



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, JUNE 14, 2018 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with prayer said by the Speaker.
3. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following communication from the Chair:-

Visiting Students from Tumaini Academy, Baringo County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Tumaini Academy, Baringo County.

On behalf of the Senate and on my own behalf, I welcome you to the Senate and wish you well for the remainder of your stay.

I thank you.”

4. **STATEMENTS**

a) Statement pursuant to Standing Order 46 (2) (a)

Nominated Senator (Sen. Halake Abshiro) made a statement on Moody's Credit Rating for Kenya.

In the statement, the Senator informed the House that a few months ago, Moody's Investors Service downgraded three Kenyan banks; KCB Group, Equity Bank and Cooperative Bank following the weakening of the credit profile of the

government. Moody's Sovereign Press Release asserted that the rating action was primarily driven by the potential deterioration of the Kenyan government's credit profile, as captured by Moody's recent rating action to place the B1 sovereign rating on review for downgrade. Kenyan banks high exposure to government debt linked their credit profile to the government, leading to banks standalone credit profiles and ratings being constrained by the rating of the government.

Sen. Abshiro brought to the attention of the House that in the recent fiscal years, Kenya has been forced to borrow heavily to finance infrastructure projects while tackling a huge recurrent expenditure budget, which has strained tax revenue and raised questions over the sustainability of public debt. This has slowed economic growth and rising debt and risked investor loss confidence.

She wished to draw the attention of the Senate on how this matter is likely to affect the cost of borrowing from international markets. Furthermore, debt affordability will deteriorate as reflected by the increase in government interest payments. She therefore appealed to the National Government to improve the efficiency of spending and revenues as well as cutting the budget deficit to stabilise debt levels.

b) Statement pursuant to Standing Order 46 (2) (c)

The Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 19th June, 2018.

6. THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 7 OF 2018)

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Office of the County Printer Bill (Senate Bills No. 7 of 2018) be now read a Second Time.

(Sen. Petronilla Were Lokorio – 13.6.2018)

Debate interrupted on Wednesday, 13th June, 2018 resumed on a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 75 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Speaker directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Deputy Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

The results of the Division were as follows:-

AYES – 29

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Zani Agnes Philomena- Voted on behalf of Kwale County Delegation
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Khaniri George
8. Sen. Kiburu Charles Reubenson
9. Sen. Prengei Victor - Voted on behalf of Nakuru County Delegation
10. Sen. Kilonzo Mutula Junior
11. Sen. Kimani Paul Wamatangi
12. Sen. Kirinyaga Ephraim Maina
13. Sen. Langat Christopher Andrew
14. Sen. Lelegwe Steve Ltumbesi
15. Sen. Masitsa Naomi Shiyonga- Voted on behalf of Kakamega County Delegation
16. Sen. Mbito Michael Maling’a
17. Sen. Mogeni Erick Okong’o
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Mwaruma Johnes Mwashushe
20. Sen. Nderitu John Kinyua
21. Sen. Ndwiga Peter Njeru
22. Sen. Olekina Ledama
23. Sen. Ongeru Samson Kegengo
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno
26. Sen. Poghisio Samuel Lesuron
27. Sen. Haji Farhiya Ali - Voted on behalf of Nairobi County Delegation
28. Sen. Wambua Enoch Kiio
29. Sen. Wario Golich Juma

Question, agreed to.

Bill read a Second time and committed to Committee of the Whole tomorrow.

7. COMMITTEE OF THE WHOLE

THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILLS NO. 1 OF 2018)

(Sen. Paul Wamatangi)

Order for Committee deferred.

8. **THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)**

Motion made and Question proposed: -

THAT, the Office of the County Attorney Bill (Senate Bills No. 3 of 2018) be now read a Second Time.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights – 13.6.2018)

Debate interrupted on Wednesday, 13th June, 2018 resumed;

There being no other Senator wishing to contribute;

Mover replied;

Raising a point of Order the Mover claimed to move that putting of Question be deferred to a later date, pursuant to standing order 55 (3).

And the Temporary Speaker (Sen. Judith Pareno) acceding to the request, deferred putting of the Question to a later date.

