



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – THIRD SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, OCTOBER 16, 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. **COMMUNICATION FROM THE CHAIR-RECEIPT, BY THE SENATE, OF THE PUBLIC FINANCE MANAGEMENT (NATIONAL GOVERNMENT) (AMENDMENT) REGULATIONS, 2019.**

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

“Honourable Senators,

The Senate is in receipt, from the National Treasury, of, among other documents, the Public Finance Management (National Government) (Amendment) Regulations, 2019.

The effect of the Regulations is to provide oversight mechanisms and accountability on sustainable levels of public debt. In particular, the Regulations provide for a numerical limit to the total public debt of Kshs. 9 trillion in place of the current public debt limits set at 50 per cent of the Gross Domestic Product (GDP) in net present value terms, which is approximately Kshs. 6 trillion at the moment. These Regulations also allow the Government to access concessional funding sources, both at multi-lateral and bilateral levels facilitating public sector investments and development up to the said figure of Kshs. 9 trillion, as opposed to the prevailing figure of Kshs. 6 trillion. The regulations are providing greater borrowing space for the Government of Kenya to cater for potential guarantees for borrowing by county governments and state-owned enterprises. These Regulations are reviewing the debt ceiling of our country from Kshs. 6 trillion to Kshs. 9 trillion.

Honourable Senators,

In accordance with our procedures and our Standing Orders and having looked at the extent and magnitude of the amended Regulations and, considering that this is delegated legislation, I determine that this being a matter of national

importance touching on the country's resources including budgetary issues, it be committed to the Standing Committee on Finance and Budget as well as the Sessional Committee on Delegated Legislation.

Honourable Senators,

The Committees are directed to consider the Regulations tabled by the Senate Majority Leader this afternoon so that this House can expeditiously deal with this issue and make a pronouncement on the approval as required by the law and the Constitution.

I thank you.”

4. **PETITION**

Pursuant to Standing Order 230(2)(a), the Senator for Laikipia County (Sen. John Kinyua, MP) presented a Petition by residents of Laikipia County, concerning rising insecurity and banditry attacks in Laikipia West Constituency in Laikipia County.

Pursuant to Standing Order 231, the Deputy Speaker invited Senators to comment on the Petition and, subsequently, committed it to the Standing Committee on National Security, Defence and Foreign Relations, pursuant to Standing Order 232(1).

5. **PAPER LAID**

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

The Public Finance Management (National Government) (Amendment) Regulations, 2019.

*(The Senate Majority Leader)*

6. **STATEMENTS**

**(i) Pursuant to Standing Order 47(1)**

- a) The Nominated Senator (Sen. (Dr.) Alice Milgo, MP) made a Statement on an issue of general topical concern, namely the dangers posed by abandoned and disused excavated pits in road construction sites across the country.

Thereupon, the Senator expressed regret over the practice whereby, upon completion of road construction projects, disused excavation sites were left abandoned by contractors, thus posing a danger to humans and animals.

She also outlined a number of incidents where children and older persons had fallen into deep excavation pits that were filled with water and lost their lives.

The Senator called upon the relevant authorities to formulate and enforce measures to ensure that road construction companies reclaimed such excavation sites and put in place measures to prevent exposure of humans and animals to danger.

- b) The Senator for Samburu County (Sen. (Dr.) Lelegwe Ltumbesi, MP) made a Statement on a matter of inter-county and nationwide concern, namely the state of security in Samburu County and the greater northern Kenya region.

Thereupon, the Senator informed the Senate that there had been a serious escalation of bandit attacks on residents of northern Kenya, particularly following the decision by the government to withdraw firearms from National Police Reservists serving in the region. He further regretted that, despite the numerous incidents of loss of human life, theft of livestock and destruction of property, the government did not appear to be keen to comprehensively address the security situation in the region.

The Senator therefore called upon the National Government to put in place safeguards to mitigate against the banditry attacks, including mopping up of firearms which were still unlawfully held by civilians.

Thereupon, the Deputy Speaker referred the statement to the Standing Committee on National Security, Defence and Foreign Relations for consideration, pursuant to standing order 47(3).

**(ii) Pursuant to Standing Order 48(1)**

- a) The Senator for Machakos County (Sen. Boniface Kabaka, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding the impending eviction of a section of residents of Mavoko, Machakos County, from their land by the East Africa Portland Cement Company.
- b) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a statement from the Standing Committee on Health on the challenges currently experienced in the implementation of the Universal Health Coverage (UHC) programme in the four pilot counties.
- c) Nominated Senator (Sen. Abshiro Halake, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding joblessness among graduates of the National Youth Service (NYS).

