



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, APRIL 09, 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 Deputy Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

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

a) Delegation from the Laikipia County Assembly

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of visiting members and staff of the Speaker’s panel from Laikipia County Assembly.

I request the members and officers to stand when called out so that they may be acknowledged in the Senate tradition.

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|--------------------------|---|------------------|
| 1. Hon. Daniel Nyausi | - | Deputy Speaker |
| 2. Hon. Peter Matunge | - | Vice Chairperson |
| 3. Hon. Cathryn Nyawira | - | Member |
| 4. Hon. John Mutahi | - | Member |
| 5. Hon. Veronica Ikunyua | - | Member |
| 6. Ms. Martha Wambui | - | Committee clerk |
| 7. Ms. Caroline Irungu | - | Secretariat |

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.”

b) Visiting Pupils and Teachers from the Starehe Boys' Centre and School, Nairobi County.

"Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of students from the Starehe Boys' Centre and School, who are undertaking a two-weeks voluntary service in the Senate.

I request the students to stand when called out so that they may be acknowledged in the Senate tradition-

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|---------------------|-----------|
| 1. Kelvin Nyoteyo | - Form 3B |
| 2. Bashir Shiuzi | - Form 3E |
| 3. Victor Kibet | - Form 3E |
| 4. Everson Onderi | - Form 2B |
| 5. Anthony Ochieng' | - Form 2B |
| 6. Daniel Maosa | - Form 2C |
| 7. Amos Maroko | - Form 2C |

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."

c) Visiting Pupils and Teachers from St. Angela's Primary School, Kisii County.

"Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting pupils and teachers from St. Angela's Primary School, Kisii County.

On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you."

d) Visiting Pupils and Teachers from Ogande Girls' Secondary School, Homabay County.

"Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting pupils and teachers from Ogande Girls' Secondary School, Homabay County.

On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.”

e) Visiting Pupils and Teachers from Kenyoro Primary School, Nyamira County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting pupils and teachers from Kenyoro Primary School, Nyamira County.

On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.”

f) Visiting Pupils and teachers from Potter’s House Academy, Uasin Gishu County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Potter’s House Academy, Uasin Gishu 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.”

g) Visiting Pupils and Teachers from PAG Jerusalem School, Nandi County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting pupils and teachers from PAG Jerusalem School, Nandi County.

On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.”

4. **PAPERS LAID**

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

- i. State of the Nation Address by H.E. the President delivered on Thursday, 4th April, 2019 at a Joint Sitting of Parliament;
- ii. 6th Annual Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
- iii. 6th Annual Report on Progress Made in Fulfilling the International Obligations of the Republic of Kenya;
- iv. 6th Annual Report to Parliament on the State of National Security;
- v. Report of the Auditor General on the Financial Statement of Thika Water and Sewerage Company Limited for the Year ended 30th June, 2018; and
- vi. Report of the Commission on Revenue Allocation (CRA) on its recommendations on the recurrent expenditure ceilings for counties in the 2019/2020 Financial Year.

(The Senate Majority Leader)

5. **NOTICE OF MOTION** - (The Senate Majority Leader)

THAT, pursuant to Standing Order 24 (6), the thanks of the Senate be recorded for the exposition of public policy contained in the Address of His Excellency the President, delivered on Thursday, 4th April, 2019, and further, the Senate notes the following Reports submitted by His Excellency the President in fulfilment of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the House on Tuesday, 9th April, 2019-

- (i) 6th Annual Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
- (ii) 6th Annual Report on Progress Made in Fulfilling the International Obligations of the Republic of Kenya; and
- (iii) Annual Report to Parliament on the State of National Security.

