



REPUBLIC OF KENYA

TWELFTH PARLIAMENT - SECOND SESSION

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, SEPTEMBER 12, 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 Temporary Speaker (Sen. (Prof.) Margaret Kamar).
3. **COMMUNICATION FROM THE CHAIR ON VISITING STAFF ON ATTACHMENT FOR THE SIXTH SENATE COUNTY LEGISLATIVE ATTACHMENT PROGRAMME**

The Temporary Speaker (Sen. (Prof.) Margaret Kamar) conveyed the following communication from the Chair:-

Honorable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting staff from fifteen county assemblies who are on attachment in the Sixth Senate County Legislative Attachment Program, which was formally launched by the former Speaker of the Senate, Hon. Ekwee Ethuro, EGH, on 18th September, 2015.

I request each member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition.

They are:

| | | |
|----|---------|----------------------------------------------------------------------------------|
| 1. | Nairobi | Nyonje Edward Atang'a – Audio Technician Carolyn K. Mutegi – Hansard Reporter |
| 2. | Nakuru | Gatimu Steven – Deputy Clerk Rachael J. Cherutich – Principal Clerk |

| | | |
|-----|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| 3. | Garissa | Salah M. Bulle – Committee Clerk Abdi Siyad Keinan – Senior Research Officer |
| 4. | Baringo | David K. Rotich – Fiscal Analyst Emmanuel Kubai – Hansard Reporter |
| 5. | Migori | Emmanuel Abala King'wara – Principal Clerk Emma Atieno Ogutu – Hansard Editor |
| 6. | Kirinyaga | Solomon Mwai Munene – Principal Clerk Assistant Susan Wangui Githinji – Legal Research Officer |
| 7. | Embu | Dorothy Muthoni Mate – Hansard Reporter |
| 8. | Elgeyo Marakwet | Prisca Kipyator – Sergeant-at-arms Edwin Cheserek – Hansard Reporter |
| 9. | Makueni | Franklin N. Kisilu – Second Clerk Assistant Esther Mutheu Musau – Principal Clerk Assistant |
| 10. | Mombasa | Dorothy Auma Adhoch – Director Legislative, Procedural and Committee Services Rashid Kaka – Director Research and Information Services |
| 11. | Nyandarua | Muriithi Wairimu S. – Director, Legal, Legislative, Procedural, Research and Committee Services Peter Waweru – Principal Hansard Editor |
| 12. | Nyamira | Sheillah Kerubo Obare – Director Legal, Library and Research Services |
| 13. | Uasin Gishu | Paul Kiprono Kirwa – Senior Clerk Richard Kiprono Bett – Senior Hansard Editor |
| 14. | Tana River | Amina Marwa – Clerk Assistant Ibrahim Dido – Fiscal Analyst |
| 15. | Kakamega | Susan Adhiambo Musumba – Research Officer Brian S. Minishi – Legal Assistant |

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. **PAPERS LAID**

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

- a) Report of the Auditor-General on the financial statements of Kilifi County Ward Scholarship Fund for the year ended 30 June, 2015.
- b) Report of the Auditor-General on the financial statements of Kilifi County Ward Scholarship Fund for the year ended 30 June, 2016.
- c) Report of the Auditor-General on the financial statements of Kilifi County Ward Scholarship Fund for the year ended 30 June, 2017.
- d) Report of the Auditor-General on the financial statements of Kilifi – Mariakani Water & Sewerage Company Limited for the year ended 30 June, 2017.
- e) Report of the Auditor-General on the financial statements of Kwale County Bursary Fund for the year ended 30 June, 2016.
- f) Report of the Auditor-General on the financial statements of Kwale County Assembly Members and Staff (Car and Mortgage) Loan Scheme Fund for the year ended 30 June, 2016.
- g) Report of the Auditor-General on the financial statements of Taita Taveta County Employee Mortgage Loan Fund for the year ended 30 June, 2017.
- h) Report of the Auditor-General on the financial statements of Taita Taveta Emergency Fund for the year ended 30 June, 2017.
- i) Report of the Auditor-General on the financial statements of Taita Taveta Road Maintenance Levy Fund for the year ended 30 June, 2016.
- j) Report of the Auditor-General on the financial statements of Taita Taveta Road Maintenance Levy Fund for the year ended 30 June, 2017.
- k) Report of the Auditor-General on the financial statements of Taita Taveta County Government Education Fund for the year ended 30 June, 2017.
- l) Report of the Auditor-General on the financial statements of Taita Taveta County Assembly Mortgage (Members) Scheme Fund for the year ended 30 June, 2017.
- m) Report of the Auditor-General on the financial statements of Bungoma County Disability Empowerment Fund for the year ended 30 June, 2017.
- n) Report of the Auditor-General on the financial statements of Bungoma County Community Empowerment Fund for the year ended 30 June, 2016.

