



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, JULY 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) Visiting students and teachers from Christian's Education Centre, Kiambu County.

"Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Christian's Education Centre, Kiambu 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 Kamunyu Primary School, Kitui County.

"Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Kamunyu Primary School, Kitui 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. **PAPER LAID**

The following Paper was laid on the Table of the Senate-

Statement of the business of the Senate for the week commencing Tuesday, 24th July, 2018.

(Sen. (Eng.) Mohamed M. Mahamud on behalf of the Senate Majority Leader)

5. **STATEMENTS**(i) **Statements Pursuant to Standing Order No. 46 (2)(a)**

The Nominated Senator (Sen. (Dr.) Alice Milgo) made a statement regarding registration of schools in Bomet County.

In the statement, the Senator stated the importance of registration of schools as it was a way of recognition and acknowledgment, by the government, of the schools enabling them to obtain grants for development of infrastructure and funding to employ non-teaching staff and for co-curricular activities. Furthermore, registered schools are also eligible to get well-trained teachers from the Teachers Service Commission (TSC).

Regarding the government's efforts to ensure access to schools, retention in schools and completion by students, the Senator lauded this efforts but brought to the attention of the House that some of these schools were not registered because they do not meet the minimum number of students/pupils required for a school to be registered. This translates to the schools failing to obtain any government grants and funding, and qualified teachers from TSC thus affecting the quality of education.

The Senator therefore requested that the Committee on Education and the Cabinet Secretary for Education consider the current school registration regulations vis-à-vis the status of schools with a view of coming up with recommendations that will ensure that our children are able to access schools but at the same time ensure that standards are maintained in the schools.

(ii) **Statement Pursuant to Standing Order No. 46 (2)(c)**

Sen. (Eng.) Mohamed M. Mahamud on behalf of the Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 24th July, 2018.

(iii) **Statement Pursuant to Standing Order No. 46 (2)(d)**

The Chairperson, Standing Committee on Finance and Budget (Sen. (Eng.) Mohamed M. Mahamud, MP) made a statement regarding disbursement of

County Governments' Equitable Share of Revenue for the Financial Year 2017/2018.

In his statement, the Chairperson stated that the Division of Revenue Act, 2017, and the County of Revenue Allocation Act, 2017, which were passed by the Senate on 16th June, 2018 provided for a total of Ksh. 345,681,018,499 with an allocation of Ksh. 302 billion to the county equitable share. However, the National Treasury in a Gazette Notice No. 6277 dated 29th June, 2018 indicated that the county equitable share for FY 2017/2018 was revised to Ksh. 288 billion. That publication caused uproar from all the devolution stakeholders. The Committee expeditiously called for information from the National Treasury on the matter.

The Chairperson informed the House that the National Treasury appeared before the Committee on Tuesday, 17th July, 2018 and revealed that the Gazette Notice aforementioned was in anticipation that proposal on amendments to the Division of Revenue Act, 2017, and the County Allocation of Revenue Act, 2017 sent to Parliament would be approved. The National Treasury availed information to the Committee that the actual monies released by 30th June, 2018 amounted to Ksh. 302 billion. The Chairperson concluded by stating that the Committee is seized of the new publication dated 17th July, 2018, correcting the earlier publication that was erroneous and misleading to the public.

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

(Sen. Ledama Olekina, MP)

(Second Reading)

(Division)

Order deferred.

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

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

(Second Reading)

(Division)

Order deferred.

8. **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.

9. **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.

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

Motion made and Question proposed-

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.

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

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Before the Question was put and pursuant to Standing Order 73, the Temporary Speaker (Sen. Judith Pareno) ruled that the Motion did not affect counties.