6. **NOTICE OF MOTION** – (Sen. Erick Okong’o Mogeni, MP)

THAT, AWARE that the Senate, on 16th July 2015, resolved to establish an *ad hoc* Committee to inquire into the status of County Headquarters and identify the needs of each of the forty-seven Counties, which would form the basis for possible assistance to the identified Counties;

RECALLING THAT the *ad hoc* Committee on County Headquarters tabled its Report in the Senate on 3rd December 2015 in which it recommended that 11 Counties be supported, as follows:

1. Those in dire need and requiring immediate assistance (‘AA’ category): Isiolo, Lamu, Nyandarua, Tana River and Tharaka Nithi Counties; and
2. Those requiring assistance to help them develop their Headquarter infrastructure (‘A’ category): Bomet, Kitui, Marsabit, Nyamira, Siaya and Taita Taveta Counties.

FURTHER RECALLING THAT with regard to the five Counties classified under the AA category, the Committee recommended that each be allocated a sum of Kshs. 800 million as conditional grants, and that the six Counties classified under the A category be each allocated a sum of Kshs. 300 million as conditional grants;

AWARE THAT the Senate, on 1st March 2016, adopted the Report of the *ad hoc* Committee on County Headquarters;

COGNIZANT THAT following the said resolution of the Senate, conditional grants have been advanced to the five Counties classified under the AA category, during the financial years 2017/2018, 2018/2019 and further allocations have been budgeted for the financial year 2019/2020;

CONCERNED THAT to date, no allocations have been made by way of conditional grants to the six Counties identified as requiring assistance under category A, and that these Counties continue to experience grave challenges in terms of infrastructure that have hampered their operations;

AWARE THAT the said Counties are at various stages of putting up the infrastructure required to make them fully operational, and that some may have already been completed;

ACKNOWLEDGING THAT the Senate is mandated to protect the interests of Counties and their governments, which includes ensuring that the county governments are fully operational;

NOW, THEREFORE, the Senate resolves that the Standing Committee on Devolution and Intergovernmental Relations undertakes an assessment of the status of County Government facilities in the following Counties, and to report to the Senate within three months: -

1. Under 'category AA':

Isiolo, Lamu, Nyandarua, Tana River and Tharaka Nithi Counties; with a view to ascertaining uptake of the funds allocated so far, progress made in construction of County Headquarter facilities, and whether any additional budgetary support is still required; and

2. Under 'category A':

Bomet, Kitui, Marsabit, Nyamira, Siaya and Taita Taveta Counties; with a view to ascertaining the current status of County Headquarter facilities, which would form the basis for possible budgetary assistance to the said Counties.

7. **NOTICE OF MOTION** – (Sen. Naomi Masitsa Shiyonga, MP)

THAT, AWARE THAT Article 43(1)(a) of the Constitution provides that every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;

NOTING THAT, Parliament enacted the Health Act (2017) whose objects encompass the need to establish a national health system at the national and

county levels, as well as to facilitate, in a progressive and equitable manner, the highest attainable standards of health services;

ACKNOWLEDGING THAT Sickle Cell Disease, a severe hereditary form of anaemia in which a mutated form of haemoglobin distorts the red blood cells into a crescent shape at low oxygen levels, and is prevalent amongst those of African descent, has been acknowledged by World Health Organization (WHO) as a major public health priority which has had devastating effects on populations in many parts of Kenya;

FURTHER ACKNOWLEDGING the lack of comprehensive information and care programs for Sickle Cell Disease is occasioned by the poor public awareness, unavailability of routine health data and nationally recognised treatment guidelines;

CONCERNED by the lack of national screening programmes for Sickle Cell Disease despite the serious health problems it causes, and its contribution to childhood deaths in Kenya;

NOW, THEREFORE, the Senate urges the National and County Governments to establish nation-wide screening at existing medical centres and satellite clinics, and the provision of counselling on the management of sickle cell disease, a lifelong medical condition that has no cure, at the county, sub-county and ward levels.

