



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FIFTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, FEBRUARY 17, 2021 AT 2:30 PM

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer said by the Speaker.

3. **PETITIONS**

(a) Pursuant to Standing Order 230(2) (b), the Speaker reported to the Senate a Petition by the teachers serving in Kajiado County on promotion of teachers in the county to leadership positions.

Pursuant to Standing Order 231, the Speaker invited Senators to comment, make observations or seek clarification in relation to the Petition and, subsequently, committed it to the Standing Committee on Education, pursuant to Standing Order 232(1).

(b) Pursuant to Standing Order 230(2)(a), the Senator for Tranz-Nzoia County (Sen. (Dr.) Michael Mbito, MP) presented to the Senate a Petition by Rt. Rev. Dr. Emmanuel Chemengich concerning the illegal alienation of land belonging to Kitale Primary School by a private developer.

Pursuant to Standing Order 231, the Speaker invited Senators to comment, make observations or seek clarification in relation to the Petition and, subsequently, committed it to the Standing Committee on Land, Environment and Natural Resources, pursuant to Standing Order 232(1).

4. **PAPERS**

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

- i. Annual Report and Financial Statements of the Commission on Revenue Allocation for the year 2018/2019;
- ii. Report of the Auditor General on the Financial Statements of County Assembly of Tana River for the year ended 30th June, 2019;

- iii. Report of the Auditor General on the Financial Statements of County Executive of Tana River for the year ended 30th June, 2019;
- iv. Report of the Auditor General on the Financial Statements of County Assembly of Garissa for the year ended 30th June, 2019; and
- v. Report of the Auditor General on the Financial Statements of Garissa County Executive for the year ended 30th June, 2019

(Sen. Charles Kibiru on behalf of the Senate Majority Leader)

5. **NOTICE OF MOTION - FAST TRACKING CULTURAL DEVELOPMENTS IN COUNTIES**

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

THAT, WHEREAS Kenya is a multi-ethnic and multi-racial country with rich and diverse cultural resources such as traditional medicine and foods, arts, craft, music, dances, dress among others;

AWARE THAT, the Constitution, in its preamble acknowledges the cultural diversity of the Kenyan people who are determined to live in peace and unity as one indivisible sovereign nation whilst, Article 11 of the Kenyan Constitution recognizes culture as the foundation of the nation;

NOTING that, while the Department of Culture under the Ministry of Sports, Culture and Heritage has been playing some of the key roles in promotion of cultural integration, formulation of policies and standards that will guide the development of culture, little information has been available to the Kenyan public;

ACKNOWLEDGING , that culture performs a significant role in the life of a child, the cultural background in which a child is brought up affects the totality of his or her life's activities;

CONCERNED, that our children are losing their sense of identity due to the negative influences due to inadequate cultural identity catalyzed by globalization which has led to catastrophic consequences to the next generation as experienced in our country where a majority of young people are showing symptoms of feeling suicidal, anxious, feeling of hopelessness, anger, violence, feeling isolated, and paranoia;

NOW THEREFORE, the Senate urges the Cabinet Secretary, Ministry of Sports, Culture and Heritage to –

- a) Formulate cultural development policies and initiatives to inculcate stronger community values, safeguard Kenya's heritage, recognize local heroes and promote socio-cultural opportunities in the counties; and

- b) Formulate strategies to create an enabling environment for protection and promotion of diversity of cultural expressions in all counties.

6. **NOTICE OF MOTION - PARKING CHARGES IN PUBLIC INSTITUTIONS OFFERING ESSENTIAL SERVICES**

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

THAT, AWARE THAT, many urban areas and towns in Kenya lack designated car parking areas as a result of imbalance between parking supply and demand mainly due to ineffective land use planning and miscalculations of space requirements, thereby leading to exorbitant parking fees;

NOTING THAT, most essential services offered in hospitals, educational institutions and other public utilities are offered in urban centers, shopping malls and other designated areas that charge parking fees to access;

ACKNOWLEDGING, that whether they are delivered by public or private providers, essential services such as health, banking, education and other utilities are considered to be public services because they are public goods that sustain the well-being of every citizen and help in the development of the society as a whole;

CONCERNED, that access to hospitals, educational institutions and other places offering essential services might be hindered due to exorbitant parking fees levied on motorists accessing these services;

FURTHER CONCERNED, that charging entry fees amount to double taxation as the motorists who would have paid the parking fees will still pay for the services they seek;

NOW THEREFORE, the Senate urges the Cabinet Secretary for Lands, Housing and Physical Planning together with the Council of Governors to come up with a policy framework to create an enabling environment for protection of motorists accessing essential services from paying exorbitant fees for parking.

