



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – THIRD SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, MAY 23, 2019 AT 2.30 P.M.**

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with prayer said by the Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following communications from the Chair: -

**a) Visiting Pupils and Teachers from ACK St. Barnabas Kipkenyo Secondary School, Uasin Gishu County.**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from ACK St. Barnabas Kipkeyo Secondary School, Uasin Gishu County.

On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.”

**b) Visiting Pupils and Teachers from Kathituni Boarding Primary School, Tharaka-Nithi County.**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from Kathituni Boarding Primary School, Tharaka-Nithi County.

On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.”

**c) Visiting Pupils and Teachers from St. Georges Girls Secondary School, Nairobi County.**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from St. Georges Girls Secondary School, Uasin Gishu County.

On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

**4. PAPERS LAID**

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

- i. Report of the Auditor-General on the Financial Statements of Kirinyaga Water Sanitation company Limited for the Year ended 30 June 2018;
- ii. Report of the Auditor-General on the Financial Statements of County Government of Kiambu Emergency Fund for the Year ended 30 June 2018;
- iii. Report of the Auditor-General on the Financial Statements of Kiambu Alcoholic Drinks Fund for the Year ended 30 June 2018; and
- iv. Report of the Auditor-General on the Financial Statements of Kiambu County Education Bursary Fund for the Year ended 30 June 2018.
- v. Statement on the Business of the Senate for the week commencing Tuesday, Tuesday, 28<sup>th</sup> May, 2019.

*(The Senate Majority Leader)*

**5. STATEMENTS**

**i) Statement pursuant to Standing Order No. 48 (1)**

- a) The Senator for Elgeyo Marakwet County (Sen. Kipchumba Murkomen, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations on purported withdrawal of National Police Reservists from counties in Kerio Valley region.
- b) Nominated Senator (Sen. Abshiro Halake, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the preparedness for the cyclic drought and floods in the country;
- c) Nominated Senator (Sen. Abshiro Halake, MP) sought a statement from the Standing Committee on Tourism, Trade and Industrialization regarding fraudulent Sacco societies in Kenya;

- d) Nominated Senator (Sen. Dr. Alice Milgo, MP) sought a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the new army worm attack in parts of the North Rift; and
- e) The Senator for Vihiga County (Sen. George Khaniri, MP) sought a statement from the Standing Committee on Finance and Budget concerning additional charges levied on residents of Nairobi County seeking rate clearance Certificates by the Nairobi City County Government.
- f) The Senator for Kilifi County (Sen. Stewart Madzayo, MP) sought a Statement from the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations on the forceful evictions, arbitrary arrests and excessive use of force by the police at Mtwapa, Kilifi County on Tuesday, 21<sup>st</sup> May, 2019.

**ii) Statement pursuant to Standing Order No. 52 (1)**

The Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 28<sup>th</sup> May, 2019.

**iii) Personal Statement pursuant to Standing Order No. 53**

Pursuant to Standing Order 53, the Senator for Murang'a County (Sen. Irungu Kang'ata, MP) made a personal statement regarding defamatory remarks made against him by the Governor of Murang'a County Government and the Majority Leader of Murang'a County Assembly at Ihura Stadium, Murang'a County.

Sen. Kang'ata said the remarks which were broadcasted to millions of Kenyans via a local vernacular television channel were meant to intimidate him and peddle falsehoods through character assassination in relation to the discharge of his constitutional duty of oversight.

The Senator assured the residents of Murang'a County and fellow Senators that he will not be intimidated in the discharge of his duty as a representative of the people and will continue with his work without fear or favour.

**6. COMMITTEE OF THE WHOLE**

**THE IMPEACHMENT PROCEDURE BILL (SENATE BILLS NO. 15 OF 2018)**

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Order deferred.

**7. COMMITTEE OF THE WHOLE**

**THE PREVENTION OF TERRORISM (AMENDMENT) BILL (SEN. BILLS NO. 20 OF 2018)**

(Sen. Naomi Jilo Waqo, MP)

Order deferred.