9. **MOTION - REGISTRATION OF PERSONS WITH DISABILITIES (PWDS)**

Motion made and Question proposed: -

THAT, AWARE that the National Council for Persons with Disabilities was established through the Persons with Disabilities Act, 2003;

FURTHER AWARE that registration of persons living with disabilities is a function of the National Council for Persons with Disabilities;

ALSO AWARE that persons living with disabilities are estimated to be about 10% of any given population;

COGNIZANT that for purposes of registration of persons living with disability, it is a mandatory requirement for one to undergo medical examination by a registered medical officer in a registered and certified health facility;

CONCERNED that of the nearly 4 million Kenyans living with disabilities who reside in Kenya, there is a very small fraction of the number which is duly registered;

AWARE that medical services are now a devolved function;

FURTHER CONCERNED that without proper registration, many persons living with disabilities are denied services because they lack the necessary proof of disability;

ALSO CONCERNED that owing to lack of accurate data on persons living with disabilities, the government at both levels cannot plan properly for this category of people;

NOW THEREFORE, the Senate calls upon the National Council for Persons with Disabilities in collaboration with Ministry of East African Community, Labour and Social Protection and county governments, to carry out a nationwide registration of all persons living with disabilities in order to determine their exact population to facilitate effective service for this marginalized group of our society.

(Sen. George Khaniri – 13.6.2018)

Order deferred.

10. **MOTION – SITTINGS OF THE SENATE OUTSIDE PARLIAMENT BUILDINGS, NAIROBI**

(The Senate Majority Leader)

THAT AWARE that the Senate of Kenya is established by Article 93 of the Constitution and its main role, as set out in Article 96 of the Constitution, is to represent and serve the interests of the counties and their governments;

FURTHER AWARE that the Senate plays a critical role in the linkage of the devolved governments and the national government;

NOTING that since its inception the Senate has held its sittings in Nairobi with its committees occasionally visiting the devolved governments on fact finding missions;

COGNIZANT of the need to enhance the interaction between the Senate and county governments as a means of bringing the Senate closer to the counties and the general public;

APPRECIATING the recommendation of the Senate Business Committee that a Sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, in order to-

- (i) provide an opportunity to members and staff of county assemblies to learn and borrow best practices from the Senate;
- (ii) promote the role and work of the Senate;
- (iii) highlight existing opportunities for people to get involved in the work of the Senate; and
- (iv) develop and strengthen partnerships at the county level and enhance public awareness regarding the Business of the Senate.

NOW THEREFORE, pursuant to Article 126 (1) of the Constitution and standing order 31 (1) of the Senate Standing Orders, the Senate resolves that its plenary and committees sittings be held in Uasin Gishu County from 24th to 28th September, 2018.

Order deferred.

11. **MOTION - FLOOD SITUATION IN THE COUNTRY**

(Sen. Fatuma Dullo)

THAT, aware that several days of heavy rains recently have caused severe flooding in many parts of the country, resulting in multiple deaths and devastating damage to property and infrastructure;

NOTING with concern that, whenever Kenya experiences periods of severe drought, torrential rains usually follow;

CONCERNED that year in year out, the challenge of floods continues to recur, leading to loss of human and animal life, displacement of people and wanton destruction of property;

COGNIZANT that the number of Kenyans needing emergency food aid as a result of displacement caused by the current floods continues to rise by the day, and that the floods have also washed away many bridges and destroyed roads in many parts of Kenya;

ALSO CONCERNED that no effective measures, such as improved storm water harvesting, proper drainage infrastructure and preventing the destruction of riparian reserves and natural water courses, to mitigate and/or provide a lasting solution to the menace of flooding, have been taken;

NOW THEREFORE, the Senate calls upon the National Government to develop a lasting framework to permanently address the challenge of effects of floods by, among other things-

1. developing and enforcing regulations for preventing the obstruction of riparian reserves and natural water courses; and
2. preventing and regulating the construction of informal settlements and ensuring prevention of construction on low lying areas and flood plains.

And further that the relevant government agency to execute this task submits a report to the Senate within three months of the adoption of this Motion.

Order deferred.

