bill No.4 of 2017).

(Clause 3 agreed to)

Clause 4

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): There is an amendment by Hon. Osotsi.

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Temporary Deputy Chairlady, this amendment is meant to give clarity because it talks about ad hoc committees. It states that there will be a representative from the Independent Electoral and Boundaries Commission (IEBC). You are aware that our Constitution says that a member of the IEBC shall not...

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Osotsi, you should first move the amendment to Clause 4. What is in the Order Paper is an amendment to Clause 4A. You are moving an amendment to Clause 4.

Hon. Godfrey Osotsi (Nominated, ANC): I have a new amendment to Clause 4 and not Clause 4A.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): You are moving your amendment.

Hon. Godfrey Osotsi (Nominated, ANC): I am moving an amendment to Clause 4.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Give me a moment, Hon. Osotsi.

Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Osotsi's amendment is Clause 4A as per the Order Paper. Address Clause 4A. Anything short of that, you are taking us to something we do not know. The Order Paper says it is Clause 4A.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): I am guided as the Leader of the Majority said. What we need to recognise, Hon. Members, is that in the original Bill, it is Clause 4 and your amendment is Clause 4A. So, you are moving Clause 4 in an amended form.

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 4A of the Bill be amended in sub clause (3) by inserting the words "not being a member of the Independent Electoral and Boundaries Commission" immediately after the word "Commission" in paragraph (a);

The justification is that the Bill talks about a representative of the IEBC. That is not clear because we know that the Constitution talks about a member of the IEBC, which implies a commissioner. The same Constitution says that a member of the IEBC shall not hold another public office. So, we need to give clarity that this representative is not a member of the IEBC. That means he is not a commissioner of the IEBC.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Restate the import of your amendment for Members to understand because you will get a vote on this amendment.

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Temporary Deputy Chairlady, let me re-emphasise this point. The Bill talks about *ad hoc* committees whose chair will be a representative

of the IEBC. The word ‘representative’ is vague. It can be anyone from the IEBC. It can be a commissioner or a member of staff of the IEBC. These *ad hoc* committees are for cities, municipalities and market centres. So, we need to give clarity that the representative shall not be a member of the Commission as stipulated in the Constitution. If it is a member of the Commission, then this will be an illegality because the Constitution says that a member of the IEBC shall not hold another public office. So, we need to be very clear on who the representative is. It can be any other representative; either a member of staff or a person appointed by the IEBC, but not an IEBC Commissioner.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): I now open it to the Members to discuss, starting with Hon. Chris Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): We make laws during the Committee of the whole House. I am not sure whether Hon. Osotsi’s amendment is in order. What he is trying to put across is obvious. That is why we were looking for the original Bill, so that we can understand whether it is true. We know very well that the IEBC should not be anywhere. It is automatic. So, from what he is saying, it is like the original Bill is saying... We need clarification to remove the confusion before we vote.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Chris Wamalwa, in order for your amendment to become a property of the House, he is trying to amend the proposed Clause 4(A)(3), which provides for a representative of the IEBC who shall be the chairperson. The House should take note on this one before voting or debating it. He is proposing to insert the words “not being a member of IEBC” immediately after the word “commissioner”. That is the import of his amendment. The Member rose on a point of order, and it was good to listen to him. There is nothing for me to propose. Since you have clarified that, allow me to give a chance to the Leader of the Majority as the first one to speak to it.

Hon. Aden Duale (Garissa Township, JP): Thank you very much, Hon. Temporary Deputy Chairlady. I want Hon. Osotsi to listen to me. The current IEBC has a function when it comes to delineation of boundaries. That is why the role is given to the chair, but not staff of the IEBC. It is a commissioner. That is what we have. One of the functions of the current Commission is to conduct boundary review. So, we will not change it to a staff member because it is a commission. Out of the seven members, the Commission will form a sub-committee of the Commission that will deal with delimitation of boundaries. What are we dealing with in this Bill? We are dealing with the creation of cities and urban centres, which is about boundaries. So, I really want to urge Hon. Osotsi that he is right, but it is a function of the IEBC to undertake boundary delimitation. So, it is in order.

