



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, JUNE 19, 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. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following communications from the Chair:-

**(i) The 2018 Annual General Meeting of the Commonwealth Parliamentary Association (CPA) - Kenya Branch**

“Honourable Senators,

The Commonwealth Parliamentary Association (CPA), which was established in 1948, brings together 187 legislatures from 53 member countries of the Commonwealth. The principal objectives of the CPA include the alleviation of poverty and the promotion of-

- a) just and honest governments and the separation of powers among the three branches of government,
- b) fundamental human rights;
- c) international peace and order;
- d) global economic development;
- e) the rule of law;
- f) equal rights and representation for all citizens of both genders; and
- g) the right to participate in free and democratic political processes.

Honourable Senators,

To achieve these objectives, the CPA organizes forums and invites parliamentarians, parliamentary staff and experts in various fields to identify

and deliberate on good practices and new policy options which legislatures could adopt and/or advocate for in their respective countries' governance practices.

The Association is organized in branches at national level, and each branch of the Association is autonomous, raises its own finances and pays an annual subscription to the CPA headquarters.

Honourable Senators,

Kenya is one of the CPA branches and as per the Commonwealth Parliamentary Association Kenya Branch Rules adopted by the Executive Committee on the 14<sup>th</sup> July, 2014. The CPA – Kenya Branch is now required to conduct an Annual General Meeting to, among other things, decide on any questions that may have been proposed regarding the affairs of the Branch or Association, including the election of the Branch Executive Committee Members.

In this regard, I hereby invite you to avail yourselves for the Annual General Meeting, which will be held on Thursday, 21<sup>st</sup> June, 2018 in the National Assembly Chamber, starting from 11:00 a.m.

I thank you.”

**(ii) Breakfast meeting to discuss implications of the 2018/2019 National Budget**

“Honourable Senators,

Following the reading of the highlights of the 2018/2019 National Budget by the Cabinet Secretary for the National Treasury on Thursday, 14<sup>th</sup> June, 2018, the Senate has scheduled a breakfast conversation on the 2018/2019 National Budget.

The topics to be covered during the meeting will include-

1. A county perspective on the Budget: revenue generation, budget management and control and attracting investment;
2. The Budget's objectives and expected impact on women, youth, persons with disabilities and other vulnerable groups; and
3. Some highlights on tax measures and their impact on investment and revenue collection.

As Honourable Senators will observe, these topics are at the centre of the Senate's role in protecting counties, the interest of the counties and their governments.

This is to invite all Senators to the Breakfast Meeting. Breakfast will be served in the Main Restaurant, Parliament Building New Wing, and the Meeting will

take place in the Senate Chamber on Wednesday, 20<sup>th</sup> June, 2018 from 7.30 a.m. I encourage all Senators to take note and plan to attend.

Kindly confirm your participation with the Office of the Clerk of the Senate for planning purposes.

I thank you.”

### **iii) Demise of Senator Ben Oluoch Okello**

“Honourable Senators,

It was with a deep sense of sorrow that I, early this morning, learnt about the passing on of Senator Ben Oluoch Okello, Senator for Migori County.

The Late Senator Okello was born in 1966 in Rongo, Migori County and was educated at Kanyimach Primary school before proceeding to Taranganya Secondary School. He then trained at the Kenya Institute of Mass Communication (KIMC) in 1984 and proceeded to University of Nairobi, where he obtained a Diploma in Supply and Marketing in 2003, a Bachelor of Arts in Radio Broadcasting in 2013 and was currently awaiting graduation for his Masters in Arts.

Senator Okello made his maiden Speech on 26<sup>th</sup> September, 2017 where his dedication and commitment to his County and its people was abundantly clear.

In part of his maiden speech, he said:

*“I would also like to thank the Almighty God for allowing me to be a Member of this great House, which is considered to be the ‘upper’ House. I want to thank the people of Migori County for bestowing this honour on me. I promise that I will ask about the resources allocated to Migori County because this is the House where that takes place. I also want to thank my party for giving me this opportunity to serve the country as the Senator for Migori County.”*

The late Senator Okello served in various Senate Committees including— the Committee on Agriculture, Livestock and Fisheries; the Committee on Health; and the Committee on National Cohesion, Equal Opportunity and Regional Integration. Although his service in the Senate has been short-lived, the Senate is greatly honoured to have had him in our ranks and will greatly miss him. We however rest in the assurance that his memory will live in the hearts of his family and friends and the millions of Kenyans in Migori County and elsewhere who listened to him every morning.

Senator Okello will be remembered as an ordinary man who became an extraordinary leader; a broadcaster who beat all odds to rise to the apex of national leadership, and a Senator who inspired us all to be better citizens.

The late Senator was elected Migori Senator on an Orange Democratic Movement ticket in the August 2017 elections. Before joining politics, the late Senator worked as a radio producer and presenter at the Kenya Broadcasting Corporation's (Luo service) from 1988 to 2003. He then joined the Royal Media Services as Head of Radio in 2003 and rose to the position of Senior Producer in Ramogi FM in 2007, where he stayed until 2017 when he resigned to join politics.

The country has lost a servant leader, a 'man of the people' and an orator of great eloquence whose contribution in the media, where they fondly referred to him as B.O.O, will greatly be missed.

On behalf of all Senators, the staff of the Senate, and on my own behalf, I wish to convey my deepest condolences to his family, friends and the people of Migori County.

May the Almighty God grant comfort to his family, friends, relatives and the good people of Migori County, during this very painful and sorrowful period. May the Lord give them the strength to bear the tragic loss of their loved one. May the Lord, rest his soul in eternal peace.