- o) Report of the Auditor-General on the financial statements of Bungoma County Community Empowerment Fund for the year ended 30 June, 2017.
- p) Report of the Auditor-General on the financial statements of Bungoma County Disaster Management Emergency Fund for the year ended 30 June, 2017.
- q) Report of the Auditor-General on the financial statements of Kakamega County Water and Sanitation Company Limited for the year ended 30 June, 2017.
- r) Report of the Auditor-General on the financial statements of Mombasa County Elimu Fund for the year ended 30 June, 2016.

(The Senate Majority Leader)

5. **NOTICE OF MOTION** – Sen. Johnes Mwaruma, MP

AWARE THAT tourism is amongst key sectors of Kenya's economy contributing billions of shillings to the country as well as generating employment and livelihoods to millions of citizens;

FURTHER AWARE THAT Kenya is endowed with different wildlife species which contribute substantially to the national economy through tourism;

NOTING THAT cases of human-wildlife conflict are on the rise as a result of many factors, key among them climate change and encroachment on parks and nature reserves leading to deaths and maiming of people by wild animals;

FURTHER NOTING THAT there is need to create a conducive environment for peaceful coexistence of humans and wildlife in the same space, given the importance of wildlife not only to our economy but ecology as well;

CONCERNED THAT victims and families of victims of human-wildlife conflict are not being compensated for loss of lives, being maimed or loss of means of livelihood due to failure of the Treasury to allocate adequate fund for this purpose, contrary to the Wildlife Compensation Management Act, 2013;

FURTHER CONCERNED THAT the regions and communities hosting the wildlife are marginalized and do not benefit from the proceeds of wildlife tourism in the area;

NOW, THEREFORE, the Senate calls upon the National Government to-

1. Allocate adequate funds during the current financial year and subsequent years for compensation;
2. Ensure that victims and families of victims of human-wildlife conflict are always compensated within 90 days of submitting their claims;
3. Come up with innovative ways of ensuring host communities benefit from the revenue accruing from wildlife tourism.

6. **NOTICE OF MOTION** – Chairperson, *Ad-Hoc* Committee on Tea

AWARE THAT the Senate passed a Motion establishing an *Ad-Hoc* Committee to conduct an inquiry into the challenges facing the tea sector in Kenya on 14th March, 2018;

FURTHER AWARE THAT the Committee was required to table a Report to the Senate within five months from the date of establishment;

CONCERNED THAT the duration accorded to the Committee lapsed on 15th August, 2018 while the Senate was on recess;

REGRETTING THAT, due to the heavy workload, the Committee is yet to conclude its inquiry and requires more time;

NOW, THEREFORE, the Senate resolves to extend the mandate and duration of the Committee by a further sixty (60) days to enable the Committee to conclude its work and table a report in the Senate.

7. **THE COPYRIGHT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2017)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First time and committed to the relevant Standing Committee.

8. **THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 52 OF 2017)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First time and committed to the relevant Standing Committee.

9. **THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2018)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First time and committed to the relevant Standing Committee.

