



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, MAY 30, 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 Deputy Speaker.
3. **COMMUNICATION FROM THE CHAIR**

The Deputy Speaker conveyed the following communication from the Chair:-

**Annual National Prayer Breakfast**

“Honourable Senators,

The Kenya Parliamentary Prayer Fellowship Group shall host the Annual National Prayer Breakfast on Thursday, 31<sup>st</sup> May, 2018 at the Safari Park Hotel, Nairobi. It is expected that over 2000 guests shall be in attendance.

This Prayer breakfast is an interdenominational prayer meeting sponsored by Members of Parliament (Senators and Members of the National Assembly). Senators are requested to confirm attendance, through the Office of the Clerk, before the close of business today, in order to facilitate seating and other logistical arrangements.

Senators' invitation cards were placed at your respective pigeon holes.

Kindly attend this important spiritual event tomorrow and remember to carry your invitation card for identification purposes.

I thank you.”

4. **PETITION**

Pursuant to Standing Order 220(1) (a) and 224(2) (b), the Deputy Speaker reported to the Senate that a petition had been received from residents of *Utheri wa Lari* on compensation for parcels of land acquired by the Government to pave way for the construction of the Standard Gauge Railway.

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 Land, Environment and Natural Resources and the Standing Committee on Roads and Transportation, pursuant to Standing Order 226.

5. **PAPERS LAID**

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

- a) Annual Report of the National Intelligence Service for the year ending 31<sup>st</sup> December, 2017.

*(The Senate Majority Leader)*

- b) Report of the Standing Committee on National Security, Defence and Foreign Relations on a fact-finding visit to Solai Farm, Nakuru County on 14<sup>th</sup> May, 2018.

*(Vice Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

6. **NOTICE OF MOTION - REPORT OF THE SENATE DELEGATION TO THE INAUGURAL COMMONWEALTH PARLIAMENTARIANS' FORUM**

(Sen. Moses Kajwang')

**THAT**, this House notes the Report of the Senate Delegation to the Inaugural Commonwealth Parliamentarians' Forum held at the Westminster, London, United Kingdom from 26<sup>th</sup> February to 1<sup>st</sup> March, 2018 laid on the Table of the House on Thursday, 10<sup>th</sup> May, 2018.

7. **NOTICE OF MOTION - ESTABLISHMENT OF A SELECT COMMITTEE TO INVESTIGATE THE CIRCUMSTANCES THAT LED TO THE SOLAI DAM TRAGEDY**

(Sen. Susan Kihika, MP)

**AWARE THAT** on Wednesday, 10<sup>th</sup> May, 2018, Kenyans woke up to the tragic news of the Solai Dam Tragedy following the bursting of the banks of the privately owned Solai Dam the previous night;

**CONCERNED THAT**, as result of the tragedy, approximately fifty (50) people lost their lives - most of them being small school-going children - in the most unfortunate circumstances and that many more who survived are now hospitalized due to the bodily and psychological injuries inflicted on the them;

**FURTHER CONCERNED THAT** hundreds of families are now homeless with orphans and destitute among them and that majority of the people who had their own habitations, whether own homes, rental or farm quarters, have not been resettled;

**APPRECIATING** the good work of the Red Cross Society of Kenya and the National Government for their swift response upon receiving the information of the dam tragedy;

**DEEPLY CONCERNED THAT** this human catastrophe occurred despite the existence of the Kenya Water Resources Management Authority (WRMA), an institution created by the Water Act of 2002 and mandated to ensure rational and effective management of water resources;

**FURTHER CONCERNED THAT WRMA** does not have a framework on licensing, construction, usage, sharing of dam water resources, insurance and inspection of earth dams and that currently there are no standards which dam owners are required to adhere to and comply with;

**ALSO CONCERNED THAT** although WRMA knew that the Solai Dam posed a great risk to Kenyan living downstream, they did little or nothing to avert the danger and that the Solai Dam tragedy appears to have occurred as a result of negligence;

**NOTING WITH CONCERN** the sad revelations following an investigative report by Kenya Human Rights Commission (KHRC) on the Solai Dam tragedy that point to ignorance and a suspicious relationship between the owners of the Dam (the Mansukh Patel family), the National Environmental Management Authority (NEMA) and WRMA officials in their singular and joint omission that resulted in failure to act on early warning information given to them about the impending danger, and the continued failure by NEMA to put in place standards on quality of dam walls and regulations to address the downstream effects and impact of dams whose walls burst, especially the protection and restoration of the flora and fauna and the environment in general;