12. **MOTION - NEED FOR STANDARD POLICY REGULATION FOR CONSTRUCTION AND MAINTENANCE OF RURAL ACCESS ROADS**

(Sen. (Arch.) Sylvia Kasanga)

THAT, AWARE that infrastructure development and specifically, construction of roads is a key pillar of Kenya's vision 2030 whose objective is to spur movement of people and goods, promote trade and economic activities, encourage development and attract investments;

NOTING that there is a very strong correlation between a country's economic development and the quality of its road network;

CONCERNED that Government's efforts to expand the roads infrastructure are mainly focused on the urban and peri-urban areas of the country thus leaving rural areas with dilapidated or no access roads;

FURTHER CONCERNED that fifty-five years since independence and over five years after institutionalization of devolution, the Country's roads infrastructure is to a large extent still underdeveloped with only slightly above 9,000 kilometres of the about 178,000 kilometres of roads paved;

COGNISANT that, Part Two of the Fourth Schedule to the Constitution of Kenya (2010) mandates County Governments to manage county transport, including; roads, street lighting, traffic and parking, amongst other county public transport matters;

DEEPLY CONCERNED that, County Governments are continuously prioritizing routine maintenance works over sustainable and durable road quality works due to budgetary constraints;

NOW THEREFORE the Senate calls upon the Ministry of Transport, Infrastructure, Housing and Urban Development to develop and adopt standard policy regulations prescribing modern, eco-friendly and inexpensive technologies to be applied across the 47 counties for construction, upgrading and maintenance of rural access roads in order to ensure durability and sustainability of the access roads and also to reduce maintenance expenses.

Order deferred.

13. **MOTION - NEED TO REVIEW AND EVALUATE THE STATE OF EDUCATION IN NORTHERN KENYA**

(Sen. (Dr.) Abdullahi Ali)

THAT, AWARE that Article 43 (f) of the Constitution of Kenya stipulates that every person has the right to education, and Article 53(1)(b) provides that every child has the right to free and compulsory basic education;

ALSO AWARE that education is a basic need and a tool for intellectual empowerment and social-political development;

FURTHER AWARE that education is a shared function between the National and the County levels of Government with the National Government being responsible for Primary, secondary and Higher education while the County Government is responsible for preprimary education, village polytechnics and home craft centers;

COGNISANT that both levels of Government complement each other in promoting sustainable education;

CONCERNED that the intake, uptake and quality of education in the Northern Kenya have adversely been affected owing to discrepancies in public resources allocation, insecurity, skewed staffing and teacher training in the region;

FURTHER CONCERNED that both the school completion rate and the national examination outcomes in region are poor and that the number of students from Northern Kenya who qualify for core courses in universities, colleges, technical schools and village polytechnics is minimal compared to other parts of the country;

NOTING WITH CONCERN that due to insecurity and other related concerns, the Teachers Service Commission (TSC) which is the body responsible for the employment and deployment of teachers, has in the recent past, taken steps to transfer non-local teachers from the northern region of Kenya to other parts of the country;

CONCERNED THAT, the transfers have led to shortage of skilled teachers which has been a major cause of the dismal performance in examinations in schools in the region;

NOW THEREFORE, the Senate resolves to task the Standing Committee on Education to conduct an inquiry into the challenges facing the education sector in Northern Kenya with a view to-

1. evaluating the effect of the teacher transfers from the region and recommending to the Ministry of Education, policy measures to address the challenge;

2. evaluating the status of the education infrastructure in the region and proposing solutions to mitigate the current and looming challenges;
3. proposing mechanisms for enhanced resource allocation at both levels of government to facilitate improved education facilities; and
4. assessing school intake compared completion levels in the region in order to ascertain the impact of the challenges facing the schools and how these disadvantages the region compared to other parts of Kenya and proposing ways of addressing the challenges.

And that the Committee submits a report to the Senate within three months of adoption of this Motion by the Senate.

Order deferred.

14. **MOTION - REPORT OF THE SENATE DELEGATION TO THE CONFERENCE ON THE GREAT LAKES REGION (FP-ICGLR) HELD IN KINSHASA, THE DEMOCRATIC REPUBLIC OF CONGO (DRC)**

(Sen. Samuel Poghio)

THAT, this House adopts the Report of the proceedings of the First Extraordinary Session of the Plenary Assembly of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR) held in Kinshasa, Democratic Republic of Congo from 19th – 20th March, 2018, laid on the Table of the Senate on Tuesday, 15th May, 2018.

Order deferred.

And there being no other business, the Temporary Speaker (Sen. Judith Pareno) adjourned the Senate at five minutes past six O'clock without Question put, pursuant to the Standing Orders.

15. **SENATE ROSE** – at five minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, June 19, 2018 at 2.30 p.m.*