10. **THE ENERGY BILL (NATIONAL ASSEMBLY BILLS NO. 50 OF 2017)**

Motion made and Question proposed;

THAT, the Energy Bill (National Assembly Bills No. 50 of 2017) be now read a Second Time.

(The Senate Majority Leader – 09.08.2018)

Debate interrupted on Thursday, 9th August, 2018 resumed on a Division;

The Temporary Speaker directed that electronic voting be taken pursuant to Standing Order 81(2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Temporary Speaker directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Temporary Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Arising out of a technical failure, the Temporary Speaker directed the Senate to proceed to a roll call vote pursuant to Standing Order 83.

The names of the Tellers were announced and directed to take the seats at their designated place;

1. Sen. Judith Pareno – Ayes
2. Sen. Aaron Cheruiyot – Noes

The Temporary Speaker put the Question and directed the Clerk to call-out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 24

NOES – NIL

ABSTENTION – NIL

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Iman Falhada Dekow – Voted on behalf of Garissa County Delegation
6. Sen. Hargura Godana
7. Sen. Imana Malachy Ekal
8. Sen. Kamar Margaret Jepkoech
9. Sen. Khaniri George
10. Sen. Prengei Victor – Voted on behalf of Nakuru County Delegation
11. Sen. Mwaura Isaack – Voted on behalf of Kiambu County Delegation
12. Sen. Langat Christopher Andrew
13. Sen. Lelegwe Steve Ltumbesi
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mahamud Mohamed Maalim
16. Sen. Masitsa Naomi Shiyonga – Voted on behalf of Kakamega County Delegation
17. Sen. Mbito Michael Maling'a
18. Sen. Mpaayei Phillip Salau
19. Sen. Murkomen Onesimus Kipchumba

20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Orengo James
23. Sen. Outa Frederick Otieno
24. Sen. Sakaja Johnson Arthur

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

11. **THE IRRIGATION BILL (NATIONAL ASSEMBLY BILLS NO. 46 OF 2017)**

Motion made and Question proposed;

THAT, the Irrigation Bill (National Assembly Bills No. 46 of 2017) be now read a Second Time.

(The Senate Majority Leader – 25.07.2018)

Debate interrupted on Wednesday, 25th July, 2018 resumed on a Division;

The Temporary Speaker directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for three minutes;

Upon the expiry of three minutes, the Temporary Speaker directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Temporary 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 81 (5), the Temporary Speaker allowed seven (7) Senators to record their vote verbally.

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

1. Sen. Phillip Mpaayei – Kajiado County
2. Sen. Langat Andrew – Bomet County
3. Sen. Imana Malachy – Turkana County
4. Sen. Kamar Margaret – Uasin Gishu County
5. Sen. Cherarkey Samson – Nandi County
6. Sen. Outa Frederick – Kisumu County
7. Sen. Hargura Godana – Marsabit County

The results of the Division were as follows:-

AYES – 24

NOES – NIL

ABSTENTION – NIL

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich – Voted verbally
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Iman Falhada Dekow – Voted on behalf of Garissa County Delegation
6. Sen. Hargura Godana – Voted verbally
7. Sen. Imana Malachy Ekal – Voted verbally

8. Sen. Kamar Margaret Jepkoech – Voted verbally
9. Sen. Khaniri George
10. Sen. Prengei Victor – Voted on behalf of Nakuru County Delegation
11. Sen. Mwaura Isaack – Voted on behalf of Kiambu County Delegation
12. Sen. Langat Christopher Andrew – Voted verbally
13. Sen. Lelegwe Steve Ltumbesi
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mahamud Mohamed Maalim
16. Sen. Masitsa Naomi Shiyonga – Voted on behalf of Kakamega County Delegation
17. Sen. Mbito Michael Maling'a
18. Sen. Mpaayei Phillip Salau – Voted verbally
19. Sen. Murkomen Onesimus Kipchumba
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Orengo James
23. Sen. Outa Frederick Otieno – Voted verbally
24. Sen. Sakaja Johnson Arthur

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

12. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2017)

Motion made and Question proposed;

THAT, the Kenya Roads Bill (National Assembly Bills No. 47 of 2017) be now read a Second Time.

