



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, JULY 31, 2018 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**

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

**a) Breakfast Meeting on the County Wards Development Equalization Fund Bill**

“Honourable Senators,

I have a brief communication to make regarding the County Wards Development Equalization Fund Bill (Senate Bills No. 5 of 2018) which was introduced in the Senate on 29<sup>th</sup> March, 2018.

The Bill is premised on Article 174 of the Constitution which sets out the objects of devolution and seeks to establish a County Wards Development Fund.

The Second Reading of the Bill commenced on 10<sup>th</sup> May, 2018. However, debate on the Bills was suspended, on the instructions of the Senate Business Committee, in order to allow more consultations on the Bill.

In this regard, a breakfast meeting has been organized for all Honourable Senators to deliberate on the Bill, with a view to agreeing on the way forward.

This meeting will be held tomorrow, Wednesday, 1<sup>st</sup> August, 2018, at the Crowne Plaza Hotel, Nairobi, at 7:00 a.m.

I invite and urge all Honourable Senators to attend and participate in the deliberations on this important Bill.

I thank you.”

**b) Visiting students and teachers from Kiogutwa Boarding Primary School, Nyamira County.**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Kiogutwa Boarding Primary School, Nyamira 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.”

**c) Visiting students and teachers from Kapkeben Primary School, Uasin Gishu County.**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Kapkeben Primary School, 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.”

**d) Visiting students and teachers from Jaineiro Academy, Homabay County.**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Jaineiro Academy, Homabay 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.”

**e) Visiting students and teachers from St. Jacob’s Educational Centre, Uasin-Gishu County.**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from St. Jacob’s Educational Centre, 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.”

**f) Visiting students and teachers from Segero Adventist Primary School, Uasin-Gishu County.**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Segero Adventist Primary School, 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 students and teachers from Grace Gardens High School, Nairobi County.**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Grace Gardens High School, Nairobi 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.”

**h) Visiting students and teachers from Kanyangi Primary School, Kitui County.**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Kanyangi Primary School, Kitui 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.”

**i) Visiting students and teachers from Reverend Murpus Junior Academy, West Pokot County.**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Reverend Murpus Junior Academy, West Pokot 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.”

**j) Visiting students and teachers from St. Francis Mangu Girls’ High School, Kiambu County.**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from St. Francis Mangu Girls’ High School, Kiambu 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.”

**4. PETITIONS**

**a) Petitions reported to the Senate:-**

- (i) Pursuant to Standing Order 220(1) (a) and 224 (2) (b), the Deputy Speaker reported to the Senate a petition by residents of Gilgil Township concerning alleged grabbing of public utility and private land at Leleshwa, Gilgil Township, Nakuru County.

Pursuant to Standing Order 225, the Speaker invited Senators to comment on the Petition and, subsequently, committed it to the Standing Committee on Land, Environment and Natural Resources, pursuant to Standing Order 226 (1) and (2).

- (ii) Pursuant to Standing Order 220(1) (a) and 224 (2) (b), the Deputy Speaker reported to the Senate a petition by Mr. Ahmed Shahame Mwindani, OGW, concerning the status of Mkomani Clinic Society trading as Bomu Hospital in Mombasa County.

Pursuant to Standing Order 225, the Speaker invited Senators to comment on the Petition and, subsequently, committed it to the Standing Committee on Health pursuant to Standing Order 226 (1) and (2).

**b) Report on Petition laid on the Table of the Senate:-**

Pursuant to Standing Order 226(2), the following report on consideration of Petitions were laid on the Table of the Senate:-

Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to vary the boundaries of Nyangweta Forest to avail land for the establishment of a sugar complex in South Mugirango Sub County, Kisii County.

*(Chairperson, Standing Committee on Land, Environment and Natural Resources)*

**5. PAPERS LAID**

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

- a) The Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2018.

*(Sen. (CPA) Farhiya Ali Haji, MP, on behalf of the Senate Majority Leader)*

- b) Report of the 49<sup>th</sup> Session of the African Caribbean Pacific Parliamentary Assembly and Inter- Sessional meeting of the ACP-EU Joint Parliamentary Assembly held on 20<sup>th</sup> – 22<sup>nd</sup> March, 2018 in Brussels, Belgium.

