



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, FEBRUARY 27, 2019 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: -

“Honourable Senators,

As you are aware during the Senate Sitting on Thursday, 21st February, 2019, the Senator for Kericho County (Sen. Aaron Cheruiyot, MP) requested for a statement from the Standing Committee on National Security, Defense and Foreign Relations regarding the National Integrated Identity Management System (NIIMS).

Following comments by Senators pursuant to Standing Order 48 (3)(a), it was agreed that the Committee invites the Cabinet Secretary, Ministry of Interior and Coordination of National Government to the Senate, to address the matter.

The Chairperson of the Committee has informed me that the Committee shall hold a meeting with the said Cabinet Secretary and the Cabinet Secretary, Ministry of Information, Communication and Technology, tomorrow Thursday, 28th February, 2019 at 8:00 a.m. in the Senate Chamber, Main Parliament Buildings. It is expected that the two CSs will appraise Senators on the matter and provide a comprehensive response to the issues raised. You are hereby invited to attend the meeting. The meeting will be preceded by breakfast at the Parliament Main Restaurant at 7:00 a.m.

I thank you.”

4. PETITIONS

a) Pursuant to Standing Order 230(2), the Chairperson, Standing Committee on Health (Sen. Michael Mbiti) tabled before the Senate a Report of the Committee on a Petition by Residents of Isiolo County regarding the agreement between the County Government of Isiolo and M/S Living Goods Limited, for provision of Community Health Services to Isiolo County.

b) Pursuant to Standing Order 230(2)(a), the Senator for Kiambu (Sen. Kimani Wamatangi) presented to the Senate a Petition by Residents of Kangemi, Mountain View, Uthiru, 87, Kinoo, Muthiga, Zambezi and Kamandura on compensation and resettlement of persons affected by the rehabilitation and capacity enhancement of James Gichuru Road Junction-Rironi Highway (A104) Project.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and, subsequently, committed it to the Standing Committee on Roads and Transportation, pursuant to Standing Order 232(1).

c) Pursuant to Standing Order 230(2)(a), the Senator for Nakuru (Sen. Susan Kihika) tabled to the Senate a Petition from the residents of Nakuru County concerning unlawful rounding up, detention, transfer and dumping of street children by the County Government of Nakuru.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and, subsequently, committed it to the Standing Committee on Labour and Social Welfare, pursuant to Standing Order 232(1).

5. PAPERS LAID

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

i. Report on a public Petition by residents of Isiolo County regarding the agreement between the County Government of Isiolo and M/S Living Goods Limited for provision of Community Health Services in Isiolo County.

(The Chairperson, Standing Committee on Health)

ii. Annual Report of the Financial Statements of the Kenya National Commission on Human Rights for the Year 2016/2017.

iii. Report of the Auditor-General on the Financial Statements of Bungoma County Trade Development Fund for the Year ended 30 June, 2016.

(The Senate Majority Leader)

iv. The Report of the Standing Committee on Finance and Budget on the Addendum to the County Governments Cash Disbursement Schedule for Financial Year 2018/2019.

(Chairperson, Standing Committee on Finance and Budget)

6. **NOTICE OF MOTION - ADDRESSING THE PLIGHT OF STREET FAMILIES IN URBAN CENTRES**

(Sen. Beatrice Kwamboka, MP)

AWARE THAT the Street Families Rehabilitation Trust Fund (SFRTF) was established on 11th March, 2003 by the then Ministry of Local Government to address the concerns of all homeless, destitute and vulnerable persons in urban areas, and was registered as a body Corporate in August, 2010 under the Trustees (perpetual succession) Cap 164, Laws of Kenya;

FURTHER AWARE THAT the mandate of SFRTF includes coordinating rehabilitation activities for street families; conducting public education on street families issues; mobilizing resources and fundraising as well as receiving donations and funding street families rehabilitation programmes; managing donations for the rehabilitation of street families through a trust fund; monitoring expenditure and disbursement of donations; and advising the government and other relevant agencies on matters relating to rehabilitation of street families;

NOTING THAT Article 43 (1) of the Constitution of Kenya provides for the right to every person to the highest attainable standard of health, accessible and adequate housing, adequate food of acceptable quality, clean and safe water in adequate quantities, education, and social security;

CONCERNED THAT the street family phenomenon has persisted despite the existence of the SFRTF and street families do not enjoy the rights enshrined in the Constitution due to lack of a national policy on the rehabilitation of street families, with women and children being the primary victims;

COGNIZANT THAT the Ministry of Devolution and ASAL Areas through the SFRTF supports children and youth through charitable and community based organizations which are vetted and approved for funding under the rescue, rehabilitation and reintegration of street families programme;

NOTING THAT both the National and County Governments have a role to play in addressing the plight of street families across the Country;

NOW THEREFORE the Senate resolves that Ministry of Devolution and ASAL Areas in collaboration with the Council of Governors-

- 1) conducts a census of street families in all urban centres in the country to determine their numbers and demographics;
- 2) develops a clear policy on street families rehabilitation and reintegration at county level; and
- 3) tables an audit report of how funds allocated to the SFRTF have been utilized since the Fund was established, indicating the impact of the rehabilitation exercise.

