



**REPUBLIC OF KENYA**

**THE SENATE**

**ELEVENTH PARLIAMENT – THIRD SESSION**

**VOTES AND PROCEEDINGS**

**TUESDAY, MARCH 17<sup>TH</sup>, 2015 AT 2.30 P.M**

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following communications from the Chair.

a) **SUBMISSION OF DRAFT REGULATIONS OF THE PUBLIC FINANCE MANAGEMENT ACT**

**"Hon. Senators,**

I have a Communication to make on the submission of the Public Finance Management (National Government Regulations 2015), Public Finance Management (County Government Regulations 2015) and Legal Notice for Declaration of the National Government Entities (State Organs).

**Hon. Senators,**

Section 205(1) of the Public Finance Management Act gives the Cabinet Secretary responsible for Finance powers to make regulations to give effect to some provisions of the Act. Section 205(4) of the Public Finance Management Act, further provides that such regulations made by the Cabinet Secretary must be approved by a resolution passed by Parliament.

Hon. Senators, pursuant to the above provisions and by a letter reference number. CONF.1/022/Vol.II/95, dated 13th March, 2015, addressed to the Clerk of the Senate, the Principal Secretary in the National Treasury submitted the following:-

Draft public finance management (national Government regulations 2015).

Draft public finance management (county governments) regulations, 2015.

Draft legal notice for declaration of the national Government entities (State Organs).

**Hon. Senators,**

I now direct the Chairperson of the Sessional Committee on Delegated Legislation to table the three draft legal notices and further that the draft legal notices be committed to the Sessional Committee on Delegated Legislation for consideration.

The Committee should file its Report on or before Thursday 26th March, 2015 and this is significant for deliberation by the Senate pursuant to section 205(4) of the Public Finance Management Act.

**Hon. Senators,**

I also wish to draw the attention of the Senate to the provisions of Section 205(6) of the Public Finance Management Act which states as follows:-

**"If a House of Parliament does not make a resolution either by approving or rejecting any regulations within 15 sitting days after submission to its approval, the House shall be deemed to have approved those regulations.**

I thank you."

**b) SPEAKERS KAMKUNJI ON THE STATUS OF EDUCATION IN THE COUNTRY**

**"Honourable Senators,**

There will be a *Kamukunji* tomorrow. I wish to remind you that the numerous request for statements concerning the status of education in the country.

On the 12th March, 2015, I directed that the Cabinet Secretary for Education, Science and Technology be invited by the Standing Committee on Education to appear and address the Senate on the general status of education in Kenya.

Hon. Senators, this consultative meeting has, therefore, been confirmed for tomorrow, Wednesday, 18th March, 2015, at 11.00 a.m. in this Chamber.

Kindly, plan to attend to deliberate on the important matters."

c) **VISITING DELEGATION OF SPEAKERS, MCAs AND STAFF FROM  
VARIOUS COUNTY ASSEMBLIES**

**“Honourable Senators,**

I am pleased to acknowledge the presence and to welcome to the Senate this afternoon, a delegation of Speakers, Members of County Assemblies (MCAs) and staff from various County Assemblies who are seated at the Speaker’s Gallery.

I request the Speakers, MCAs and staff to stand when I call out their names so that they may be acknowledged in our usual tradition of the Senate.

1. Hon. (Dr.) Nuh Nassir Abdi - Speaker, Tana River County  
Assembly/Chairman of County Assemblies Forum;
2. Hon. Bishar Omar - Wajir County Assembly;
3. Hon. D.C. Chitwah - Vihiga County Assembly;
4. Hon. Ndegwa Wahome - Nyandarua County Assembly;
5. Hon. Joash Nyamoko- Speaker, Nyamira County Assembly;
6. Hon. Nduati Kariuki - Murangá County Assembly;
7. Hon. M. Hashim - Lamu County Assembly;
8. Hon. Sammy Ruwa - Kwale County Assembly;
9. Hon. Anne Adul - Speaker, Kisumu County Assembly;
10. Hon. Jimmy Kahindi - Speaker, Kilifi County Assembly;
11. Hon. Johnson Osoi - Kajiado County Assembly;
12. Hon. Robert Katina - West Pokot County Assembly;
13. Hon. Geoffrey Kipngetich - Bomet County Assembly;
14. Hon. Peter Ngari- Deputy Speaker, Laikipia County Assembly;
15. Hon. Safari Ntalala - Representative, Meru County Assembly;
16. Hon. Alex Ole Magelo - Speaker, Nairobi County Assembly;
17. Hon. Kariuki Mate - Speaker, Embu County Assembly;
18. Hon. Maghanga - Speaker, Taita Taveta County Assembly;
19. Hon. Aresmus Mwarabu - Kilifi County Assembly;
20. Hon. Harun Masese - Kisii County Assembly;
21. Hon. Moses Ote - Deputy Speaker, Busia County Assembly;
22. Hon. Francis Mokoro - Deputy Speaker, Kisii County Assembly;
23. Hon. George Ndotto - Speaker, Kitui County Assembly;
24. Hon. John Makali - Speaker, Bungoma County Assembly;
25. Hon. Losilian - Deputy Speaker, West Pokot County Assembly; and,
26. Hon. Rajuay - Speaker, Mombasa County Assembly.

**Hon. Senators,**

The Speakers are accompanied by the following staff:-

Mr. Jacob Ngwele – Clerk, Nairobi County Assembly;

Ms. Roselyn Mungai – Chief Executive Officer, County Assemblies Forum  
(CAF) Secretariat; and

Ms. Sisini Gladys – CAF Secretariat.