I oppose the proposed amendment.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let me give the opportunity to Hon. Wakhungu Wamalwa, Member for Kiminini. This is how we make laws in this House.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Temporary Deputy Chairlady. I have consulted Hon. Osotsi and we are in agreement that what the Leader of the Majority Party is doing is correct. I have always said that the Leader of the Majority Party is always very keen. At a time like this, when Members have already gone away, he is always here. This is the section that we make law. When you look at the Independent Electoral and

Boundaries Commission Act, one of its critical functions is review of boundaries. The Bill is in order. One of the key responsibilities of these people is to undertake boundary delineation and one of the commissioners must be in that committee. He or she will be the chairperson. I am sure, with that clarification my friend, Hon. Osotsi, following our consultation, will withdraw his amendment.

I thank you.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): This is how we make laws in this House. Let me have the Member for Funyula, Hon. Oundo Ojiambo, to speak to this one.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Temporary Deputy Chairlady, I stand to support Hon. Osotsi's amendment. I want to draw the attention of the House to Article 88(3) of the Constitution. It categorically says that a member of the IEBC shall not hold another public office. When it comes to the IEBC's role of delineation of boundaries of electoral units, again, the plain reading of the Constitution suggests their roles could only be limited in determining electoral areas. Article 89(2) of the Constitution says that the IEBC shall review the names and boundaries of constituencies at intervals of not less than eight years, and not more than 12 years. Article 89(3) of the Constitution says that the Commission shall review the number and names of boundaries and wards periodically.

At no single time is reference made to city boundaries and administrative boundaries within the counties. I stand to be guided.

Thank you, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): I give opportunity to the Member for Pokot South before I give it back to Hon. Osotsi to see what he will do.

Hon. David Pkosing (Pokot South, JP): I thank you, Hon. Temporary Deputy Chairlady. I agree with the Leader of the Majority Party that this is an issue of delineation of boundaries. I want to draw your attention to the Constitution. When it comes to the role of the IEBC, they supervise the process of delimitation of boundaries. What *Daktari* has not read is about counties.

If you look at the Bill, delineation of towns and urban centres might overlap or cross to another county. That way, you require the IEBC to oversee that kind of delineation. You cannot avoid it because that is its primary responsibility.

(Hon. Godfrey Osotsi consulted Hon. (Dr.) Chris Wamalwa)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Osotsi, as you consult, you should be listening as the amendment has already been proposed.

Hon. David Pkosing (Pokot South, JP): Hon. Osotsi has heard. When a boundary crosses to another county, it becomes the role of the IEBC. That is why they have been brought in.

More importantly, removal of the IEBC at the stage of the Committee of the whole House is not proper. Somebody may say that we should go and conduct public participation and that is done through the Committee. Therefore, it is dangerous. We should not remove it here because the Bill has undergone many processes. It is a Senate Bill. The Senate carried out public participation and we also did it. So, when a critical matter such as this is raised at this stage, it is dangerous. If it goes like that, it can be challenged.

I remind my good brother that when it comes to counties, the IEBC comes in. Some of the towns and urban centres might cross to another county and that is why the IEBC is very critical.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): I saw the Leader of the Majority Party consulting Hon. Osotsi. I either put the Question or Hon. Osotsi withdraws the amendment. Before that, let us have the Leader of the Majority Party. You may inform the House what you have consulted.

Hon Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, I want to be captured in the HANSARD stating that the only body that can alter boundaries is the IEBC. There are even Members of Parliament who think that the provincial administration can alter boundaries. The only body in the Constitution that can write a report for the President to sign is the IEBC. There is no way you can create Makueni as a city without touching on constituencies and wards. The cities being created are not in Mars. They are created in our constituencies. That is why the IEBC is given the chair in the Bill. Not even the Cabinet Secretary in charge of the Ministry of Transport, Infrastructure, Housing and Urban Development is given that role. I want Hon. Osotsi, who is a good guy, to withdraw his amendment. We do not want to vote. Let him withdraw the amendment so that we can move ahead.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Thank you. Let me give a chance to Hon. Osotsi to inform us or withdraw the amendment if he is convinced.

