



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, JULY 26, 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. **COMMUNICATIONS FROM THE CHAIR**

The Deputy Speaker conveyed the following Communications from the Chair -

(i) Visiting students and teachers from St. Augustine Muruto Primary School, Nandi County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from St. Augustine Muruto Primary School, Nandi County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

(ii) Visiting students and teachers from Shining Star Mbooni Primary School, Makueni County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Shining Star Mbooni Primary School, Makueni County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

4. **PAPERS LAID**

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

- (i) Report of the Select Committee on the Solai Dam Tragedy.

(Chairperson, Select Committee on Solai Dam Tragedy)

- (ii) Statement of the business of the Senate for the week commencing Tuesday, 31st July, 2018.

(Deputy Senate Majority Leader)

5. **NOTICE OF MOTION** – (Chairperson, Select Committee on Solai Dam Tragedy)

That, the House notes the Report of the Select Committee on the Solai Dam Tragedy laid on the Table of the House on Thursday, 26th July, 2018

6. **STATEMENTS**

a) Statements pursuant to standing order 46 (2) (a)

Nominated Senator (Sen. Beatrice Kwamboka) made a statement regarding the recent cases of evictions of persons who had encroached the Mau Forests Complex.

In the statement, the Senator informed the House that over the last decades, there has been extensive degradation of the Mau Forests Complex as a result of encroachment, excisions and illegal forest resources extraction. This degradation is a major threat to water resources, biodiversity and livelihoods of forest dependent communities which if allowed to continue, would lead to conflicts over these resources and land.

Sen. Kwamboka brought to the attention of the House that it is therefore important to conserve Mau Complex as it supports the livelihood of millions of people in the Rift Valley and Western Kenya. Political interference, weak law enforcement, limited management capacities of mandated institutions, and inadequate governance systems account, in part, for this wanton degradation. This encroachment of the Mau led to the formation of a Task Force on the Conservation of the Mau Forests Complex, in 2009 which made several recommendations on the management and conservation of forests throughout the country.

The Senator further urged the government to ensure the evictions are done in a humane manner. She also urged the government to amicably resolve the stalemate surrounding the eviction of Kibra residents on the stretch of land destined as a road reserve as more than 30,000 livelihoods are involved.

Sen. Kwamboka concluded by drawing the attention of the Senate on this matter and appealed to the National Government through the Ministry of Environment and Forestry to intervene and take necessary actions in safeguarding the Mau Forests Complex and all other forests in the country; and also, to initiate measures aimed at increasing the forest coverage in the country.

b) Statement pursuant to standing order 46 (2) (c)

The Deputy Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 31st July, 2018.

7. **THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**

(Sen. LedamaOlekina, MP)

(Second Reading)

(Division)

Order deferred.

8. **THE COUNTY STATISTICS BILL (SENATE BILLS NO. 9 OF 2018)**

(Sen. (CPA) Farhiya Ali Haji, MP)

(Second Reading)

(Division)

Order deferred.

9. **THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2018)**

(Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

(Division)

Order deferred.

10. **THE IRRIGATION BILL (NATIONAL ASSEMBLY BILLS NO. 46 OF 2018)**

(The Senate Majority Leader)

(Second Reading)

(Division)

Order deferred.

11. **THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2017)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Physical Planning Bill (National Assembly Bills No. 34 of 2017) be now read a Second Time.

(The Senate Majority Leader)

Debate arising;

Adjournment of debate pursuant to Standing Order 99(1):

Raising a point of order, the Deputy Senate Minority Leader claimed to move-
“**That**, the debate be now adjourned”, pursuant to Standing Order 99(1).

And the Temporary Speaker (Sen. (Prof.) Margaret Kamar) acceding to the claim;

Motion made and Question proposed;

“**THAT**, the debate be now adjourned”,

(Deputy Senate Minority Leader)

Question put and agreed to.