**APPREHENSIVE THAT** with the continuing heavy rainfall, now and in future, such incidents as the Solai one could happen elsewhere in Kenya;

**DESIREOUS** of the need to take steps towards ensuring that similar man-made disasters are prevented from recurring;

**NOW THEREFORE** the Senate resolves to establish a select committee to-

- a) holistically investigate and establish the circumstances leading to the Solai Dam Tragedy;
- b) propose modalities for compensation of all the families of the deceased victims and the surviving families;
- c) ensure the Dam owner makes compensation in regard to the destroyed environment, especially trees and other vegetation and top fertile soils; and
- d) propose measures to mitigate any such eventual disasters especially for Counties that are prone to floods and landslides.

**AND THAT** the following Senators be members of the Select Committee-

- i) Sen. Fatuma Dullo, CBS, MP;

- ii) Sen. Mithika Linturi, MP;
- iii) Sen. Sakaja Johnson, MP;
- iv) Sen. (Eng.) Ephraim Maina, MBS, MP;
- v) Sen. Mutula Kilonzo Junior, MP;
- vi) Sen. (Prof) Imana Malachy, MP;
- vii) Sen. Sylvia Kasanga, MP;
- viii) Sen. Ledama Olekina, MP; and
- ix) Sen. Susan Kihika, MP.

**AND FURTHER THAT** the Select Committee reports back to the Senate within sixty (60) calendar days after its establishment.

8. **THE DIVISION OF REVENUE (AMENDMENT) BILL (SENATE BILLS NO. 14 OF 2018)**

(Chairperson, Standing Committee on Finance and Budget)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Finance and Budget.

9. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. Rose Nyamunga) – in the Chair)

**The County Allocation of Revenue Bill (Senate Bills No. 11 of 2018)**

**Clause 3**

Motion made and Question Proposed;

**That**, Clause 3 be part of the Bill.

*(Chairperson, Standing Committee on Finance and Budget)*

The Committee proceeded to a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 75 and that the division bell be rung for three minutes;

After the expiry of three minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in using their cards;

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

Before the results of the Division were announced and pursuant Standing Order 75 (5), the Acting Chairperson allowed six Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as **“Yes”**-

1. Sen. Seneta, Mary Yiane – on behalf of Kajiado County Delegation
2. Sen. Kirinyaga Ephraim Maina
3. Sen. Mwangi Paul Githiomi
4. Sen. Halake Abshiro Soka – on behalf of Isiolo County Delegation
5. Sen. Nyamunga Rose Ogendo
6. Sen. Kindiki Kithure

The results of the Division were as follows:-

**AYES– 24**

**NOES– 0**

**ABSTENTIONS– 0**

**AYES**

1. Sen. Halake, Abshiro Soka – Voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Boy IssaJuma
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Kabaka Boniface Mutinda
6. Sen. Kajwang’ Moses Otieno
7. Sen. Khaniri George
8. Sen. Kibiru Charles Reubenson
9. Sen. Kihika Susan Wakarura
10. Sen. Kindiki Kithure – Voted verbally
11. Sen. Kirinyaga Ephraim Maina – voted verbally
12. Sen. Langat Christopher Andrew
13. Sen. Lelegwe Steve Ltumbesi
14. Sen. Mahamud Mohamed Maalim
15. Sen. Seneta Mary Yiane – Voted verbally on behalf of Kajiado County Delegation
16. Sen. Murkomen Onesimus Kipchumba
17. Sen. Mwangi Paul Githiomi – Voted verbally
18. Sen. Mwaruma Johnes Mwashushe
19. Sen. Mwinyihaji Mohamed Faki
20. Sen. Olekina Ledama
21. Sen. Nyamunga Rose Ogendo – Voted verbally on behalf of Kisumu County Delegation
22. Sen. Haji Farhiya Ali – Voted on behalf of Nairobi County Delegation
23. Sen. Wambua Enoch Kiio
24. Sen. Wetang’ula Moses Masika

Clause 3 -Agreed to.

**Clause 4** - amendment proposed

**THAT** Clause 4 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause-

No. 18 of  
012.