Hon. Godfrey Osotsi(Nominated, ANC): Hon. Temporary Deputy Chairlady, before I withdraw the amendment, I now have the Bill before me and I need your guidance on this. My amendments are informed by Clause 4A of the Bill which says as follows:

“4A (1) Delineation of the boundaries of urban areas or cities may be initiated by the Cabinet Secretary or by the relevant county government making a written request to the Cabinet Secretary to appoint an *ad hoc* committee in a manner provided under subsection (2).”

The third part of it says:

“(3) The *ad hoc* committee appointed by the Cabinet Secretary under subsection (2) shall comprise –

(a) a representative of the Independent Electoral and Boundaries Commission, who shall be the chairperson.”

Further, Clause 10(b) gives the power of delineation of boundaries of a market to a county government. So, if you read through the Bill, it is not practical to have the IEBC all over, namely, in markets, urban areas, municipalities up to the cities. So, my understanding was that this representative may not necessarily be a commissioner. Because Members have a feeling that the amendment has to be withdrawn, I beg to withdraw it.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): You are withdrawing it because you have been convinced. Members usually take a vote, but you have been convinced that it is not the right amendment.

Hon. Members, it is on record that the proposed amendment by Hon. Osotsi to Clause 4A is withdrawn.

(Proposed amendment by Hon. Godfrey Osotsi withdrawn)

(Clause 4 agreed to)

Clause 5

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Osotsi, move your amendment.

Hon. Godfrey Osotsi(Nominated, ANC): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 5 of the Bill be amended by—

(a) inserting the following new paragraph immediately before paragraph (a)—

(a) by deleting paragraph (a) and substituting therefor the following new paragraph (a) —

“(a) either has—

(i) a population of at least two hundred and fifty thousand residents according to the final gazette results of the last population census carried out by an institution authorized under any written law, preceding the application for grant of city status; or

(ii) has the capacity to effectively and efficiently provide specialised or unique essential services to its residents and visitors including but not limited to services relating to high technology, innovation, diplomacy, health, manufacturing, finance, banking, tourism or such other specialised services as may be approved by the ad hoc-committee under section 8 of this Act;”

(b) renumbering the existing paragraph (a) of clause 5 as (aa)

The import of the amendment is that the Bill proposes the criteria for determination of cities and puts a lot of premium on the population and not other factors. We know that there are cities in this world which have less than 250,000 people, but are cities. For example, we have specialised cities for various aspects. We have technology cities. In Kenya, we are going to construct Konza City which is unlikely to have 250,000 people. We have a city like Geneva, one of the largest financial and diplomatic cities globally, but most people in Geneva do not stay there. Some stay in France and others in German. So, if we limit determination of cities on the basis of population alone, then we will be retarding development. I am worried, as an ICT expert, that Konza City, which is technology-based, may not take off if population is going to be the only basis of determining its city status.

We have cities for specialised things like medical and tourism.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Summarise your import.

Hon. Godfrey Osotsi(Nominated, ANC): My proposal is that we should consider unique and specialised essential services which can also be a basis for determination of a city.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): The Leader of the Majority Party.

Hon Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, I oppose the proposed amendment. The reason why I oppose is that if we want to create cities, population is the biggest criteria to use in their determination. When we will need Konza to be a city, we will look at it in its own unique ways. But if we amend the Bill just because of Konza, then some people will turn villages into cities. The criteria of determining a city is population. When it comes to Konza as special city, then we as a House or anybody can amend the law. But we cannot use Konza right now as a blanket. I want Hon. Osotsi to listen to me. When we want to

create cities, population is the key factor, next is land and third is the special element he has talked about.