12. **MOTION - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE KAJIADO COUNTY EXECUTIVE FOR FY 2013/2014**

Motion made and Question proposed-

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the Financial operations of Kajiado County Executive for the Financial year 2013/2014 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Thursday, 10th May, 2018.

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

And there being no Senator wishing to contribute;

Raising a Point of Order, the Mover requested that putting of the Question be deferred to a later date, pursuant to Standing Order 55 (3).

And the Temporary Speaker (Sen. (Prof.) Margaret Kamar) acceding to the request, deferred putting of the Question to a later date.

13. **MOTION - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE NAROK COUNTY EXECUTIVE FOR FY 2013/2014**

Motion made and Question proposed-

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 Narok County Executive for the Financial year 2013/2014 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Thursday, 10th May, 2018.

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

And there being no Senator wishing to contribute;

Raising a Point of Order, Sen. Ledama Olekina requested that putting of the Question be deferred to a later date, pursuant to Standing Order 55 (3).

And the Temporary Speaker (Sen. (Prof.) Margaret Kamar) acceding to the request, deferred putting of the Question to a later date.

14. **MOTION - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE TURKANA COUNTY EXECUTIVE FOR FY 2013/2014**

Motion made and Question proposed-

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 Turkana County Executive for the Financial year 2013/2014 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Thursday, 10th May, 2018.

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

And there being no Senator wishing to contribute;

Raising a Point of Order Sen. Ledama Olekina requested that putting of Question be deferred to a later date, pursuant to Standing Order 55 (3).

And the Temporary Speaker (Sen. (Prof.) Margaret Kamar) acceding to the request, deferred putting of the Question to a later date.

15. **MOTION - REPORT OF THE SENATE DELEGATION TO THE FIRST EXTRAORDINARY SESSION OF THE FORUM OF PARLIAMENTS OF THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION (FP-ICGLR) HELD IN KINSHASA, THE DEMOCRATIC REPUBLIC OF CONGO (DRC)**

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.

(Sen. Samuel Poghisio, MP)

Order Deferred

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

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.

(Sen. Fatuma Dullo, MP)

Order deferred.

17. **MOTION – NEED TO REVIEW AND EVALUATE THE STATE OF EDUCATION IN NORTHERN KENYA**

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.

(Sen. (Dr.) Abdullahi Ali, MP)

Order deferred.

18. **MOTION – NEED FOR STANDARD POLICY REGULATION FOR CONSTRUCTION AND MAINTENANCE OF RURAL ACCESS ROADS**

Motion made and Question proposed-

THAT, AWARE that Section 15 of the National Construction Authority (NCA) Act prescribes the requirements for registration as a contractor;

ALSO AWARE that Section 18 of the Act mandates the NCA Board to accredit firms incorporated outside Kenya to carry out construction works in Kenya for a prescribed period;

CONCERNED that a large number of registered local contractors cannot perform up to the expected standard leading to collapsed buildings, poor county roads and infrastructure and incomplete contracts;

APPRECIATING that there is still a good number of local contractors that has demonstrated capacity to perform and deliver projects as required;

DEEPLY CONCERNED that foreign contractors are now engaging in projects that local contractors have equal capacity and skill to perform, especially in the counties;

RECOGNIZING THAT there is need to grow our local industries by giving job opportunities to Kenyan citizens and building their technical capacities;

NOW THEREFORE, the Senate calls upon the Government through the NCA to-

1. conduct a fresh registration drive of all building and infrastructure contractors in order to weed out all non-performing ones and to identify those who demonstrate compliance;
2. enforce strict oversight on foreign contractors and institute a mechanism to handle complaints raised against contractors;
3. ensure that foreign contractors are only awarded contracts that local contractors cannot handle and require them to include technology transfer to locals; and
4. require both local and foreign contractors to undertake corporate social responsibility activities in the counties where they operate.

(Sen. (Arch.) Sylvia Kasanga, MP)

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Judith Pareno) adjourned the Senate without Question put, pursuant to the standing orders.

19. **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
Tuesday, July 31, 2018 at 2.30 p.m.*

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