8. **MOTION - REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE ANNUAL REPORT OF THE COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW FOR FINANCIAL YEAR 2017/2018**

Motion made and Question proposed;

**THAT**, this House adopts the Report of the Standing Committee on Finance and Budget on the Annual Report of the County Governments Budget Implementation Review for Financial Year 2017/2018, laid on the Table of the Senate on Wednesday, 27<sup>th</sup> March, 2019.

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

Debate arising;

And there being no other Senator wishing to contribute;

Sen. Mutula Kilonzo Junior replied on behalf of the Mover;

Raising a point of order and pursuant to Standing Order 61 (3), Sen. Mutula Kilonzo Junior requested the Temporary Speaker (Sen. Judith Pareno) to defer putting of the question to another day;

And the Temporary Speaker (Sen. Judith Pareno) acceding to the request, deferred putting of the question to Wednesday, 29<sup>th</sup> May, 2019.

9. **MOTION - COMPLETION OF ALL STALLED PROJECTS UNDER COUNTY GOVERNMENTS THROUGH BUDGETARYMANAGEMENT**

(Sen. Charles Reubenson Kibiru, MP)

**THAT, AWARE THAT** Kenya has had a development blueprint of Vision 2030 since 2008 which has guided planning and development for the last decade, with a focus to making Kenya an industrialized middle income economy with a higher per capita income for its citizens;

**FURTHER AWARE THAT**, the development planning of the country is funded from the Consolidated Fund through the annual budget whereby revenues generated by Kenyans through taxes, levies, and fees that are supplemented with support of development partners in the form of outright loans, conditional loans, grants and/or unconditional grants to support growth and development across the country;

**COGNIZANT THAT**, any diversion from the Vision 2030 blueprint as well as the President's "Big Four" Agenda, would negatively impact the development trajectory that seeks to ensure a long term microeconomic stability resulting in

a revision of targets on the goals for socio-economic, cultural, environmental, technological and political transformation;

**NOTING THAT**, whereas the National Government's Budget is based on Vision 2030 and "Big Four" Agenda, the County Governments' Budgets are based on their respective County Integrated Development Plans, (CIDPs) which are expected to dovetail with the overall national development blueprint;

**CONCERNED THAT**, there are glaring discrepancies in progress made in development among counties, particularly among the 14 devolved functions caused by lack of accountability, integrity, professionalism and remaining a blemish on the successes of devolution;

**ACKNOWLEDGING**, the tribulations, ridicule, pecuniary embarrassment and negative socio-economic impact that pending bills have had on the local business community who supplied or undertook a service for the county governments, and the attendant slowdown in actual project completion, the rise in stalled projects dotting counties, with County Governors prioritizing new projects instead of the completion of those which have stalled;

**FURTHER ACKNOWLEDGING THAT**, the National Treasury in its circular No. 9/2018 detailed the five hundred and forty five (545) projects which have stalled in the 47 Counties, and their status of completion, collectively amounting to an estimated project cost of three hundred and sixty six (366) Billion Kenya shillings;

**NOW THEREFORE**, the Senate recommends that the National Treasury in partnership with the Controller of Budget, Commission on Revenue Allocation, the Council of Governors and the County Assemblies Forum to-

1. Ensure that all the County Integrated Development Plans (CIDP's) and Annual Development Plans (ADP's) are aligned to Vision 2030 with an implementation, monitoring, and evaluation framework in place;
2. Address Pending Bills by prioritizing their payment, creating clear timeframes for payment and publishing a schedule of payment of the same; and
3. Prioritize the completion of stalled development projects prior to undertaking or funding new projects.

Order Deferred.

10. **MOTION - ADDRESSING THE PLIGHT OF STREET FAMILIES IN URBAN CENTRES**

Motion made,

**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.

*(Sen. Beatrice Kwamboka, MP)*

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

11. **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  
Tuesday, May 28, 2019 at 2.30 p.m.*

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