How do we use specialised cities to create other cities? From where I sit, I oppose the amendment.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Member for Pokot South.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Temporary Deputy Chairlady. I stand to oppose the proposed amendment by my brother. The bigger reason I am opposing is that the Member has forgotten that the cities we are creating under this law are development units.

When they are development units, you need to share resources fairly. The Constitution says that there should be fair distribution of resources in terms of geographical representation. One way of sharing resources is population. So, you cannot rule out population when you are doing cities. These are not techno cities. Maybe that is the problem with ICT persons. They might be thinking these are techno cities where you go and map up a centre and make it a kind of office. That is why I had proposed earlier before we go there. In our Committee, we saw that because they are developmental units, we need to set aside some money to fund them. Because of that, I want to remind my friend that these are development units and should have equal statuses in the country. Otherwise, if we do not do that, every market centre will be saying that they are cities because they want resources. We will kill the country.

Hon. Patrick Musimba (Kibwezi West, Independent): I thank you, Hon. Temporary Deputy Chairlady. I stand to support Hon. Osotsi in this amendment. The reasoning which I have heard you cannot negate, in terms of development units, the role of ICT in driving Kenya into a middle level economy. As such, we already have prescribed a way. It is automatic. They still have to make individual cases which will be brought in. To try to negate that Konza has to grow to become a city, there are particular services and allocations which have to be given to support and grow it. As such, I want to implore the House to embrace this new concept where we are going. The Leader of the Majority Party, we must make progress.

Thank you.

*(Question, that the words to be left out,
be left out, put and negated)*

(Clause 5 agreed to)

(Clauses 6, 7, 8 and 9 agreed to)

Clause 10

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, after consultation, I am withdrawing my amendment.

(Proposed amendment by Hon. David Pkosing withdrawn)

(Clause 10 agreed to)

(Clauses 11, 12, 13,14,15,16 and 17 agreed)

Clause 18

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, again for the earlier reasons, I withdraw this amendment.

(Proposed amendment by Hon. David Pkosing withdrawn)

(Clause 18 agreed to)

First Schedule

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, for your information, Clause 19 is what appears on the Order Paper as the First Schedule.

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the First Schedule to the Bill be amended under the heading marked “City” by inserting the following new services after the service “Organised Public Transport”

“Information, Communication and Technology services”

“Telecommunication services”

The First Schedule on the list of services for the cities left out critical services of Information, Communication and Technology Service and telecommunication services. The gist of this amendment is that we have a serious problem in managing infrastructure in cities. We have challenges with wayleave and other things. It is important for us to clearly define that one of the services required in a city is ICT services and telecommunication services.

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(First Schedule as amended agreed to)

New Clause 18A

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I withdraw this amendment. It will make it a money Bill. When we are fast-tracking Senate Bills, they also need to reciprocate on the other side. That is the reason.

(Proposed amendment by Hon. David Pkosing withdrawn)

New Clause 18B

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I withdraw.

(Proposed amendment by Hon. David Pkosing withdrawn)

(Clause 2 agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Where are you now? We have already moved from Clause 2. Are you at Clause 2? Just give him the microphone.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): What I wanted to say on what Hon. Pkosing said is that it is critical that the Senate is able to expedite our side as a way of reciprocating. He has been withdrawing all proposed amendments. This is wastage of time. Much as it is at his discretion to do that, he must think through this next time so that he does not waste our time.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Chris Wamalwa, allow me to guide the House because these were amendments by the Chairman. I will not give room for debate on this. Allow me to just say that these having been Hon. Pkosing's amendments, all withdrawals have been guided by the first one. I hear him say "absolutely" from where I sit. It is quite in order.

(Title agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, I want to call the Mover to move reporting.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, I saw the owner of the Zero Hour. He stood. I beg to move that the Committee doth report to the House its consideration of the Urban Areas and Cities (Amendment) Bill (Senate Bill No.4 of 2017) and its approval thereof with amendments.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Thank you for moving reporting.