(The Senate Majority Leader – 04.07.2018)

The debate interrupted on Wednesday, 4th July, 2018 resumed on a Division;

The Temporary Speaker directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for three minutes;

Upon the expiry of three minutes, the Temporary Speaker directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Temporary 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 standing order 81 (5), the Temporary Speaker allowed four (4) Senators to record their vote verbally.

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

1. Sen. Outa Frederick – Kisumu County
2. Sen. Phillip Mpaayei – Kajiado County
3. Sen. Kamar Margaret – Uasin Gishu County
4. Sen. Hargura Godana – Marsabit County

The results of the Division were as follows:-

AYES – 24

NOES – NIL

ABSTENTION – NIL

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Iman Falhada Dekow – Voted on behalf of Garissa County Delegation
6. Sen. Hargura Godana – Voted verbally
7. Sen. Imana Malachy Ekal
8. Sen. Kamar Margaret Jepkoech – Voted verbally
9. Sen. Khaniri George
10. Sen. Prengei Victor – Voted on behalf of Nakuru County Delegation
11. Sen. Mwaura Isaack – Voted on behalf of Kiambu County Delegation
12. Sen. Langat Christopher Andrew
13. Sen. Lelegwe Steve Ltumbesi
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mahamud Mohamed Maalim
16. Sen. Masitsa Naomi Shiyonga – Voted on behalf of Kakamega County Delegation
17. Sen. Mbito Michael Maling'a
18. Sen. Mpaayei Phillip Salau – Voted verbally
19. Sen. Murkomen Onesimus Kipchumba
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Orengo James
23. Sen. Outa Frederick Otieno – Voted verbally
24. Sen. Sakaja Johnson Arthur

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

13. **THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2017)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Physical Planning Bill (National Assembly Bills No. 34 of 2017) be now read a Second Time.

(Senate Majority Leader – 26.07. 2018)

Debate interrupted on Thursday, 26th July, 2018, resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order pursuant to Standing Order 61 (3), the Senate Majority Leader requested the Temporary Speaker to defer putting of the Question to a later date;

Thereupon, the Temporary Speaker (Sen. Rose Nyamunga), acceding to the request, nominated Thursday, 13th September, 2018 as the day when the question shall be put.

14. **COMMITTEE OF THE WHOLE**
THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2017)
 (Sen. Mutula Kilonzo Jnr., MP)

Order for Committee deferred.

15. **COMMITTEE OF THE WHOLE**
THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Judith Pareno) – in the Chair)

The Office of the County Attorney Bill (Senate Bills No. 3 of 2018)

Clauses 3 and 4

Motion made and Question proposed;

That, Clauses 3 and 4 be part of the Bill.

Clauses 3 and 4 - vote deferred.

Clause 5 - amendment proposed

That, clause 5 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause-

- (2) A person qualifies for appointment as County Attorney if such person-
- (a) is an Advocate of the High Court of Kenya of at least five years standing;
 - (b) has experience as a legal practitioner including experience in the legal academic field; and
 - (c) meets the requirements of Chapter Six of the Constitution.

(Sen. Samson Cherarkey)

Clause 5 - vote deferred.

Clause 6 - amendment proposed

That, clause 6 of the Bill be amended-

- (a) in paragraph (a) by deleting the words "executive committee" appearing immediately after the words "to the county" and substituting therefor the word "government";
- (b) in paragraph (c) by inserting the words "on the instructions of the county government" immediately after the word "shall".

(Sen. Samson Cherarkey)

Clause 6 - vote deferred.

Clause 7 - amendment proposed

That, clause 7 of the Bill be amended in sub-clause (2) by inserting the words "in consultation with the county public service board" immediately after the word "establish" appearing in paragraph (a).