*(Sen. (Prof.) Margaret Kamar, MP)*

**6. NOTICE OF MOTION – REPORT OF THE 49<sup>TH</sup> SESSION OF THE AFRICAN CARIBBEAN PACIFIC PARLIAMENTARY ASSEMBLY AND INTER – SESSIONAL MEETING**

(Sen. (Prof.) Margaret Kamar, MP)

THAT, this House notes the Report of the 49<sup>th</sup> Session of the ACP Parliamentary Assembly and Inter- Sessional meeting of the ACP-EU Joint Parliamentary Assembly held on 20<sup>th</sup> – 22<sup>nd</sup> March, 2018 in Brussels, Belgium, laid on the Table of the House on Tuesday, 31<sup>st</sup> July, 2018.

**7. NOTICE OF MOTION – THE PLIGHT OF STREET FAMILIES IN URBAN CENTRES**

(Sen. Beatrice Kwamboka, MP)

THAT, AWARE THAT the Street Families Rehabilitation Trust Fund (SFRTF) was established on 11<sup>th</sup> 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.

8. **NOTICE OF MOTION – APPROVAL OF A SENATOR TO SERVE IN A SELECT COMMITTEE**

(Sen. Ledama Olekina, MP, on behalf of the Senate Majority Leader)

THAT, pursuant to standing orders 183, 212 and 213, the Senate approves the nomination of Sen. Rose Nyamunga, MP, to serve in the Standing Committee on Devolution and Intergovernmental Relations in place of Sen. James Orengo, EGH, SC, MP.

9. **THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**

Motion made and Question proposed;

THAT, the Retirement Benefits (Deputy President and Designated State Officers)(Amendment) Bill (Senate Bills No. 2 of 2018)be now read a Second Time.

*(Sen. Ledama Olekina, MP - 10.07.2018)*

Debate interrupted on Tuesday, 17<sup>th</sup> July, 2018 resumed on a Division;

The House proceeded to a Division;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 75 (2) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Deputy 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 the provisions of Standing Order 75 (5), the Speaker allowed seven (7) Senators to record their vote verbally.

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

1. Sen. Onger Samson Kegengo
2. Sen. Haji Mohamed Yusuf
3. Sen. Malalah Cleophas Wakhungu
4. Sen. Nderitu John Kinyua
5. Sen. Mwinyi Haji Mohamed Faki
6. Sen. Mahamud Mohamed Maalim
7. Sen. Khaniri George

The results of the Division were as follows:-

AYES – 24

NOES – 0

ABSTENTION – 1

**AYES**

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Adullahi Ibrahim
3. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
4. Sen. Haji Mohamed Yusuf – voted verbally
5. Sen. Kabaka Boniface Mutinda
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George – voted verbally
9. Sen. Kibiru Charles Reubenson
10. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation

11. Sen. Lelegwe Steve Ltumbesi
12. Sen. Mahamud Mohamed Maalim – voted verbally
13. Sen. Malalah Cleophas Wakhungu – voted verbally
14. Sen. Mbito Michael Maling’a
15. Sen. Mogeni Erick Okong’o
16. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
17. Sen. Mwangi Paul Githiomi
18. Sen. Mwaruma Johnes Mwashushe
19. Sen. Mwinyihaji Mohamed Faki – voted verbally
20. Sen. Nderitu John Kinyua – voted verbally
21. Sen. Olekina Ledama
22. Sen. Ongeru Samson Kegengo – voted verbally
23. Sen. Outa Fredrick Otieno
24. Sen. Wambua Enoch Kiio

**ABSTENTION**

Sen. Wetang’ula Moses Masika

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

10. **THE COUNTY STATISTICS BILL (SENATE BILLS NO. 9 OF 2018)**

Motion made and Question proposed;

THAT, the County Statistics Bill (Senate Bills No. 9 of 2018) be now read a Second Time.

*(Sen. (CPA) Farhiya Ali Haji, MP - 17.07.2018)*

Debate interrupted on Tuesday, 17<sup>th</sup> July, 2018 resumed on a Division;  
The House proceeded to a Division;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 75 (2) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Deputy 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 the provisions of Standing Order 75 (5), the Speaker allowed eight (8) Senators to record their vote verbally.