(Question proposed)

(Question put and agreed to)

(The House resumed)

*[The Temporary Deputy Speaker
(Hon. (Ms.) Jessica Mbalu) in the Chair]*

REPORT

THE URBAN AREAS AND CITIES (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, Hon. Members. I call the Chairperson to report to the House. Hon. Pkosing, you are reporting to the House.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Urban Areas and Cities (Amendment) Bill (Senate Bill No.4 of 2017) and approved the same with amendments.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. The Mover of the Bill to move agreement with the Bill.

Hon. Aden Duale (Garissa Township, JP): I beg to move that the House doth agree with the Committee in the said Report. I request Hon. Chris Wamalwa, a Leader of the Minority Party and the incoming, *Inshallah*, governor of Trans Nzoia, to second.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Temporary Deputy Speaker. Indeed, *Inshallah* or God willing, I am the governor of Trans Nzoia in 2022.

I second.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Again, Hon. Leader of the Majority Party, from where I sit and the circumstances, I am not in a position to put the Question to the Urban Areas and Cities (Amendment) Bill (Senate Bill No.4 of 2017). Therefore, I order that the same be done as it will be stipulated in our Order Paper.

(Putting of the Question deferred)

Next Order.

ZERO HOUR

CHALLENGES EXPERIENCED IN GOVERNMENT CASH TRANSFER PROGRAMME

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): As it had been communicated by the Speaker before, this will be Zero Hour. Most of the Members call it happy hour. It is not a happy hour, but Zero Hour in our Standing Orders. Yes, the Member to move. It is three minutes, Hon. Duale.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker. I had moved. Because of time, I want to refer to the HANSARD while moving and requesting for the Zero Hour.

The reason I brought this Statement is because it is really a very pathetic situation. The *wazees* we are talking about who are meant to benefit from this fund are 70 years plus old. That means some would even be 90 years old, those who were blessed to go beyond the 80-year mark. Some are even 97 years old. Some are nearing their end time. When I visit my constituency every weekend - I am sure many other colleagues of mine do the same - I find cases of *wazees* who have been waiting to find out from me what is happening. They assume that I would, as a Member of Parliament, know exactly what is happening.

For the sake of the Members, the system was made such that there is only one paying station in a constituency. Giving my constituency as an example, you will find that the farthest point is about 15 to 20 kilometres away. I know we have other constituencies where the situation is worse. The *wazees* who go once in a month to collect the Kshs2,000 that the Government has graciously extended to them for their support, do so and they do not find anything. The reason? We do not know. Some of the clerks who pay them request them to put their finger prints. I am told that the electronic system will indicate the correct identification of the *mzee* who is meant to benefit. Then the clerk or the paying officer will tell the old man: "You are not going to get anything this month because the money has not been sent." When the old lady goes back home, she has to come next month. She goes back home and waits for another month to come back, only to be told that the allocation for last month was not there and she will never get it. So, she has to be contented with what is current.

I know the Government means well for our *wazees*. I also know that the Government cannot budget for one month and skip another. I know there could be a problem that can be solved. I request that you extend the three minutes allocated to five, so that I can elaborately put the background of this and then we can allow other Members to ventilate. Out of old age, some of the *wazees* are suffering from diabetes, asthma, high blood pressure, arthritis and all manner of diseases. If you are queueing and you do not find anything to eat the whole day, like they do, yet you have a disease like diabetes, chances of collapsing on the queue are high. To make it worse, they get nothing at the end of the day and they have to walk all the way back home.

Because of time, I just want to request the House, after we have put this Statement, that out of the questions the Members have asked, we want to move this to another level where we will have to move a Motion. Then, we will have to get a Statement from the relevant Cabinet Secretary to tell us exactly what is happening. What I want to request is that the Cabinet Secretary should be proactive to see to it that money meant for the *wazees* is received. I also request the Directorate of Criminal Investigation (DCI), the Director of Public Prosecutions (DPP) and the Ethics and Anti-Corruption Commission (EACC) to countercheck whether it is true that the money the *wazees* are not getting has not been sent.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Your time is over. Hon. Sankok. I had not seen you, The Leader of the Majority Party. We recognise your priority in speaking.