(Sen. Samson Cherarkey)

Clause 7 - vote deferred.

Clauses 8 and 9

Motion made and Question proposed;

That, Clauses 8 and 9 be part of the Bill.

Clauses 8 and 9 - vote deferred.

Clause 10 - deletion proposed

That, the Bill be amended by deleting clause 10.

(Sen. Samson Cherarkey)

Clause 10 - vote deferred

Clauses 11 and 12

Motion made and Question proposed;

That, Clauses 11 and 12 be part of the Bill.

Clauses 11 and 12 - vote deferred.

Clause 13 - amendment proposed

That, clause 13 of the Bill be amended by deleting sub-clause (2).

(Sen. Samson Cherarkey)

Clause 13 - vote deferred

Clauses 14 and 15

Motion made and Question proposed;

That, Clauses 14 and 15 be part of the Bill.

Clauses 14 and 15 - vote deferred.

Clause 16 - amendment proposed

That, clause 16 of the Bill be amended-

(a) in sub-clause (1) by deleting the words "County Attorney" appearing immediately after the words "without the approval of the" and substituting therefor the words "county executive committee";

(b) by deleting sub-clause (2) and substituting therefor the following new sub-clause-

(2) A request by a department or public entity to the county executive committee to engage the services of a consultant for the provision of legal services, shall be in writing.

(c) by deleting sub-clause (3) and substituting therefor the following new sub-clause-

(3) An approval by the county executive committee of a request under sub-clause (2) shall be in writing.

Further amendment proposed:

That, the Bill be amended by deleting the heading "PART III – PERFORMANCE OF FUNCTIONS OF THE COUNTY ATTORNEY" appearing immediately before clause 16.

(Sen. Samson Cherarkey)

Clause 16 - vote deferred

Clause 17

Motion made and Question proposed;

That, Clause 17 be part of the Bill.

Clause 17 - vote deferred.

Clause 18 - amendment proposed

That, Clause 18 of the Bill be amended in sub-clause (1) by inserting the words 'in consultation with the County Attorney' immediately after the words "public service board shall".

(Sen. Samson Cherarkey)

Clause 18 - vote deferred.

Clause 19 - amendment proposed

That, clause 19 of the Bill be amended by inserting the words "County Attorney, County Solicitor and" immediately before the words "County Legal Counsel".

(Sen. Samson Cherarkey)

Clause 19 - vote deferred.

Clause 20 - amendment proposed

That, clause 20 of the Bill be amended-

(a) in sub-clause (1) by inserting the words "County Attorney, County Solicitor" immediately before the words "County Legal Counsel";

(b) in sub-clause (2) by deleting the words "County Attorney" appearing immediately before the words "may from time to time" and substituting therefor the words "Cabinet Secretary"

(Sen. Samson Cherarkey)

Clause 20 - vote deferred.

Clause 21

Motion made and Question proposed;

That, Clause 21 be part of the Bill.

Clause 21 - vote deferred.

Clause 22 - amendment proposed

That, clause 22 of the Bill be amended in sub-clause (1) by inserting the words "in consultation with the county public service board" immediately after the words "the County Attorney".

(Sen. Samson Cherarkey)

Clause 22 - vote deferred.

Clauses 23 and 24

Motion made and Question proposed;

That, Clauses 23 and 24 be part of the Bill.

Clauses 23 and 24 - vote deferred.

Clause 25 - deletion proposed

That, the Bill be amended by deleting clause 25.

(Sen. Samson Cherarkey)

Clause 25 - vote deferred.

Clauses 26, 27, 28 and 29

Motion made and Question proposed;

That, Clauses 26, 27, 28 and 29 be part of the Bill.

Clauses 26, 27, 28 and 29 - vote deferred.

Clause 30 - amendment proposed

That, clause 30 of the Bill be amended by deleting the words "County Attorney" appearing immediately before the words "may make Regulations" and substituting therefor the words "Cabinet Secretary"

(Sen. Samson Cherarkey)

Clause 30 - vote deferred.