7. **STATEMENTS PURSUANT TO STANDING ORDER NO. 48(1)**

- i. Nominated Senator (Sen. Beatrice Kwamboka, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding the deplorable situation in water and sewerage in Nairobi City County.
- ii. The Senator for Bomet County (Sen. (Dr.) Christopher Langat, MP) sought a statement from the Standing Committee on Labour and Social Welfare on the delay in disbursement of the Older Persons Cash Transfer (OPCT) money to the elderly.

8. **THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (NATIONAL ASSEMBLY BILLS NO. 10 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed;

THAT the County Governments Retirement Scheme Bill (National Assembly Bills No. 10 of 2018) be now read a Second Time.

(The Senate Majority Leader – 29.11.2018)

Debate interrupted on Tuesday, 19th February, 2019 resumed;

Mover replied;

The House proceeded to a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 81 and that the Division Bell be rung for five (5) minutes;

Upon the expiry of five (5) minutes, the Speaker directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The 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 81 (5), the Speaker allowed two (2) Senators to record their vote verbally.

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

1. Sen. Mary Yiane Seneta - on behalf of Kajiado County Delegation
2. Sen. Naomi Shiyonga Masitsa - on behalf of Kakamega County Delegation

The results of the Division were as follows:-

AYES – 26

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Boy Issa Juma
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kibiru Charles Reubenson
7. Sen. Kihika Susan Wakarura
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Wamatangi Paul
10. Sen. Kirinyaga Ephraim Maina
11. Sen. Langat Christopher Andrew
12. Sen. Linturi Franklin Mithika
13. Sen. Mahamud Mohamed Maalim
14. Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
15. Sen. Mbito Michael Malinga
16. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
17. Sen. Murkomen Onesimus Kipchumba
18. Sen. Mwaruma Johnes Mwashushe
19. Sen. Nderitu John Kinyua
20. Sen. Mbogo Ochilo Ayacko
21. Sen. Olekina Ledama
22. Sen. Outa Fredrick Otieno
23. Sen. Poghision Samuel Losuron
24. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County Delegation
25. Sen. Wambua Enoch Kiio
26. Sen. Wetangula Moses Masika

Question **agreed to.**

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

9. **MOTION – EXTENSION OF SITTING TIME PURSUANT TO STANDING ORDER 31 (3) (a)**

Motion made and Question Proposed;

THAT, pursuant to Standing Order 31 (3)(a), the Senate resolves to extend its sitting until the conclusion of business listed in Order Nos. 9 and 10 in today's Order Paper.

(The Senate Minority Whip)

And there being no Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 79 (1), the Deputy Speaker informed the House that the Motion did not affect counties.

Question put and **agreed to.**

RESOLVED ACCORDINGLY

THAT, pursuant to Standing Order 31 (3)(a), the Senate resolves to extend its sitting until the conclusion of business listed in Order Nos. 9 and 10 in today's Order Paper.

10. MOTION – THE REPORT OF THE AD-HOC COMMITTEE ON MAIZE CRISIS IN KENYA

Question on the amended Motion proposed;

THAT, this House adopts the Report of the of the Ad-hoc Committee on the Maize crisis in Kenya laid on the Table of the House on Tuesday, 27th November, 2018 subject to the following amendments-

- (a) by inserting the words "*and the Inter-Ministerial Committee on Food Security*" immediately after the words "*The Cabinet Secretary, the National Treasury & Planning and the Cabinet Secretary, MOALF&I*" appearing in paragraph 3 on page 11 of the report;
- (b) by inserting the words "*and the Inter-Ministerial Committee on Food Security*" immediately after the words "*The CS National Treasury and CS, MOALF&I*" appearing in column 1 of recommendation 7 on page 111 of the report; and
- (c) by inserting the words "*and the Inter-Ministerial Committee on Food Security*" immediately after the words "*CS, National Treasury, CS, Agriculture*" appearing in column 3 of recommendation 7 on page 111 of the report.

(Chairperson, Ad-hoc Committee - 21.02.2019)

Debate interrupted on Tuesday, 26th February, 2019 resumed;

And there being no other Senator wishing to contribute;

The Mover replied;

Raising a point of order, the Senator for Uasin Gishu (Sen. (Prof.) Margaret Jepkoech Kamar) requested that the putting of the Question be deferred to a later date, pursuant to Standing Order 61(3).

And the Deputy Speaker acceding to the request, nominated Thursday, 28th February 2018 as the day when the Question shall be put.

11. MOTION - ADOPTION OF THE 2019 BUDGET POLICY STATEMENT

Motion made and Question proposed;

THAT, pursuant to Section 25 (7) of the Public Finance Management Act and Standing Order 180 (7) of the Senate, this House adopts the Report of the Standing Committee on Finance and Budget on the 2019 Budget Policy Statement, laid on the Table of the Senate on Tuesday, 26th February, 2019.

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Raising a point of order, the Chairperson, Standing Committee on Finance and Budget requested that the putting of the Question be deferred to a later date, pursuant to Standing Order 61(3).

And the Deputy Speaker acceding to the request, nominated Thursday, 28th February 2018 as the day when the Question shall be put.

The Deputy Speaker interrupted the proceedings and adjourned the Senate thirty one minutes past Nine O'clock without Question put, pursuant to the Standing Orders.

12. **SENATE ROSE** – at thirty one minutes past Nine O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Thursday, February 28, 2019 at 2.30 p.m.*

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