Hon. Aden Duale (Garissa Township, JP): (*Off record*)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Thank you, Leader of the Majority Party. Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much Hon. Temporary Deputy Speaker. Thank you for giving me this opportunity. This issue of cash transfer is a thorn in our flesh despite the fact that the Government had very good intentions for the older persons in our society. The older persons in our society have been neglected. Some of their children have migrated to the cities leaving them in abject poverty. The Government had very good intentions. Imagine Kshs30 billion meant for food alone.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Before you proceed, since the Mover used three minutes, I direct that you use only two minutes in your contributions because I have many requests.

Hon. David ole Sankok (Nominated, JP): You can imagine Kshs30 billion is only meant for food. All those who are registered for cash transfer are under the National Hospital Insurance Fund (NHIF). So, they are covered in hospitals. The Kshs30 billion would have created a lot of impact in our country if it was sent on time to the relevant persons. However, some rogue clerks are corrupt and are stealing this money. There is a case in Samburu where somebody had a balance of Kshs20,000. When he went to the paying centre, he was asked to sign a piece of paper and was given Kshs8,000. When I asked him, he said: "*Hii pesa ni ya bure, wacha tu niende na hii ingawa yangu ilikua elfu ishirini*". The clerks are using these loopholes to steal. All the clerks who have been stealing from the Ministry of Labour have been having many excuses as to why they cannot send the money through mobile transfer. Mobile transfer will cut on transport. It will ensure that our older persons do not feel like they are seeking favours or are beggars lining up under the scorching sun or under the rain on rainy days. They have been using the narrative that they do not trust their caretakers. Can we trust a relative, namely, a brother or a sister or a clerk who has no relation with the elderly person? The older persons have been taken

care of by the relatives. I, therefore, propose that the cash transfer should be done to all the older persons and vulnerable children so that they can receive their money.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let me give this opportunity to the Member for Garissa Town. As usual, you will have more time. You can use three minutes, Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, I really want to thank the Jubilee administration, under the leadership of President Uhuru Kenyatta who introduced cash transfers for the elderly members in our society. A society that will not take care of its elderly is doomed. This is from my culture. This House has budgeted for the money. We need to call the men and women that run the cash transfer programme for our elderly people to account to the people. On the issue of mobile money transfers, some of the elders do not know how to operate M-Pesa accounts. So, we must find a way of giving this money to them and even give them extra universal health care insurance policy.

This morning, I read in the media that the President of Turkey has said that anybody above 65 years of age will get \$300 every month, free medical insurance and free housing. That is where we want Kenya to be in the future. It is possible. We should not receive the curse of our elderly. They are in the villages experiencing serious malnutrition, health complications, have no houses and they live under the sun. When it rains in some parts of western Kenya where my friend, the Majority Whip comes from, and where there is a lot of rainfall, they face serious problems. I saw him and the Deputy President going for a cup of tea. He should have carried a few elders who were around there. I am told they gave that lady Kshs100,000. She must be very rich. You should have carried along two elders. I am sure some elders were rained on. Next time, he should carry elders because the Deputy President does not know them. It is him, the speaker and the rest. They should not have tea alone. I have not seen elders in the photos that are circulating.

Hon. Temporary Deputy Speaker, I saw my Whip having *mandazi* and tea, but I did not see any poor person around there. I am sure in that village there are poor people. This is just the story of Jubilee that *wengine wanakula nyama na wengine wana...* That story should end. That is not a Jubilee story. Our story is that we want to take care of our elderly persons. I thank my leader for bringing this agenda to the House, but we must not leave it at Zero Hour. We must call the men and women in charge of the programme before the House to answer these questions.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Thank you. The Leader from the other side present, Member for Kiminini.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Temporary Deputy Speaker. The elderly are vulnerable people. the Jubilee Government brought a wonderful idea in terms of giving cash transfers to the elderly. On the National Super Alliance Party (NASA) side, we had made it better. We had not only talked about the elderly, but had also included single mothers who cannot manage to raise their children. As we move on, we should incorporate single mothers. This is as far as the NASA Manifesto is concerned. Now that we have the handshake, it is high time we borrowed from each other. Some of the elderly persons spend Kshs500 to go to the paying centres. By the time they go back home, Kshs1000 is gone. The money becomes useless. We should think outside the box. If the cash transfer can be done through mobile phones, it can be good. You will get your money while in your kitchen. As we move on, when we want to operationalise this Executive directive we should come up with a Bill, not just a Motion. I want to request Hon. Washiali to move ahead although I had started drafting something on the elderly cash transfers. Once we have a Bill, it is going to have effect