Hon. Senators, in honour of our departed colleague, I request that we all rise in our places and observe a minute of silence.

I thank you."

#### 4. **PETITIONS**

- a) Pursuant to Standing Order 220(1) (a) and 224(2) (b), the Deputy Speaker reported to the Senate a Petition concerning the settlement of awards to Ex-Kenya Air force officers and servicemen by the courts.

Pursuant to Standing Order 225, the Deputy Speaker invited Senators to comment on the Petition and subsequently, committed the Petition to the Standing Committee on National Security, Defence and Foreign Relations, pursuant to Standing Order 226.

- b) Pursuant to Standing Order 220(1) (b) and 224 (2) (a) the Senator for Nandi County (Sen. Samson Cherarkey) presented to the Senate a Petition by members of the Abasuba community in Western Kenya for the protection of their language, culture and heritage.

Pursuant to Standing Order 225, the Temporary Speaker, (Sen. Judith Pareno) invited Senators to comment on the Petition and subsequently, committed the Petition to the Standing Committee on Education and the Standing Committee on Labour and Social Welfare, pursuant to Standing Order 226.

5. **PAPERS**

The following Papers were laid on the Table of the Senate-

- a) Report of the Auditor-General on the Financial Statements of the Meru County Revenue Board for the year ended 30 June, 2017.
- b) Report of the Auditor-General on the Financial Statements of the Kajiado County Assembly Car Loan and Mortgage Fund for the year ended 30 June, 2017.

*(The Deputy Senate Majority Whip on behalf of the Senate Majority Leader)*

- c) Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of the Nakuru County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014).
- d) Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of the Kilifi County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014).
- e) Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of the Homabay County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014).
- f) Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of the Kisii County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014).

*(Chairperson, Sessional Committee on County Public Accounts and Investments)*

6. **NOTICE OF MOTION- ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE ON THE COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON THE INQUIRY INTO THE FINANCIAL OPERATIONS OF NAKURU COUNTY EXECUTIVE**

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the financial operations of Nakuru County Executive for the financial year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

*(Chairperson, Sessional Committee on County Public Accounts and Investments)*

7. **NOTICE OF MOTION – ADOPTION OF REPORT ON INQUIRY INTO FINANCIAL OPERATIONS OF KILIFI COUNTY EXECUTIVE**

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Kilifi County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

*(Chairperson, Sessional Committee on County Public Accounts and Investments)*

8. **NOTICE OF MOTION – ADOPTION OF REPORT ON INQUIRY INTO FINANCIAL OPERATIONS OF HOMABAY COUNTY EXECUTIVE**

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Homabay County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

*(Chairperson, Sessional Committee on County Public Accounts and Investments)*

9. **NOTICE OF MOTION – ADOPTION OF REPORT ON INQUIRY INTO FINANCIAL OPERATIONS OF KISII COUNTY EXECUTIVE**

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the financial operations of Kisii County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

*(Chairperson, Sessional Committee on County Public Accounts and Investments)*

10. **NOTICE OF MOTION – IMPROVEMENT OF KENYA’S POSITION IN THE WORLD ECONOMIC FORUM TRAVEL AND TOURISM COMPETITIVENESS INDEX**

(Ministry of Tourism)

THAT, AWARE that the Ministry of Tourism has developed and published the Kenya National Tourism Blueprint 2030 in May 2017;

FURTHER AWARE that Kenya Tourism Agenda 2018 – 2022, launched in April 2018, establishes the foundation for the National Tourism Blueprint 2030 and is the tool for initiating the components of the Blue Print;

ALSO AWARE that the contribution of travel and tourism to Kenyan GDP stood at 9.7 % in 2017, up from 9.3 % previous year;

COGNIZANT that in the next 10 years every industry will be changed by technology;

ALSO AWARE that Kenya Tourism Board has partnered with Google, Safaricom, Kenya Wildlife Service and Tourism Finance Corporation to create new digital content for local tourism;

CONCERNED that Kenya's tourism industry's potential is underutilized, as asserted by CS Najib Balala in a presentation to the senate committee on the performance;

AWARE that Kenya's position in World Economic Forum's Travel & Tourism Competitiveness Index Ranking is 80 out of 136 in 2017, having improved by 2 points from 2015, while having currently the lowest score in cultural resources and business travel with 1.6 points out of 7;

FURTHER CONCERNED that majority of the solutions proposed by the tourism agenda are brick and mortar type and not addressing the trends, that in less than two years, globally the share of online booking has grown from 9% to almost 33% and the lucrative and fast-growing segment of business tourism;

ALSO CONCERNED that Kenya will continue to attract only beach and park type tourists, ignoring the large number of conference and business travelers, who largely never leave Nairobi and are offered minimal exposure to Kenya;

NOW THEREFORE, the Senate calls upon the Ministry of Tourism to approach tourism sector with modern innovation and implement tangible, measurable and impactful solutions, resulting in improvement of Kenya's ranking in the World Economic Forum Travel & Tourism Competitiveness Index 2019 by 6 positions and improve the lowest score of cultural resources and business travel by 1 point.

*(Sen. Ledama Olekina, MP)*

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

Motion made and Question proposed: -

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 24<sup>th</sup> to 28<sup>th</sup> September, 2018.

*(The Deputy Senate Majority Whip on behalf of the Senate Majority Leader)*

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Pareno) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

12. **SENATE ROSE** - at thirty minutes past Six O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Wednesday, June 20, 2018 at 2.30 p.m.*

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