Clauses 31 and 32

Motion made and Question proposed;

That, Clauses 31 and 32 be part of the Bill.

Clauses 31 and 32 - vote deferred.

New Clause 5A - insertion of New Clause proposed

That, the Bill be amended by inserting the following new clause immediately after clause 5-

| | |
|-------------------|--------------------------------------------------------------------|
| Tenure of office. | 5A. The County Attorney shall hold office for a term of six years. |
|-------------------|--------------------------------------------------------------------|

(Sen. Samson Cherarkey)

Motion made and Question proposed-

That, the New Clause 5A be read a Second Time.

New Clause 5A - vote deferred

New Clause 5A

That, the Bill be amended by inserting the following new clause immediately after clause 5-

| | |
|-------------------|--------------------------------------------------------------------|
| Tenure of office. | 5A. The County Attorney shall hold office for a term of six years. |
|-------------------|--------------------------------------------------------------------|

(Sen. Samson Cherarkey)

New Clause 5A - vote deferred

First and Second Schedules

Motion made and Question proposed-

That, the First and Second Schedules be part of the Bill.

First and Second Schedules - vote deferred.

Clause 2 - amendment proposed

That, clause 2 of the Bill de amended by inserting the following new definition immediately before the definition of the term "County Attorney"-

"Cabinet Secretary" means the Cabinet Secretary responsible for matters relating to justice and legal affairs.

(Sen. Samson Cherarkey)

Clause 2 - vote deferred.

The Title and Clause 1

Motion made and Question proposed-

That, the Title and Clause 1 be part of the Bill.

The Title and Clause 1 - vote deferred.

Progress report:

Motion made and Question Proposed;

That, the Committee of the Whole do report progress on its consideration of the Office of the County Attorney Bill (Senate Bills No. 3 of 2018) and seek leave to sit again tomorrow.

(Sen. Samson Cherarkey)

Before the question was put and pursuant to Standing Order 79(1), the Acting Chairperson (Sen. Judith Pareno) ruled that the Question did not affect counties;

Question put and agreed to.

16. **HOUSE RESUMED** – (Sen. Rose Nyamunga) – in the Chair

17. **THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)**

Progress reported;

Motion made and Question Proposed;

That, the House do agree with the Committee in the said report.

(Sen. Samson Cherarkey)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79 (1), the Temporary Speaker (Sen. Rose Nyamunga) ruled that the Question did not affect counties;

Question put and agreed to.

18. **COMMITTEE OF THE WHOLE**
THE FOOD SECURITY BILL (SENATE BILLS NO. 12 OF 2017)
(The Senate Majority Leader)

Order for Committee deferred.

19. **COMMITTEE OF THE WHOLE**
THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 7 OF 2018)
(Sen. Petronila Were Lokorio, MP)

Order for Committee deferred.

20. **THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL**
(SENATE BILLS NO. 17 OF 2018)
(Sen. Aaron Cheruiyot, MP)

Order for Second Reading deferred.

21. **MOTION – ENFORCEMENT OF THE NATIONAL TRANSPORT AND SAFETY**
AUTHORITY (OPERATION OF MOTORCYCLE) REGULATIONS, 2015
(Sen. (Arch.) Sylvia Kasanga, MP)

AWARE that the National Transport and Safety Authority (NTSA) is mandated to plan, manage and regulate the road transport system, while ensuring the provision of safe, reliable and efficient road transport services;

FURTHER AWARE that motorcycle transport services have been rapidly embraced throughout the country leading to several challenges including: rise in road accidents involving motorcycle riders, unlawfulness, insecurity and road congestion;

COGNIZANT that the National Transport and Safety Authority (Operation of Motorcycles) Regulations that came into force on January 1, 2016 have not adequately addressed the challenges associated with the high numbers of motorcycles as a mode of transport;

NOW THEREFORE, the Senate resolves that the Ministry of Transport, Infrastructure, Housing, and Urban Development: -identify strategies to enforce the National Transport and Safety Authority (Operation of Motorcycles) Regulations; in collaboration with County Governments, develop programs to sensitize and educate members of boda-boda associations and the public on the laws regulating motorcycle operations; submits a Report to the Senate within ninety(90) days outlining the short and long term strategies, and preventative measures that are being put in place to halt the rising cases of road carnage involving motorcycle riders.