when it comes to issues of transfer. In case of any delay, we are going to put into consideration the time value of money, so that when money is delayed, there is about three per cent interest rate. We can only do that if we have a Bill. Let us move quickly and have a Bill and not a Motion. We have always known Motions to resolve or urge. Sometimes back, I heard Hon. Duale saying that we are wasting parliamentary time urging the Government. Let us move quickly with a Bill because as he clearly puts it, the elderly persons are vulnerable. Some are diabetic, others have marasmus and others are hypertensive. They are vulnerable. Before the cash transfers, they should also be covered under the NHIF in line with the Jubilee Manifesto of universal health care. We want to make it true.

I thank Hon. Washiali for bringing this up. We need to celebrate the handshake because there is peace and we can now move forward.

Thank you very much, Hon. Temporary Deputy Speaker. I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Thank you. I give the Floor to the Member for Molo, Hon. Kimani Kuria.

Hon. Kuria Kimani (Molo, JP): Thank you very much, Hon. Temporary Deputy Speaker. I rise to contribute on this Motion. We cannot over-emphasise the time value of money. Every time you get late to submit any claim from the Government, be it when you are submitting NHIF, NSSF or KRA returns, you always pay a fine and an interest. But the payments to our grandparents, the old man and woman in Mariashoni, Elburgon, Garissa or anywhere else in this country delay, and yet they have to buy drugs and food. Giving funds to the elderly should not be a punishment. The old women and men queue for very long hours.

If we can pay for many other services via mobile money transfer like M-Pesa, why can these old men and women not be paid via the same service? They queue every now and then, spend days under the scorching sun yet some of them are diabetic and can hardly stand in a queue.

Lastly, a list of their names was taken in the last few months, but when you go to the offices to check what happened to the names, every time you are told that: "*Hayo majina hayajarudishwa kutoka Nairobi.*" That means that most of the data that was captured has not been returned for public participation. Therefore, they do not access the money. This can easily be called discrimination because if you are of a particular age, you are supposed to get this stipend. So, why is the money reaching some and not others? It points to only one thing, that just like many other Government projects with very good vision and budgetary allocation, somebody somewhere is sleeping on the job and our parents are suffering. This needs to end.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us hear from the Chairperson of the Committee in charge of labour matters, the Member for Bura.

Hon. Ali Wario (Bura, JP): Thank you, Hon. Temporary Deputy Speaker. May I take this opportunity to thank the Mover of this Motion. Just to remind the House, on 20th February, a petition by Hon. Lentoimaga was tabled in this House. Based on that petition, we visited six counties to assess the flaws in the implementation of this particular fund.

From the outset, let me thank the Jubilee Government. In the last financial year, a sum of Kshs25 billion was set aside to take care of vulnerable members of our society. Despite the funding, there are gaps in terms of a legal framework. Why am I saying this? The Social Assistance Act of 2013 has not been repealed yet it has not been implemented fully. Based on this we decided, as a Committee, to bring a Bill to fill all these gaps. I appeal to every Member of this House to support that Bill so as to address the challenges hampering the operationalisation

of this fund. That Report is with the House. We have already tabled it. I ask the Members to read it. Most of the issues raised by Hon. Washiali have been addressed in that Report. Let him go through it. After reading it, he can decide if he still needs to move to the next level.

