



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – THIRD SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, JULY 02, 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 Deputy Speaker.

3. **COMMUNICATIONS FROM THE CHAIR**

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

**(i) Visiting Pupils and Teachers from Nakuru Boys' High School, Nakuru County.**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting pupils and teachers from Nakuru Boys' High School, Nakuru 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.”

**(ii) Visiting Pupils and Teachers from St. Alphonsa Girls' School, Makueni County.**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting pupils and teachers from St. Alphonsa Girls' School, Makueni 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.”

**(iii) Visiting Pupils and Teachers from St. Charles Lwanga 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. Charles Lwanga, Nairobi 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.”

**(iv) Visiting Pupils and Teachers from Kanga Boys’ High School, Migori County.**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting pupils and teachers from Kanga Boys’ High School, Migori 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.”

4. **PETITIONS**

- (i) Pursuant to Standing Order 226(1)(a) and 230(2)(b), the Deputy Speaker reported to the Senate a Petition by residents of Mwakitau Location, Mwatate Sub County, Taita Taveta County, concerning a land ownership dispute between residents of the location and Isanga Iwishi Group Ranch.

Pursuant to Standing Order 231, the Deputy Speaker invited Senators to comment thereon and, subsequently, committed the Petition to the Standing Committee on Land, Environment and Natural Resources, pursuant to Standing Order 232 (1).

- (ii) Pursuant to Standing Order 226(1)(a) and 230(2)(b), the Deputy Speaker reported to the Senate a Petition by one Mr. Noor Abdirashid, a resident of Ali Mao Village, Wajir County, concerning a waste disposal site in the village and alleged disgraceful abuse of the right to enjoy environmental rights under Article 42 of the Constitution.

Pursuant to Standing Order 231, the Deputy Speaker invited Senators to comment thereon and, subsequently, committed the Petition to the Standing Committee on Land, Environment and Natural Resources, pursuant to Standing Order 232 (1).

- (iii) Pursuant to Standing Order 226(1)(a) and 230(2)(b), the Deputy Speaker reported to the Senate a Petition by residents of Murang'a County and families of victims of the March, 2019 Ethiopian Airlines Flight 302 crash concerning lack of support in issuance of death certificates and facilitation of counselling Services by the Ministry of Foreign Affairs to families of the victims of the Ethiopian Air crash.

Pursuant to Standing Order 231, the Deputy Speaker invited Senators to comment thereon and, subsequently, committed the Petition to the Standing Committee on National Security, Defence and Foreign Relations, pursuant to Standing Order 232 (1).

## 5. **PAPERS LAID**

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

- (i) Report of the Auditor-General on Kisii County Bursary Fund for the Year ended 30<sup>th</sup> June 2018;
- (ii) Report of the Auditor-General on the Financial Statements of Bomet County Car Loan and Mortgage Scheme for the Year ended 30<sup>th</sup> June 2018;
- (iii) Report of the Auditor-General on the Financial Statements of Bomet County Bursary Fund for the Year ended 30<sup>th</sup> June 2018;
- (iv) Report of the Auditor-General on the Financial Statements of Bungoma County Community Development Fund for the Year ended 30<sup>th</sup> June 2018; and
- (v) Report of the Auditor-General on the Financial Statements of Bungoma County Women Empowerment Fund for the Year ended 30<sup>th</sup> June 2018.

*(The Senate Majority Leader)*

## 6. **STATEMENTS**

### **(i) Statement Pursuant to Standing Order 48(1)**

The Senator for Bungoma County (Sen. Moses Wetang'ula, MP) sought a statement from the Standing Committee on Roads and Transportation regarding the state of the Malaba International Border Point.

### **(ii) Statement Pursuant to Standing Order 51 (1) (a)**

The Vice Chairperson of the Standing Committee on National Security, Defence and Foreign Relations (Sen. Johnson Sakaja, MP) made a Statement regarding the Rapid Results Initiative (RRI) for processing and issuance of birth certificates.

The Vice Chairperson pointed out that Article 53 of the Constitution provides that every child has a right to a name and nationality from birth and highlighted the importance of ensuring all Kenyans access a birth certificate,

which is the most important form of identification. The Vice Chairperson, however, noted the challenges surrounding the issuance of birth certificates due to a pending backlog in most counties, which have previously been raised by Senators as well as members of the public.

The Vice Chairperson informed the House that, in order to address this matter, the Ministry of Interior and Coordination of National Government had, on 27<sup>th</sup> June, 2019, launched the Rapid Results Initiative (RRI) for processing and issuance of birth certificates in Kajiado Town, which initiative was aimed at ensuring that all Kenyans who do not have Birth Certificates or National Identity ID Cards obtain these crucial documents so that they can register for *Huduma Namba*.