7. **MOTION - COMMENDATION OF ELIUD KIPCHOGE AND OTHER KENYAN ATHLETES FOR THEIR OUTSTANDING PERFORMANCE**

Order read;

Motion made and Question proposed;

THAT, AWARE THAT, marathon world record holder Eliud Kipchoge wrote his name into history books by becoming the first man to run a marathon in under two hours, on Saturday, 12<sup>th</sup> October, 2019, in Vienna, Austria;

FURTHER AWARE THAT, Brigid Kosgei broke the sixteen-year marathon world record for women, to become the new women's marathon world record holder during the Chicago Marathon held on Sunday, 13<sup>th</sup> October, 2019;

RECALLING the stellar performance by the Kenyan athletics team that participated in the IAAF World Athletics Championships held in Doha, Qatar from 27<sup>th</sup> September to 6<sup>th</sup> October, 2019, where the team won five Gold, two Silver and four Bronze medals, and emerged in the second position out of 206 participating countries;

COGNIZANT THAT Kenya has earned international respect in athletics over the years courtesy of the hard work and stellar performance by our athletes in both on and off-field events, which has brought us together as a country and encouraged cohesion in line with our National Anthem;

NOW THEREFORE, the Senate commends: -

- a) Mr. Eliud Kipchoge, for his history-defining feat of achieving the 1:59 target to run a full marathon;
- b) Ms. Brigid Kosgei for her excellent performance in the Chicago Marathon and specifically for breaking the women's marathon world record; and
- c) the Kenyan athletics team that participated in the IAAF World Athletics Championships held in Doha, Qatar from 27<sup>th</sup> September to 6<sup>th</sup> October, 2019 for their stellar performance.

*(Sen. Aaron Cheruiyot, MP – 15.10.2019)*

Debate interrupted on Tuesday, 15<sup>th</sup> October, 2019 resumed.

There being no other Senator wishing to contribute;

The Senate Majority Leader replied on behalf of the Mover;

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

Question put and agreed to.

**RESOLVED ACCORDINGLY**

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8. **COMMITTEE OF THE WHOLE**  
**THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 31 OF 2018)**  
(Sen. (Dr.) Agnes Zani, MP)

Order deferred.

9. **COMMITTEE OF THE WHOLE**  
**THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 3 OF 2019)**  
(Sen. (Dr.) Agnes Zani, MP)

Order deferred.

10. **COMMITTEE OF THE WHOLE**  
**THE COMMISSION ON ADMINISTRATIVE JUSTICE BILL (SENATE BILLS NO. 6 OF 2019)**  
(Sen. Petronilla Were Lokorio, MP)

Order deferred.

11. **COMMITTEE OF THE WHOLE**  
**THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**  
(Sen. Ledama Olekina, MP)

Order deferred.

12. **COMMITTEE OF THE WHOLE**  
**THE ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2018)**  
(Sen. Ledama Olekina, MP)

Order deferred.

13. **COMMITTEE OF THE WHOLE**  
**THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)**  
(Sen. Mary Seneta, MP)

Order deferred.

14. **MOTION - ADOPTION OF REPORT OF SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON ACCOUNTS OF COUNTY EXECUTIVES FOR FINANCIAL YEAR 2013/2014**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of Nandi, Elgeyo Marakwet, Baringo, Laikipia, Machakos, West Pokot, Tharaka Nithi, Siaya, Embu and Nairobi City County Executives for Financial year 2013/2014 (1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014), laid on the Table of the Senate on Wednesday, 9<sup>th</sup> October, 2019.

*(Chairperson, Sessional Committee on County Public Accounts and Investments –  
15.10.2019)*

Debate interrupted on Tuesday, 15<sup>th</sup> October, 2019 resumed;

There being no other Senator wishing to contribute;

Mover replied;

Raising a point of order, the Mover (Sen. Moses Kajwang', MP) requested that the putting of the Question be deferred to a later date, pursuant to Standing Order 61(3).

And the Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP), acceding to the request, nominated Wednesday, 23<sup>rd</sup> October, 2019 as the day when the Question shall be put.

15. **MOTION – ADOPTION OF REPORT OF SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON ACCOUNTS OF COUNTY GOVERNMENTS FOR FINANCIAL YEAR 2014/2015**  
(Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of Baringo, Busia, Elgeyo Marakwet, Embu, Kajiado, Kericho, Kilifi, Kirinyaga, Kisii, Kwale, Lamu, Makeni, Marsabit, Meru, Nakuru, Narok, Nyamira, Uasin Gishu, Vihiga and West Pokot Counties for Financial year 2014/2015 (1<sup>st</sup> July, 2014 to 30<sup>th</sup> June, 2015), laid on the Table of the Senate on Wednesday, 9<sup>th</sup> October, 2019.

Order deferred.

16. **THE REGISTRATION OF PERSONS (AMENDMENT) BILL (SENATE BILLS NO. 14 OF 2019)**

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

*(Second Reading)*

Order deferred.

17. **THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 11 OF 2019)**

(Sen. Beatrice Kwamboka, MP)

*(Second Reading)*

Order deferred.

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

18. **SENATE ROSE** – at Thirty Minutes past Six O'clock

### **MEMORANDUM**

*The Speaker will take the Chair on  
Thursday, October 17, 2019 at 2.30 p.m.*

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