Question put and **agreed to.**

RESOLVED ACCORDINGLY

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;

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11. **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

12. **MOTION – PAYMENT OF A ONE-OFF HONORARIUM AND MONTHLY PENSION TO FORMER COUNCILORS**

THAT AWARE that National Forum of Former Councilors petitioned the Senate regarding the need for legislative interventions to address the plight and welfare of former Councilors;

FURTHER AWARE that the Senate Standing Committee on Labour and Social Welfare considered the Petition and tabled its report on Tuesday, 16th February, 2016;

ACKNOWLEDGING that the Committee's report on the Petition made five recommendations among them that-

1. one-off honorarium of Kshs1.5 Million be paid to former councilors who served a minimum of one term since independence; and
2. monthly pension of at least Kshs30,000 be paid to former councilors.

APPRECIATING that the recommendations were based on the fact that former Councilors did not receive fixed emoluments and experienced disparities with regard to access to pension services and terms and conditions of pension schemes over the years, which made it difficult to fairly and equitably determine each councilor's rightful benefits retrospectively;

CONCERNED that the State Department for Social Services and Security, State Department for Devolution and the National Treasury have to date not implemented the Committee's recommendations on the Petition;

NOW THEREFORE, the Senate calls upon the Principal Secretaries to the said State Departments and the National Treasury to take necessary steps to implement the recommendations contained in the Report.

(Sen. John Kinyua, MP)

Order deferred.

13. **MOTION – USE OF SIGNING EXACT ENGLISH (SEE) AS A MODE OF INSTRUCTION FOR LEARNERS WITH HEARING IMPAIRMENT**

AWARE that Article 43 (f) of the Constitution stipulates that every person has a right to education;

FURTHER AWARE that Kenya is among the State Parties that ratified the United Nations Convention on the Rights of Persons with Disabilities in which the parties undertook to ensure that persons with disabilities are not excluded from the general education system and that the education of persons, and in particular children, who are blind, deaf or deaf-blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development;

ACKNOWLEDGING that hearing impaired learners have linguistic challenges and perform dismally in academics since all subjects other than Kiswahili and foreign languages are taught and examined in English;

COGNIZANT that hearing impaired learners who are educable can master the essentials of English language as they are able to sign sing the National Anthem in Signing Exact English (SEE);

NOW THEREFORE, the Senate calls upon the Ministry of Education, Science and Technology to-

1. ensure that Signing Exact English (SEE) is used as a mode of instruction for persons with hearing impairment who are educable;
2. develop SEE instructional materials for learners with hearing impairment;
3. work with linguists and researchers to develop sign language resources; and
4. ensure that sign language linguistics is offered as a discipline in universities and teacher training colleges.

(Sen. (Dr.) Gertrude Musuruve, MP)

Order deferred.

14. **MOTION - REPORT OF THE SENATE DELEGATION TO THE AFRICAN PARLIAMENTARIANS' NETWORK AGAINST CORRUPTION (APNAC) CONFERENCE**

THAT, this House notes the Report of the Senate Delegation to the African Parliamentarians' Network Against Corruption (APNAC) Conference held in Ghana from 17th - 18th March, 2018, laid on the Table of the House on Tuesday, 19th June, 2018.

(Sen. (Dr.) Isaac Mwaura, MP)

Order deferred.

15. **MOTION - REPORT OF THE SENATE DELEGATION TO THE WOMEN POLITICAL LEADERS ANNUAL GLOBAL SUMMIT**

Motion made and Question proposed-

THAT, this Senate notes the Report of the Senate Delegation to the Women Political Leaders Annual Global Summit held in Vilnius, Lithuania from 6th - 8th June, 2018 laid on the Table of the House on Thursday, 21st June, 2018.

(Sen. (Dr.) Agnes Zani, MP)

And there being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 73, the Temporary Speaker (Sen. Judith Pareno) ruled that the Motion did not affect counties.

Question put and **agreed to.**

RESOLVED ACCORDINGLY

THAT, this Senate notes the Report of the Senate Delegation to the Women Political Leaders Annual Global Summit held in Vilnius, Lithuania from 6th - 8th June, 2018 laid on the Table of the House on Thursday, 21st June, 2018.

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.

16. **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 24, 2018 at 2.30 p.m.*

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