He also informed the House that all Assistant Chiefs have been directed to ensure that all births occurring in their respective areas of jurisdiction are registered immediately and burial permits issued in respect of all funerals taking place within their areas so that all cases are accounted for.

The Vice Chairperson stated that, through the initiative, the Ministry aims at-

- (1) Increasing the capacity of all registration offices across the country to rationalize the processing and issuance of birth certificates;
- (2) Reduce the current backlog of birth certificates pending processing and issuance of birth certificates in counties;
- (3) Implement the Rapid Response Initiative by giving resources and support to the Civil Registrar's Office at the County Level;
- (4) Identify priority areas i.e. children who need to join educational facilities and facilitation of registration for examinations; and
- (5) Create mass awareness on the importance registration of births and deaths.

The Vice Chairperson extended an invitation to Members to a meeting of the Standing Committee on National Security, Defence and Foreign Relations that will host the Cabinet Secretary for Interior and Coordination of the National Government to deliberate on the matter at Shimba Hills Meeting Room in KICC on Thursday, 4<sup>th</sup> July, 2019 at 10.00 a.m.

7. **COMMITTEE OF THE WHOLE**  
**THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2018)**

(Chairperson, Sessional Committee on Delegated Legislation)

***(Resumption of debate interrupted on Wednesday, 19<sup>th</sup> June, 2019)***

***(Recommittal)***

Order deferred.

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

(Sen. Ledama Olekina, MP)

Order deferred.

9. **THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Kenya Medical Supplies Authority (Amendment) Bill (Senate Bills No. 38) be now Read a Second Time.

*(Sen. Mary Seneta – 18.06.2019)*

Debate interrupted on Tuesday, 18<sup>th</sup> June, 2019 resumed;

And there being no other Senator wishing to contribute, and in the absence of the Mover;

The Temporary Speaker (Sen. Judith Pareno, MP) deferred the reply by the mover to a later date.

10. **THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 39 OF 2018)**

(The Senate Majority Leader)

Order for Second Reading read;

Order deferred.

11. **THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2019)**

(Sen. Aaron Cheruiyot, MP and Sen. Isaac Mwaura, MP)

Order deferred.

12. **THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2019)**

(The Senate Majority Leader)

Order deferred.

13. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 3 OF 2019)**

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

Order deferred.

14. **THE CONTROL OF STRAY DOGS BILL (SENATE BILLS NO. 4 OF 2019)**

(Sen. Mary Seneta, MP)

Order deferred.

15. **MOTION - RENAMING OF MURANG'A UNIVERSITY OF TECHNOLOGY TO KENNETH MATIBA UNIVERSITY OF TECHNOLOGY.**

(Sen. Isaac Mwaura, MP)

**THAT, AWARE THAT**, Murang'a University of Technology (MUT) is a Chartered University established under Section 13 of the Universities Act, 2012, and is positioning itself to develop a distinctive profile as a progressive and international Technical University, growing its enrolment strategically;

**FURTHER AWARE** that the University is located in Murang'a County, the home County of the late politician Kenneth Njindo Matiba, who died a patriotic and political hero, with numerous achievements spanning four decades;

**NOTING THAT**, the late Matiba was a prolific industrialist in the hospitality and education sector, and an accomplished public servant having served as the first indigenous African Permanent Secretary for Education in 1963; Permanent Secretary for Commerce; Chairperson of the Kenya Football Federation from 1974-78; a member of parliament for Kiharu constituency; Cabinet Minister for Health; Culture & Social Services; and Transport & Communications;

**FURTHER NOTING THAT**, the late Matiba was part of the opposition alliance that led the liberation struggle for the restoration of multi-party democracy through the Forum for the Restoration of Democracy (FORD), later founding FORD -Asili under which he ran for presidency in 1992 general election;

**COGNIZANT** that under the Heroes Act, 2014, the state is obliged to confer recognition to the late statesman for his cardinal contributions to the political and economic growth of this country;

**FURTHER COGNIZANT** that other patriotic Kenyans like Jomo Kenyatta, Daniel arap Moi, Masinde Muliro, Dedan Kimathi and Jaramogi Oginga Odinga have been accorded such recognition;

**NOW THEREFORE**, the Senate urges the National Government in remembrance of Matiba's contribution to our Nation, to rename Murang'a University of Technology to Kenneth Matiba University of Technology.

Order deferred.