7. **STATEMENTS**

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

The Senator for Narok County (Sen. Ledama Olekina, MP) made a Statement on corruption allegations in the ongoing Kenya Defence Forces (KDF) recruitment drive.

In the Statement, the Senator raised concern regarding reports on corruption in the recruitment exercise. The Senator informed the House that there are allegations that recruitment officers are demanding hefty bribes, up to a tune of Kshs. 700,000/-, to enlist recruits into the military.

Further, the Senator called on the Cabinet Secretary for Defence and the top leadership of the Kenya Defence Forces to look into the matter and ensure that the integrity of the recruitment process, is not compromised and that there is fair opportunity for all the participating in the recruitment exercise seeking to join the KDF.

The Senator urged the Standing Committee on National Security, Defence and Foreign Relations to investigate the matter with a view to holding the military echelons accountable and come up with more accountable ways of carrying out the recruitment process which could include using community leaders to identify qualified youth.

Following contributions by Senators, the Speaker referred the matter to the Standing Committee on National Security, Defence and Foreign Relations for consideration, pursuant to Standing Order 47 (3).

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

- a) Nominated Senator (Sen. Millicent Omanga, MP) sought a statement from the Standing Committee on Tourism, Trade and Industrialization concerning alleged multiple tax payment by lorries and trucks transporting building materials across counties in Kenya.
- b) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Roads and Transportation regarding upgrading of Loitoktok – Njukini – Taveta road to bitumen standard.
- c) The Senator for Bomet County, (Sen. (Dr.) Christopher Lang’at, MP) sought a statement from the Standing Committee on Health regarding medical negligence at health facilities in Bomet County.

Following comments by Senators, the Deputy Speaker referred the matter to the Standing Committee on Health, pursuant to Standing order 47(3), and directed that the Committee investigates the matter, thereafter report to the House within fourteen (14) days.

- d) Nominated Senator (Sen. Victor Prengei, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the ban on planting of Maize in Nessuit, Njoro Sub – County, Nakuru County by the Ministry of Interior and Coordination of National Government.
- e) The Senator for Kitui County (Sen. Enock Wambua, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding payment of a one-off honorarium and monthly pension to former Councilors under the defunct Local Authorities.

8. **THE COOPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2020)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Cooperative Societies (Amendment) Bill (Senate Bills No. 11 of 2020) be now read a Second Time.

(Sen. (Dr.) Agnes Zani, MP - 17.02.2021)

Debate interrupted on Thursday, 11th February 2021 resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of Order, Nominated Senator (Sen. (Dr.) Agnes Zani, MP) requested that the putting of the Question be deferred to a later date, pursuant to Standing Order 61 (3).

And acceding to the request, the Deputy Speaker nominated Thursday, 18th February, 2021 as the day when the Question shall be put.

9. **MOTION – ALLOCATION BY COUNTIES OF AT LEAST 10 PERCENT OF THEIR BUDGET ON EARLY CHILDHOOD DEVELOPMENT EDUCATION (ECDE) TOWARDS VULNERABLE GROUPS IN THE COUNTIES AND DEVELOPMENT OF A POLICY TO INCORPORATE THE NEEDS OF CHILDREN WHO ARE LESS THAN THREE YEARS OF AGE**

Order read;

Motion made and Question proposed-

THAT, AWARE THAT, Constitution of Kenya (Article 53) affirms that children have basic rights, including the right to education, nutrition, shelter, health care and parental care, provisions that are aligned with those cited in both the Convention on the Rights of the Child and the Africa Charter on the Rights and Welfare of the Child, to which Kenya is a signatory;

CONCERNED THAT, the current status of day care facilities in the Country are not child friendly or habitable and there is need to bridge this gap to capture the play group class in the new 2-6-3-3-3 curriculum that is replacing the 32 year old 8-4-4 system;

ACKNOWLEDGING THAT, most working parents lack quality Day care facilities, as the playgroup is a safe place for them to take their children while they are at work;

NOW THEREFORE, the Senate urges that the Council of Governors in conjunction with the Ministry of Education ensure that:

- a) Counties allocate at least 10 percent of their budget on Early Childhood Development Education (ECDE) towards this vulnerable group; and,
- b) Policy is developed to incorporate the needs of children who are less than three years of age.

Debate arising;

And the time being thirty minutes past six o'clock, the Temporary Speaker (Sen. Rose Nyamunga, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

10. **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
Thursday, February 18, 2021 at 2.30 p.m.*

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