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

1. Sen. Haji Mohamed Yusuf
2. Sen. Kithure Kindiki
3. Sen. Khaniri George



4. Sen. Mahamud Mohamed Maalim
5. Sen. Malalah Cleophas Wakhungu
6. Sen. Mwinyi Haji Mohamed Faki
7. Sen. Nderitu John Kinyua
8. Sen. Ongeru Samson Kegengo

The results of the Division were as follows:-

AYES – 27

NOES – 0

ABSTENTION – NIL

**AYES**

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Adullahi Ibrahim
3. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
4. Sen. Haji Mohamed Yusuf – voted verbally
5. Sen. Kabaka Boniface Mutinda
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George – voted verbally
9. Sen. Kibiru Charles Reubenson
10. Sen. Kithure Kindiki – voted verbally
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Lelegwe Steve Ltumbesi
13. Sen. Mahamud Mohamed Maalim – voted verbally
14. Sen. Malalah Cleophas – voted verbally
15. Sen. Mbito Michael Maling’a
16. Sen. Mogeni Erick Okong’o
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mwangi Paul Githiomi
19. Sen. Mwaruma Johnes Mwashushe
20. Sen. Mwinyihaji Mohamed Faki – voted verbally
21. Sen. Nderitu John Kinyua – voted verbally
22. Sen. Olekina Ledama
23. Sen. Ongeru Samson Kegengo – voted verbally
24. Sen. Outa Fredrick Otieno
25. Sen. Sakaja Johnson Arthur
26. Sen. Wambua Enoch Kiiro
27. Sen. Wetang’ula Moses Masika

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

11. **THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2018)**

Motion made and Question proposed;

THAT, the Salaries and Remuneration Commission (Amendment) Bill (Senate Bills No. 12 of 2018) be now read a Second Time.

*(Chairperson, Standing Committee on Finance and Budget - 18.07.2018)*

Debate interrupted on Wednesday, 18<sup>th</sup> July, 2018 resumed on a Division;

The House proceeded to a Division;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 75 (2) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Deputy 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 the provisions of Standing Order 75 (5), the Speaker allowed eight (8) Senators to record their vote verbally.

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

1. Sen. Haji Mohamed Yusuf
2. Sen. Kithure Kindiki
3. Sen. Khaniri George
4. Sen. Mahamud Mohamed Maalim
5. Sen. Malalah Cleophas Wakhungu
6. Sen. Mwinyi Haji Mohamed Faki
7. Sen. Nderitu John Kinyua
8. Sen. Ongeru Samson Kegengo

The results of the Division were as follows:-

AYES – 27

NOES – 0

ABSTENTION – NIL

### **AYES**

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Adullahi Ibrahim
3. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
4. Sen. Haji Mohamed Yusuf – voted verbally
5. Sen. Kabaka Boniface Mutinda
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George – voted verbally
9. Sen. Kibiru Charles Reubenson
10. Sen. Kithure Kindiki – voted verbally
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Lelegwe Steve Ltumbesi
13. Sen. Mahamud Mohamed Maalim – voted verbally
14. Sen. Malalah Cleophas – voted verbally

15. Sen. Mbito Michael Maling'a
16. Sen. Mogeni Erick Okong'o
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mwangi Paul Githiomi
19. Sen. Mwaruma Johnes Mwashushe
20. Sen. Mwinyihaji Mohamed Faki – voted verbally
21. Sen. Nderitu John Kinyua – voted verbally
22. Sen. Olekina Ledama
23. Sen. Ongeru Samson Kegengo – voted verbally
24. Sen. Outa Fredrick Otieno
25. Sen. Sakaja Johnson Arthur
26. Sen. Wambua Enoch Kiio
27. Sen. Wetang'ula Moses Masika

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

12. **MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE KAJIADO COUNTY EXECUTIVE FOR FY 2013/2014**

Motion made and Question proposed-

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the Financial operations of Kajiado County Executive for the Financial year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Thursday, 10<sup>th</sup> May, 2018.

*(Chairperson, Sessional Committee on County Public Accounts and Investments – 10.5.2018)*

Debate interrupted on Thursday, 26<sup>th</sup> July, 2018 resumed on a Division;

Before the Question was put and pursuant to Standing Order 73, the Speaker informed the Senate that the Motion affected counties and voting would be by Delegations;

The House proceeded to a Division;

Before the Question was put and pursuant to Standing Order 73, the Speaker informed the Senate that the Motion affected counties and voting would be by Delegations;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 75 (2) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Deputy 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 the provisions of Standing Order 75 (5), the Speaker allowed eight (8) Senators to record their vote verbally.