Order deferred.

22. **MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC**
ACCOUNTS AND INVESTMENT ON FINANCIAL OPERATIONS OF THE NAKURU
COUNTY EXECUTIVE FOR FY 2013/2014
(Chairperson, Sessional Committee on County Public Accounts and Investments)

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

Nakuru County Executive for the Financial year 2013/2014 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Tuesday, 19th June, 2018.

Order deferred.

23. **MOTION - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENT ON FINANCIAL OPERATIONS OF THE KILIFI COUNTY EXECUTIVE FOR FY 2013/2014**

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

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 Kilifi County Executive for the Financial year 2013/2014 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Tuesday, 19th June, 2018.

Order deferred.

24. **MOTION - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENT ON FINANCIAL OPERATIONS OF THE HOMABAY COUNTY EXECUTIVE FOR FY 2013/2014**

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

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 Homabay County Executive for the Financial year 2013/2014 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Tuesday, 19th June, 2018.

Order deferred.

25. **MOTION - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENT ON FINANCIAL OPERATIONS OF THE KISII COUNTY EXECUTIVE FOR FY 2013/2014**

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

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 Kisii County Executive for the Financial year 2013/2014 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Tuesday, 19th June, 2018.

Order deferred.

26. **MOTION - DEVELOPMENT AND IMPLEMENTATION OF A NATIONAL DISASTER RISK FINANCING STRATEGY**

(Sen. George Khaniri, MP)

THAT, WHEREAS Kenya's disaster profile is dominated by droughts, fire, floods, terrorism, diseases and epidemics that disrupt livelihoods, destroy infrastructure, divert planned use of resources, interrupt economic activities and retard development;

FURTHER WHEREAS the government, through its various agencies, is ultimately responsible for disaster reduction, preparedness and management;

COGNIZANT of the fact that government agencies involved in disaster management are usually overwhelmed when called upon to provide response services during disasters and emergencies;

AWARE that the Kenya Red Cross Society Act, Cap 256 of the Laws of Kenya establishes the Kenya Red Cross Society, a sole national Red Cross Society in Kenya, as a voluntary aid society;

RECOGNIZING, the efforts of the Kenya Red Cross Society to provide first-line disaster response services in incidences of disasters and other emergencies across the country;

OBSERVING, the huge financial resources required to finance disaster reduction, preparedness and other emergency services;

NOTING that one of the sources of the Kenya Red Cross Society in financing its operations is through accepting unrestricted contributions and assistance, in any form, from individuals, public authorities and private bodies;

APPRECIATING, the efforts made by the prudent management of funds by the Kenya Red Cross Society;

FURTHER AWARE that emergency fund is a substantial proportionate Vote Head in both the national and county government budgets;

CONCERNED, that the Kenya Red Cross Society has not been allocated a budget from the national and county governments despite the huge contribution in disaster and emergency response across the country;

NOW THEREFORE, the Senate urges the national and county governments to explore collaborative mechanisms for the Kenya Red Cross Society to support and implement a paradigm shift from post disaster response to risk reduction by developing and implementing a national disaster risk financing strategy across all sectors and incorporate it into the national and county development planning and financing processes.

Order deferred.

And the time being ten minutes past Six O'clock, the Temporary Speaker (Sen. Judith Pareno), adjourned the Senate without Question put, pursuant to the Standing Orders.

27. **SENATE ROSE** - at ten minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Thursday, September 13, 2018 at 2.30 p.m.*

---XX---