(2) Each county government’s allocation under subsection (1) shall be transferred to the respective County Revenue Fund-

(a) in accordance with a payment schedule approved by the Senate and published in the gazette by the Cabinet Secretary in accordance with section 17 of the Public Finance Management Act; and

(b) without undue delay and without deduction, except when the transfer has been stopped under Article 225 of the Constitution.

*(Chairperson, Standing Committee on Finance and Budget)*

The Committee proceeded to a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 75 and that the division bell be rung for three minutes;

After the expiry of three minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in using their cards;

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

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23. Sen. Wambua Enoch Kiio
24. Sen. Wetang’ula Moses Masika

Clause 4                    -Agreed to.

**Clauses 5, 6, 7, 8, 9 and 10**

Motion made and Question Proposed;

**That,** Clauses 5, 6, 7, 8, 9 and 10 be part of the Bill.

*(Chairperson, Standing Committee on Finance and Budget)*

The Committee proceeded to a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 75 and that the division bell be rung for three minutes;

After the expiry of three minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in using their cards;

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

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The results of the Division were as follows:-

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23. Sen. Wambua Enoch Kiio
24. Sen. Wetang’ula Moses Masika

Clauses 5, 6, 7, 8, 9 and 10      -Agreed to.



**The First, Second and Third Schedules**

Motion made and Question Proposed;

**That**, the First, Second and Third Schedules be part of the Bill.

*(Chairperson, Standing Committee on Finance and Budget)*

The Committee proceeded to a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 75 and that the division bell be rung for three minutes;

After the expiry of three minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in using their cards;

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

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22. Sen. Haji Farhiya Ali – Voted on behalf of Nairobi County Delegation
23. Sen. Wambua Enoch Kiio
24. Sen. Wetang'ula Moses Masika

The First, Second and Third Schedules -Agreed to.

**The Fourth Schedule** - Amendment proposed

**THAT** the Bill be amended by deleting the Fourth Schedule and substituting therefor the following new Schedule-

**FOURTH SCHEDULE (s. 6)**

**County Government Budget Ceilings on Recurrent Expenditure in Financial Year 2018/2019** (Figures are in Kenya Shillings)

	County	County Executive Recurrent Expenditure Ceilings for FY 2018/19		County Assembly Recurrent Expenditure Ceilings for FY 2018/19	
		2017/18	2018/19	FY 2017/18	FY 2018/19
1	Baringo	552,102,186	571,077,976	597,216,746	745,949,448
2	Bomet	535,190,257	553,757,614	509,765,837	593,549,397
3	Bungoma	602,837,969	623,039,058	755,249,331	830,129,329
4	Busia	569,014,114	588,398,337	626,631,094	728,502,747
5	Elgeyo - Marakwet	518,278,330	536,437,254	472,435,996	566,844,007
6	Embu	518,278,330	536,437,254	485,937,461	568,744,226
7	Garissa	552,102,186	571,077,976	648,074,550	747,191,067
8	Homa-Bay	585,926,041	605,718,697	730,589,778	837,888,910
9	Isiolo	449,417,832	466,512,829	388,553,640	415,766,822
10	Kajiado	511,832,496	530,235,145	561,789,458	656,834,585

	County	County Executive Recurrent Expenditure Ceilings for FY 2018/19		County Assembly Recurrent Expenditure Ceilings for FY 2018/19	
		2017/18	2018/19	FY 2017/18	FY 2018/19
11	Kakamega	653,573,752	675,000,140	883,457,978	1,061,364,590
12	Kericho	552,102,186	571,077,976	585,082,155	680,496,881
13	Kiambu	653,573,752	675,000,140	889,745,034	1,072,824,374
14	Kilifi	569,014,114	588,398,337	638,942,332	753,514,171
15	Kirinyaga	506,599,449	524,676,019	490,547,175	556,734,809
16	Kisii	602,837,969	623,039,058	779,851,723	907,969,871
17	Kisumu	569,014,114	588,398,337	656,616,804	684,802,036
18	Kitui	585,926,041	605,718,697	727,297,161	811,797,246
19	Kwale	518,278,330	536,437,254	491,804,086	584,760,053
20	Laikipia	478,008,640	495,594,424	403,586,936	441,560,603
21	Lamu	449,417,832	466,512,829	357,441,657	404,937,595
22	Machakos	585,926,041	605,718,697	710,670,184	831,776,339
23	Makueni	552,102,186	571,077,976	623,097,274	746,360,207
24	Mandera	561,097,207	580,289,418	708,469,750	728,474,208
25	Marsabit	518,278,330	536,437,254	559,260,215	597,578,513
26	Meru	602,837,969	623,039,058	831,034,732	925,216,546
27	Migori	585,926,041	605,718,697	736,791,733	828,127,065
28	Mombasa	552,102,186	571,077,976	611,938,336	646,914,950
29	Muranga	569,014,114	588,398,337	613,746,528	724,534,618
30	Nairobi City	738,133,392	761,601,944	1,293,426,918	1,386,671,700
31	Nakuru	636,661,824	657,679,779	813,963,353	969,538,825
32	Nandi	552,102,186	571,077,976	593,045,251	631,178,919
33	Narok	552,102,186	571,077,976	601,710,917	708,556,511