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

1. Sen. Haji Mohamed Yusuf
2. Sen. Kithure Kindiki
3. Sen. Khaniri George
4. Sen. Mahamud Mohamed Maalim
5. Sen. Malalah Cleophas Wakhungu
6. Sen. Mwinyi Haji Mohamed Faki
7. Sen. Nderitu John Kinyua
8. Sen. Ongeru Samson Kegengo

The results of the Division were as follows:-

AYES – 27

NOES – 0

ABSTENTION – NIL

**AYES**

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Adullahi Ibrahim
3. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
4. Sen. Haji Mohamed Yusuf – voted verbally
5. Sen. Kabaka Boniface Mutinda
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George – voted verbally
9. Sen. Kibiru Charles Reubenson
10. Sen. Kithure Kindiki – voted verbally
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Lelegwe Steve Ltumbesi
13. Sen. Mahamud Mohamed Maalim – voted verbally
14. Sen. Malalah Cleophas – voted verbally
15. Sen. Mbito Michael Maling’a
16. Sen. Mogeni Erick Okong’o
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mwangi Paul Githiomi
19. Sen. Mwaruma Johnes Mwashushe
20. Sen. Mwinyihaji Mohamed Faki – voted verbally
21. Sen. Nderitu John Kinyua – voted verbally
22. Sen. Olekina Ledama
23. Sen. Ongeru Samson Kegengo – voted verbally
24. Sen. Outa Fredrick Otieno
25. Sen. Sakaja Johnson Arthur
26. Sen. Wambua Enoch Kiio
27. Sen. Wetang’ula Moses Masika

Question agreed to

**RESOLVED ACCORDINGLY**

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the Financial operations of Kajiado County Executive for the Financial year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Thursday, 10<sup>th</sup> May, 2018.

13. **MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE NAROK COUNTY EXECUTIVE FOR FY 2013/2014**

Motion made and Question proposed-

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Narok County Executive for the Financial year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Thursday, 10<sup>th</sup> May, 2018.

*(Chairperson, Sessional Committee on County Public Accounts and Investments – 10.5.2018)*

Debate interrupted on Thursday, 26<sup>th</sup> July, 2018 resumed on a Division;

Before the Question was put and pursuant to Standing Order 73, the Speaker informed the Senate that the Motion affected counties and voting would be by Delegations;

The House proceeded to a Division;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 75 (2) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Deputy 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 the provisions of Standing Order 75 (5), the Speaker allowed eight (8) Senators to record their vote verbally.

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

1. Sen. Haji Mohamed Yusuf
2. Sen. Kithure Kindiki
3. Sen. Khaniri George
4. Sen. Mahamud Mohamed Maalim

5. Sen. Malalah Cleophas Wakhungu
6. Sen. Mwinyi Haji Mohamed Faki
7. Sen. Nderitu John Kinyua
8. Sen. Ongeru Samson Kegengo

The results of the Division were as follows:-

AYES – 27

NOES – 0

ABSTENTION – NIL

**AYES**

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Adullahi Ibrahim
3. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
4. Sen. Haji Mohamed Yusuf – voted verbally
5. Sen. Kabaka Boniface Mutinda
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George – voted verbally
9. Sen. Kibiru Charles Reubenson
10. Sen. Kithure Kindiki – voted verbally
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Lelegwe Steve Ltumbesi
13. Sen. Mahamud Mohamed Maalim – voted verbally
14. Sen. Malalah Cleophas – voted verbally
15. Sen. Mbito Michael Maling’a
16. Sen. Mogeni Erick Okong’o
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mwangi Paul Githiomi
19. Sen. Mwaruma Johnes Mwashushe
20. Sen. Mwinyihaji Mohamed Faki – voted verbally
21. Sen. Nderitu John Kinyua – voted verbally
22. Sen. Olekina Ledama
23. Sen. Ongeru Samson Kegengo – voted verbally
24. Sen. Outa Fredrick Otieno
25. Sen. Sakaja Johnson Arthur
26. Sen. Wambua Enoch Kiio
27. Sen. Wetang’ula Moses Masika

Question agreed to

**RESOLVED ACCORDINGLY**

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Narok County Executive for the Financial year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Thursday, 10<sup>th</sup> May, 2018.

14. **MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE TURKANA COUNTY EXECUTIVE FOR FY 2013/2014**

Motion made and Question proposed-

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Turkana County Executive for the Financial year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Thursday, 10<sup>th</sup> May, 2018.