There are gaps, I agree, but things are not as gloomy as they were before. Initially, the elderly used to use a card, but now they are using accounts. They are allowed to withdraw money from their bank accounts a number of times, unlike before when they used to queue and use cards. The radiuses have been reduced because service providers are now four. Before they were two. There are now four banks which give service to the Kenyan population.

The option of mobile transfer was raised by Hon. Sankok. I do not know if it is the best because based on our analysis, there are some areas which have no network coverage. If the elderly will rely on mobile cash transfer, some of them will not be accessed. There are gaps in law.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): Being the Chair, just give him one more minute.

Hon. Ali Wario (Bura, JP): Thank you, Hon. Temporary Deputy Speaker. We have addressed in our Report the issues raised by Hon. Washiali. We are in the process of bringing a Bill to resolve those issues once and for all. I appeal to the membership of this House to support us.

Thank you very much.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Thank you. I am sure you will be of importance to Hon. Washiali as he moves to the next step.

Nominated Member, Hon. Ghati Dennitah.

Hon. Dennitah Ghati (Nominated, ODM): Thank you very much, Hon. Temporary Deputy Speaker, for the opportunity. Allow me to, first of all, thank the Jubilee Government. This is the best gift that it gave to cushion our people. I wanted to suggest that if having one centre for older persons to receive the money is not feasible, we could add more centres in the constituencies. We could even use the tallying centres where people go to verify their voter registration statuses and cast their votes. Why can we not also use the tallying centres as payment centres for the older people? They can walk there and receive their pay.

We have to sensitise the clerks. I want to ask the Committee to investigate the clerks and the district gender and social services officers. Those people have to be investigated and their capacity enhanced. We have widows, orphans and vulnerable children that we take care of. There are people who should receive this money. The intention of the cash transfer programme is really good. We need to cushion our people economically. You find most of the households are headed by widows or single-parent women and people living with disabilities. Those are vulnerable groups. We need to make sure that the Committee brings out those discussions. We should even use polling stations as payment centres. Old persons can easily walk there and pick their pay.

Hon. Temporary Deputy Speaker, I wish to give my comments.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I am trying to trace the Member for Samburu East.

(Hon. Aden Duale spoke off record)

No, Leader of the Majority Party. He is actually one of your Members.

Hon. Jackson Lekumontare (Samburu East, KANU): Thank you, Hon. Temporary Deputy Speaker. Our elderly people are suffering. What the Government has done is very good, but in reality we have lost very many elderly people in the process. In my constituency, some of the elderly use motorbikes to access this money. You can imagine hiring a motorbike at Kshs1,500 and you are going for Kshs2,000. The people are suffering. I have visited the centres several times and it could be that those who pay the elderly people are very corrupt. If we are not careful, they will take 50 per cent of the money. I do not know why they lack a formula for making payments. When the elderly people put their fingerprints on the scanners, many of them are told that their fingers cannot be read. If we have an alternative way of voting, why can we not have an alternative way of paying these people? It is very pathetic when they are forced to go back without money. So, we have told some people to be accountable.

The Government has given out money and there is nothing which is working. They cannot even access the NHIF services despite the fact they are deducting some amounts. Those cards do not function. So, we have to hold them accountable. Even the banks through which they pay must do something because our people are suffering. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, I give one minute to the Member for Funyula.

Hon (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker. I am grateful to my senior colleague, Hon. Washiali. I am amused as they say “the rich also cry.” I thought this is an isolated problem in the so-called Opposition zones that were denied the services. Nevertheless, I thank him a lot for bringing the Motion. We have horrifying stories from our people. It has got to a point I was considering looking for transport to be transporting the elderly people to the collection centres because the type of embarrassment and suffering they go through is not worth it. We need to improve the situation. The Committee and the ministry should do what it can to improve the situation. Thank you.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): We appreciate the Zero Hour Statement by Hon. Washiali which applies to all constituencies.

Hon. Members, the time being 7.02 p.m., this House stands adjourned until Wednesday, 7th November 2018, at 9.30 a.m. It is so ordered and I thank you.

The House rose at 7.02 p.m.