	County	County Executive Recurrent Expenditure Ceilings for FY 2018/19		County Assembly Recurrent Expenditure Ceilings for FY 2018/19	
		2017/18	2018/19	FY 2017/18	FY 2018/19
34	Nyamira	518,278,330	536,437,254	485,084,189	587,432,863
35	Nyandarua	535,190,257	553,757,614	555,137,541	623,474,296
36	Nyeri	552,102,186	571,077,976	586,007,599	659,447,249
37	Samburu	466,329,759	483,833,189	419,035,586	474,065,548
38	Siaya	552,102,186	571,077,976	592,664,559	648,656,207
39	Taita - Taveta	518,278,330	536,437,254	521,642,011	585,350,779
40	Tana River	489,687,521	507,355,659	454,495,177	472,819,158
41	TharakaNithi	478,008,640	495,594,424	384,283,351	424,689,934
42	Trans Nzoia	535,190,257	553,757,614	530,452,425	614,078,431
43	Turkana	552,102,186	571,077,976	764,435,401	743,352,347
44	UasinGishu	552,102,186	571,077,976	568,747,182	671,972,798
45	Vihiga	535,190,257	553,757,614	530,154,162	607,253,791
46	Wajir	543,107,164	561,866,534	643,968,360	719,759,837
47	West Pokot	518,278,330	536,437,254	483,519,537	573,674,197
	<b>Total Ceilings</b>	<b>25,885,557,171</b>	<b>26,779,286,753</b>	<b>28,897,399,203</b>	<b>32,783,118,606</b>

*(Chairperson, Standing Committee on Finance and Budget)*

The Committee proceeded to a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 75 and that the division bell be rung for three minutes;

After the expiry of three minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in using their cards;

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

Before the results of the Division were announced and pursuant Standing Order 75 (5), the Acting Chairperson allowed six Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as “Yes”-

1. Sen. Seneta, Mary Yiane – on behalf of Kajiado County Delegation
2. Sen. Kirinyaga Ephraim Maina
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The results of the Division were as follows:-

**AYES– 24**

**NOES– 0**

**ABSTENTIONS– 0**

**AYES**

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22. Sen. Haji Farhiya Ali – Voted on behalf of Nairobi County Delegation
23. Sen. Wambua Enoch Kiio
24. Sen. Wetang’ula Moses Masika

The Fourth Schedule      -Agreed to

**Clause 2, the Title and Clause 1**

Motion made and Question proposed;

**That**, Clause 2, The Title and Clause 1 be part of the Bill.

*(Chairperson, Standing Committee on Finance and Budget)*

The Committee proceeded to a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 75 and that the division bell be rung for three minutes;

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19. Sen. Mwinyihaji Mohamed Faki
20. Sen. Olekina Ledama
21. Sen. Nyamunga Rose Ogendo – Voted verbally on behalf of Kisumu County Delegation
22. Sen. Haji Farhiya Ali – Voted on behalf of Nairobi County Delegation
23. Sen. Wambua Enoch Kiio
24. Sen. Wetang'ula Moses Masika

Clause 2, the Title and Clause 1      -Agreed to.

**Motion made-**

**That**, the Bill be reported with amendments.

Before the question was put and pursuant to Standing Order 73, the Acting Chairperson of Committees (Sen. Nyamunga) ruled that the question did not affect counties;

Question put and agreed to.