*(Chairperson, Sessional Committee on County Public Accounts and Investments – 10.5.2018)*

Debate interrupted on Thursday, 26<sup>th</sup> July, 2018 resumed on a Division;

Before the Question was put and pursuant to Standing Order 73, the Speaker informed the Senate that the Motion affected counties and voting would be by Delegations;

The House proceeded to a Division;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 75 (2) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Deputy 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 the provisions of Standing Order 75 (5), the Speaker allowed eight (8) Senators to record their vote verbally.

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

1. Sen. Haji Mohamed Yusuf
2. Sen. Kithure Kindiki
3. Sen. Khaniri George
4. Sen. Mahamud Mohamed Maalim
5. Sen. Malalah Cleophas Wakhungu
6. Sen. Mwinyi Haji Mohamed Faki
7. Sen. Nderitu John Kinyua
8. Sen. Ongeru Samson Kegengo

The results of the Division were as follows:-

AYES – 27

NOES – 0

ABSTENTION – NIL

**AYES**

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Adullahi Ibrahim
3. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
4. Sen. Haji Mohamed Yusuf – voted verbally
5. Sen. Kabaka Boniface Mutinda
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George – voted verbally
9. Sen. Kibiru Charles Reubenson
10. Sen. Kithure Kindiki – voted verbally
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Lelegwe Steve Ltumbesi
13. Sen. Mahamud Mohamed Maalim – voted verbally
14. Sen. Malalah Cleophas – voted verbally
15. Sen. Mbito Michael Maling'a
16. Sen. Mogeni Erick Okong'o
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mwangi Paul Githiomi
19. Sen. Mwaruma Johnes Mwashushe
20. Sen. Mwinyihaji Mohamed Faki – voted verbally
21. Sen. Nderitu John Kinyua – voted verbally
22. Sen. Olekina Ledama
23. Sen. Ongeru Samson Kegengo – voted verbally
24. Sen. Outa Fredrick Otieno
25. Sen. Sakaja Johnson Arthur
26. Sen. Wambua Enoch Kiio
27. Sen. Wetang'ula Moses Masika

Question agreed to

**RESOLVED ACCORDINGLY**

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Turkana County Executive for the Financial year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Thursday, 10<sup>th</sup> May, 2018.

15. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2018)**

(Sen. Aaron Cheruiyot, MP)

*(Second Reading)*

***(Resumption of Debate interrupted on Wednesday, 25<sup>th</sup> July, 2018)***

Order deferred.



16. **THE LOCAL CONTENT BILL (SENATE BILLS NO. 10 OF 2018)**

(Sen. Gideon Moi, MP)

*(Second Reading)*

Order deferred.

17. **MOTION – REPORT OF THE SELECT COMMITTEE ON THE SOLAI DAM TRAGEDY**

(Chairperson, Select Committee on Solai Dam Tragedy)

THAT, this House adopts the Report of the Select Committee on the Solai Dam tragedy, laid on the Table of the House on Thursday, 26<sup>th</sup> July, 2018.

Order deferred.

18. **MOTION – MANAGEMENT OF CONSTRUCTION CONTRACTORS**

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

THAT, AWARE that Section 15 of the National Construction Authority (NCA) Act prescribes the requirements for registration as a contractor;

ALSO AWARE that Section 18 of the Act mandates the NCA Board to accredit firms incorporated outside Kenya to carry out construction works in Kenya for a prescribed period;

CONCERNED that a large number of registered local contractors cannot perform up to the expected standard leading to collapsed buildings, poor county roads and infrastructure and incomplete contracts;

APPRECIATING that there is still a good number of local contractors that has demonstrated capacity to perform and deliver projects as required;

DEEPLY CONCERNED that foreign contractors are now engaging in projects that local contractors have equal capacity and skill to perform, especially in the counties;

RECOGNIZING THAT there is need to grow our local industries by giving job opportunities to Kenyan citizens and building their technical capacities;

NOW, THEREFORE, the Senate calls upon the Government through the NCA to-

1. conduct a fresh registration drive of all building and infrastructure contractors in order to weed out all non-performing ones and to identify those who demonstrate compliance;
2. enforce strict oversight on foreign contractors and institute a mechanism to handle complaints raised against contractors;
3. ensure that foreign contractors are only awarded contracts that local contractors cannot handle and require them to include technology transfer to locals; and

4. require both local and foreign contractors to undertake corporate social responsibility activities in the counties where they operate.

*(Resumption of Debate interrupted on Thursday, 26<sup>th</sup> July, 2018)  
(Balance of Time 2hrs)*

Order deferred.