Hon. Senators,

I take this opportunity on behalf of the Senate and on my behalf, to wish the Speakers, MCAs and members of staff a happy and a fruitful visit to the Senate.

I thank you."

#### 4. PAPERS LAID.

The following Papers were laid on the Table of the Senate.

- i) Legal Notice No. 19 on Operation of Motorcycles Regulations, 2015
- ii) Legal Notice No. 19 on Operation of Tourist Service Vehicles
- iii) Legal Notice No. 11 – The Traffic (Amendment) Rules, 2015
- iv) Draft Public Finance Management (National Government) Regulations, 2015
- v) Draft Public Finance Management (County Governments) Regulations, 2015
- vi) Draft Legal Notice for Declaration of the National Government Entities (State Organs).

*(The Chairperson, Sessional Committee on Delegated Legislation)*

#### 5. STATEMENTS PURSUANT TO STANDING ORDER 45 (2) (B)

Pursuant to the provisions of Standing Order 45(2)(b):-

- i) The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries issued a Statement on the closure of the livestock market in West Pokot County.

Thereupon the Senate was informed that the market was closed as a result of foot and mouth disease type "O" outbreak, which was reported in West Pokot County except for West Pokot Central, where markets were not closed.

The Senate was also informed that a ring vaccination covering 66,291 heads of cattle has been carried out to limit the spread of the disease.

The Senate was further informed that the ban on livestock movement could be lifted by 18th of March, 2015 barring any further spread of the disease.

- ii) The Chairperson of the Standing Committee on Education issued a Statement on the declining academic performance and rampant theft of school property at Garbatula High School in Isiolo County.

Thereupon the Senate was informed that the Ministry of Education, Science and Technology has plans to overhaul the school's Board and that the last executive, which also discussed the theft of computers and other items in the school, was held on 12th December, 2014.

The Senate was also informed that the school was closed in 1990 due to insecurity and, upon reopening, a local head teacher was deployed but currently, Mr. Charles Kamau Mbithi, (TSC No. 260069), who was deployed in May, 2013 is the head teacher.

The Senate was further informed that in order to improve performance, the Teachers Service Commission (TSC) has posted adequate teaching staff and deployed a competent head with a good performance background and the school has since managed to achieve relative calm for the last two years.

- iii) The Chairperson of the Standing Committee on Land and Natural Resources issued a Statement on the Moratorium on timber harvesting by the Cabinet Secretary for Environment, Water and Natural Resources.

The Senate was informed that there existed regulations on harvesting of mature plantations and thinning of trees in state forests, contained in the Forest Harvesting Rules 2009, Legal Notice No. 185 of 24th December, 2009.

The Senate was also informed that Felling Plan 2012/2017 was approved by the Kenya Forest Service Board (KFSB) the felling plans form part of the management plans and in its preparation, all stakeholders in the forest sector, including the county governments and the Kenya Water Towers Agency (KWTa), are involved.

The Senate was further informed that a number of functions and the management of some categories of forests have been devolved to county governments. However, forests on public land, including Government plantation forests, have not been devolved.

The Chairperson also informed that the National Government has put in place mechanisms to increase afforestation, including preparation and implementation of the management plan for each forest in the country, encouragement of the practice of plantation establishment, promotion of partnerships between ministries through the KFS and communities living adjacent to forests and remittance of fifteen per cent of all revenue accruing from the sale of mature plantations back to the community for re-establishment of new plantations

6. ADJOURNMENT OF THE SENATE UNDER STANDING ORDER NO. 33 TO DISCUSS TERRORIST THREATS TO THE MANDERA COUNTY GOVERNOR AND THE SECURITY SITUATION IN THE COUNTY

Rising in his place on a Point of Order, Senator for Mandera (Sen. Kerrow) claimed to move a Motion for the adjournment of the Senate under the provisions of Standing Order No.33 in order to discuss a definite matter of national importance regarding terrorist threats to the Governor of Mandera County governor and the security situation in the county

And the Speaker having acceded to the claim;

And there being sufficient number of Senators rising in their places in support of the claim;

Thereupon, the Speaker directed that the Motion be moved at 5.30 pm today.

7. MOTION – EXTENSION OF SITTING TIME

Motion made and Question proposed;

**THAT**, pursuant to the provisions of Standing Order No. 30(3) (a), the Senate resolves to extend its sitting time today, Tuesday, 17<sup>th</sup> March, 2015 to 7:00 p.m.

*(Sen. Orengo)*

Debate arising;

Question put; **agreed to**.

**RESOLVED ACCORDINGLY-**

**THAT**, pursuant to the provisions of Standing Order No. 30(3) (a), the Senate resolves to extend its sitting time today, Tuesday, 17<sup>th</sup> March, 2015 to 7:00pm.

8. ADJOURNMENT OF THE SENATE UNDER STANDING ORDER NO. 33 TO DISCUSS TERRORIST THREATS TO THE MANDERA COUNTY GOVERNOR AND THE SECURITY SITUATION IN THE COUNTY

Motion made and Question proposed:-

**THAT**, the Senate does now adjourn.

*(Sen. Billow Kerrow)*

Debate arising;

(016)

TUESDAY, 17 MARCH, 2015

(133)

And the time being Seven O'clock, a Temporary Speaker (Sen. Murkomen) interrupted proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

9. SENATE ROSE - at Seven O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Wednesday, March 18, 2015 at 2.30 p.m.*

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