10. **HOUSE RESUMED** - (The Deputy Speaker in the Chair)

11. **THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 11 OF 2018)**

Bill reported with amendments;

Motion made and Question proposed-

**THAT**, the Senate do agree with the Committee of the Whole in the said Report.

*(Chairperson, Standing Committee on Finance and Budget)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 73, the Deputy Speaker ruled that the question did not affect counties;

Question put and **agreed to.**

Motion made and question proposed-

**THAT**, the County Allocation of Revenue Bill (Senate Bills No. 11 of 2018) be now Read a Third Time.

*(Chairperson, Standing Committee on Finance and Budget)*

There being no Senator wishing to contribute;

The House proceeded to a Division;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 75 and that the division bell be rung for three minutes;

After the expiry of three minutes, the Deputy Speaker directed that the doors be locked and Senators asked to log-in using their cards;

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

Before the results of the Division were announced and pursuant to Standing Order 75 (5), the Deputy Speaker allowed eight Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as **“Yes”**-

1. Sen. Seneta, Mary Yiane – on behalf of Kajiado County Delegation
2. Sen. Kirinyaga Ephraim Maina
3. Sen. Mwangi Paul Githiomi
4. Sen. Halake Abshiro Soka – on behalf of Isiolo County Delegation
5. Sen. Kindiki Kithure
6. Sen. Madzayo Stewart
7. Sen. (Prof.) Ongeru Samson Kegengo
8. Sen. Hargura Godana

The results of the Division were as follows:-

**AYES– 26**

**NOES– 0**

**ABSTENTIONS– 0**

**AYES**

1. Sen. Halake, Abshiro Soka – Voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Boy Issa Juma
4. Sen. Hargura Godana – Voted verbally
5. Sen. Kabaka Boniface Mutinda
6. Sen. Kajwang’ Moses Otieno
7. Sen. Khaniri George
8. Sen. Kibiru Charles Reubenson
9. Sen. Kihika Susan Wakarura
10. Sen. Kindiki Kithure – Voted verbally
11. Sen. Kirinyaga Ephraim Maina
12. Sen. Langat Christopher Andrew
13. Sen. Lelegwe Steve Ltumbesi
14. Sen. Madzayo Stewart Mwachiru – Voted verbally
15. Sen. Mahamud Mohamed Maalim
16. Sen. Seneta Mary Yiane – Voted verbally on behalf of Kajiado County Delegation



17. Sen. Murkomen Onesimus Kipchumba
18. Sen. Mwangi Paul Githiomi – Voted verbally
19. Sen. Mwaruma Johnes Mwashushe
20. Sen. Mwinyihaji Mohamed Faki
21. Sen. Olekina Ledama
22. Sen. Onger Samson Kegengo – Voted verbally
23. Sen. Nyamunga Rose Ogendo – Voted on behalf of Kisumu County Delegation
24. Sen. Haji Farhiya Ali – Voted on behalf of Nairobi County Delegation
25. Sen. Wambua Enoch Kiio
26. Sen. Wetang'ula Moses Masika

Bill read a Third Time and passed.

12. **COMMITTEE OF THE WHOLE**  
**THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE**  
**BILLS NO. 1 OF 2018)**  
(Sen. Paul Wamatangi)

Order deferred.

13. **THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF**  
**2018)**  
(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)  
*(Second Reading)*

Order deferred.

14. **MOTION – NOMINATION OF A SENATOR TO SERVE IN THE SENATE BUSINESS**  
**COMMITTEE**  
(The Senate Majority Leader)

Motion made and Question proposed-

**THAT**, pursuant to Standing Orders 178(1)(d) and 183 (3) of the Senate, the Senate approves the appointment of Sen. Cleophas Malalah, MP, as a Member of the Senate Business Committee.

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order 73, the Deputy Speaker informed the House that the Motion did not affect Counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY-**

**THAT**, pursuant to Standing Orders 178(1)(d) and 183 (3) of the Senate, the Senate approves the appointment of Sen. Cleophas Malalah, MP, as a Member of the Senate Business Committee.

15. **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.

16. **MOTION – REGISTRATION OF PERSONS WITH DISABILITIES (PWDs)**

(Sen. George Khaniri)

**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.

Order deferred.

17. **MOTION – FLOOD SITUATION IN THE COUNTRY**  
(Sen. FatumaDullo)

**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.

And the time being five minutes past Four O'clock, the Deputy Speaker adjourned the Senate without Question put, pursuant to the Standing Orders.

18. **SENATE ROSE** – at five minutes past Four O'clock.

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

*The Speaker will take the Chair on  
Thursday, May 31, 2018 at 2.30 p.m.*

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