19. **MOTION - REPORT OF THE SENATE DELEGATION TO THE FIRST EXTRAORDINARY SESSION OF THE FORUM OF PARLIAMENTS OF THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION (FP-ICGLR) HELD IN KINSHASA, THE DEMOCRATIC REPUBLIC OF CONGO (DRC)**

(Sen. Samuel Poghisiso, MP)

THAT, this House adopts the Report of the proceedings of the First Extraordinary Session of the Plenary Assembly of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR) held in Kinshasa, Democratic Republic of Congo from 19<sup>th</sup> – 20<sup>th</sup> March, 2018, laid on the Table of the Senate on Tuesday, 15<sup>th</sup> May, 2018.

Order deferred.

20. **MOTION – FLOOD SITUATION IN THE COUNTRY**

(Sen. Fatuma Dullo, MP)

THAT, aware that several days of heavy rains recently have caused severe flooding in many parts of the country, resulting in multiple deaths and devastating damage to property and infrastructure;

NOTING with concern that, whenever Kenya experiences periods of severe drought, torrential rains usually follow;

CONCERNED that year in year out, the challenge of floods continues to recur, leading to loss of human and animal life, displacement of people and wanton destruction of property;

COGNIZANT that the number of Kenyans needing emergency food aid as a result of displacement caused by the current floods continues to rise by the day, and that the floods have also washed away many bridges and destroyed roads in many parts of Kenya;

ALSO CONCERNED that no effective measures, such as improved storm water harvesting, proper drainage infrastructure and preventing the destruction of riparian reserves and natural water courses, to mitigate and/or provide a lasting solution to the menace of flooding, have been taken;

NOW, THEREFORE, the Senate calls upon the National Government to develop a lasting framework to permanently address the challenge of effects of floods by, among other things-

- i. developing and enforcing regulations for preventing the obstruction of riparian reserves and natural water courses; and

- ii. preventing and regulating the construction of informal settlements and ensuring prevention of construction on low lying areas and flood plains.

And further that the relevant government agency to execute this task submits a report to the Senate within three months of the adoption of this Motion.

Order deferred.

21. **MOTION -NEED TO REVIEW AND EVALUATE THE STATE OF EDUCATION IN NORTHERN KENYA**

Motion made and Question proposed-

THAT, AWARE that Article 43 (f) of the Constitution of Kenya stipulates that every person has the right to education, and Article 53(1)(b) provides that every child has the right to free and compulsory basic education;

ALSO AWARE that education is a basic need and a tool for intellectual empowerment and social-political development;

FURTHER AWARE that education is a shared function between the National and the County levels of Government with the National Government being responsible for Primary, secondary and Higher education while the County Government is responsible for preprimary education, village polytechnics and home craft centers;

COGNISANT that both levels of Government complement each other in promoting sustainable education;

CONCERNED that the intake, uptake and quality of education in the Northern Kenya have adversely been affected owing to discrepancies in public resources allocation, insecurity, skewed staffing and teacher training in the region;

FURTHER CONCERNED that both the school completion rate and the national examination outcomes in region are poor and that the number of students from Northern Kenya who qualify for core courses in universities, colleges, technical schools and village polytechnics is minimal compared to other parts of the country;

NOTING WITH CONCERN that due to insecurity and other related concerns, the Teachers Service Commission (TSC) which is the body responsible for the employment and deployment of teachers, has in the recent past, taken steps to transfer non-local teachers from the northern region of Kenya to other parts of the country;

CONCERNED THAT, the transfers have led to shortage of skilled teachers which has been a major cause of the dismal performance in examinations in schools in the region;

NOW THEREFORE, the Senate resolves to task the Standing Committee on Education to conduct an inquiry into the challenges facing the education sector in Northern Kenya with a view to-

1. evaluating the effect of the teacher transfers from the region and recommending to the Ministry of Education, policy measures to address the challenge;
2. evaluating the status of the education infrastructure in the region and proposing solutions to mitigate the current and looming challenges;
3. proposing mechanisms for enhanced resource allocation at both levels of government to facilitate improved education facilities; and
4. assessing school intake compared completion levels in the region in order to ascertain the impact of the challenges facing the schools and how these disadvantages the region compared to other parts of Kenya and proposing ways of addressing the challenges.

And that the Committee submits a report to the Senate within three months of adoption of this Motion by the Senate.

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

Debate arising;

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

19. **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  
Wednesday, August 1, 2018 at 2.30 p.m.*

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