8. **NOTICE OF MOTION** – (Sen. (Arch.) Sylvia Kasanga, MP)

THAT, AWARE THAT, early childhood education and village polytechnics are a function of the County Governments. Secondary schools, Universities, Tertiary institutions and other institutions of research are a function of the National Government under the Fourth Schedule of the Constitution;

FURTHER AWARE THAT, institutions of higher learning have two basic functions, teaching and conducting research;

CONCERNED THAT, such institutions largely concentrate on “teaching” rather than “research”, as a method of enhancing and imparting the practical application of skills, attitude and knowledge by learners;

NOTING THAT, funds allocated towards community and development oriented academic research are neither sustainable nor adequate;

ACKNOWLEDGING THAT, various national policies on research and innovation are available, but fragmentation in the sector has short-changed the vision of a progressive national research agenda, thereby emboldening low science culture among the population, low global competitiveness ranking, inadequate funding, and poor linkages between academic research and commercial industry;

NOW THEREFORE, the Senate urgently calls upon the Ministry of Education, Science and Technology:

- (i) To provide a comprehensive report from all institutions of higher learning on the status and performance of Research & Innovation Programs in the Country;
- (ii) Re-assess Sector Policies, and Develop new work-plans towards:
 - a. Improving allocation of funds for Academic as well as Sustainable Community Based Research to public institutions of higher learning.
 - b. Providing subsidies, and frameworks for partnerships between public & private institutions of higher learning to enable collaboration and better organization in research and innovations for community/county development Projects.

9. **STATEMENTS**

a) **Statement Pursuant to Standing Order No. 47(1)**

Nominated Senator (Sen. (Dr.) Alice Milgo, MP) made a statement on the rising cases of suicide and murder in the country.

Thereupon, the Senator stated that whereas human life is supposed to be sacred, this seems to be no more a guarantee in Kenya, as several people in different parts of the country have recently been murdered in cold blood, while many more, especially young people, are taking their own lives.

The Senator enumerated several cases of loss of human lives, through murder and suicide across the country, emphasizing that last year alone, there were reported 12 students taking their own lives.

The Senator wondered what was the cause of the rising cases and urged the Government to put in place measures to help curb the problem.

b) **Statements Pursuant to Standing Order No. 48(1)**

- i. The Senator for Migori County (Sen. (Dr.) Ochilo Ayacko, MP) sought a statement from the Standing Committee on Finance and Budget regarding the loss of financial and procurement records of Migori County Government Executive.
- ii. The Senator for Bungoma County (Sen. Moses Wetang'ula, MP) sought a statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning the imminent ban, by the Government, of the use of animal manure in crop farming.
- iii. Nominated Senator (Sen. (Dr.) Alice Milgo, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources on the destruction of forests by fire.
- iv. Nominated Senator (Sen. Mary Seneta, MP) sought a statement from the Standing Committee on Agriculture, Livestock and Fisheries on the current status of Emali Holding Ground in Kajiado County.

- v. Nominated Senator (Sen. (Dr.) Getrude Musuruve, MP) sought a statement from the Standing Committee on Education on the effects of the ongoing construction of the Kibos Sugar Factory near Kibos School for the Blind.

10. **THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 11 OF 2019)**

(The Senate Majority Leader)

Order for First Reading read;

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

11. **MOTION – DEBATE ON THE ADDRESS BY HIS EXCELLENCY THE PRESIDENT - (DAY ONE)**

Motion Made and Question proposed:

THAT, pursuant to Standing Order 24 (6), the thanks of the Senate be recorded for the exposition of public policy contained in the Address of His Excellency the President, delivered on Thursday, 4th April, 2019, and further, the Senate notes the following Reports submitted by His Excellency the President in fulfilment of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the House on Tuesday, 9th April, 2019-

- (i) 6th Annual Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
- (ii) 6th Annual Report on Progress Made in Fulfilling the International Obligations of the Republic of Kenya; and
- (iii) 6th Annual Report to Parliament on the State of National Security.

(The Senate Majority Leader)

Debate arising;

And the time being twenty-seven minutes past Six O'clock, the Temporary Speaker (Sen (Dr.) Ltumbesi Lelegwe) adjourned the Senate without Question put, pursuant to the Standing Orders.

12. **SENATE ROSE** - at twenty-seven minutes past six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, April 10, 2019 at 2.30 p.m.*