16. **MOTION - CREATION OF SUPPORT SERVICES FOR MEMBERS OF THE DISCIPLINED FORCES AND THEIR FAMILIES**

(Sen. George Khaniri, MP)

**THAT, APPRECIATING** the commitment and sacrifice by members of the disciplined forces in protecting our country from both internal and external aggression;

**AWARE** of the risky and stressful environment that the officers are exposed to daily in the line of duty, combined with the increased terrorism threats at home, and abroad;

**NOTING** that members of the disciplined forces, and by extension, their families are exposed to traumatic incidents both at home and abroad that manifest as living in constant fear, debilitating depression, nightmares, crippling anxiety and thoughts of suicide commonly referred to as Post Traumatic Stress Disorder (PTSD) leaving them exposed to the stigma of society and unable to care for themselves and their families the way they could before;

**RECOGNIZING** that there is no structured national comprehensive program for post- traumatic stress counseling either for active or returning soldiers and their families;

**NOW THEREFORE** the Senate calls upon the Ministry of Interior and Co-ordination of National Government, in partnership with the Ministry of Defence, to establish counseling and support centers in all premises housing disciplined forces, and provide mandatory counseling to all service personnel and the families of those currently serving, and those who may have been killed in the line of duty.

Order deferred.

17. **MOTION - WAIVER OF INTEREST ON LOANS TO GRADUATES BY THE HIGHER EDUCATION LOANS BOARD (HELB)**  
(Sen. (Dr.) Abdullahi Ali, MP)

**THAT, AWARE THAT** the Higher Education Loans Board (HELB) has, for over the last two decades, become the leading financier of higher education in Kenya whose mandate is to source funds and lend them as affordable loans, bursaries and scholarship to students pursuing higher education in recognized institution;

**COGNIZANT THAT**, the Ministry of Education announced that the government has lost Kshs. 7.2b through people defaulting payment on loans issued by HELB translating to 74,692 graduates who have defaulted the loans payment;

**NOTING THAT**, measures were taken to enhance the HELB loan recovery process which included a six month waiver of accumulated interest and penalties, and working with law enforcement officers to make sure the defaulters who are employed payback the loans;

**CONCERNED THAT**, there are graduates from institutions of higher learning who have not been gainfully employed for many years after graduation, and are therefore burdened with loans that have accumulated interest and penalties that they have no means to repay;

**FURTHER CONCERNED THAT**, when beneficiaries fail to remit their monthly instalments for more than three months, HELB reports them to the Credit Reference Bureaus (CRB) preventing them from accessing loan facilities with any financial institution in Kenya, accessing employment opportunities in the government and major private and publicly listed companies and the loan guarantors are pursued and forced to service the HELB loan;

**NOW THEREFORE**, the Senate recommends that the Ministry of Education and HELB –

1. institutes a six (6) month full waiver of all the interest and penalties accrued, including the lifting of Credit Reference Bureau blacklisting, for defaulters who are willing to repay their loans in entirety, within the six (6) month period; and
2. embarks on a forty-five (45) day sensitization exercise preceding the waiver, no later than ninety (90) days after the passage of this motion.

Order deferred.

18. **MOTION – ENHANCEMENT IN ALLOCATION OF RESEARCH FUNDS TOWARDS HIGHER LEARNING**

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

**THAT, AWARE THAT** early childhood education and village polytechnics are a function of the County Governments. Secondary schools, Universities, Tertiary institutions and other institutions of research are a function of the National Government under the Fourth Schedule of the Constitution;

**FURTHER AWARE THAT**, institutions of higher learning have two basic functions, teaching and conducting research;

**CONCERNED THAT**, such institutions largely concentrate on “teaching” rather than “research”, as a method of enhancing and imparting the practical application of skills, attitude and knowledge by learners;

**NOTING THAT**, funds allocated towards community and development oriented academic research are neither sustainable nor adequate;

**ACKNOWLEDGING THAT**, various national policies on research and innovation are available, but fragmentation in the sector has short-changed the vision of a progressive national research agenda, thereby emboldening low science culture among the population, low global competitiveness ranking, inadequate funding, and poor linkages between academic research and commercial industry;



**NOW THEREFORE**, the Senate urgently calls upon the Ministry of Education, Science and Technology:

- (i) To provide a comprehensive report from all institutions of higher learning on the status and performance of Research & Innovation Programs in the Country;
- (ii) Re-assess Sector Policies, and Develop new work-plans towards:
  - a. Improving allocation of funds for Academic as well as Sustainable Community Based Research to public institutions of higher learning.
  - b. Providing subsidies, and frameworks for partnerships between public & private institutions of higher learning to enable collaboration and better organization in research and innovations for community/county development Projects.

Order deferred.

And there being no other Business on the Order Paper, the Temporary Speaker (Sen. Judith Pareno, MP) adjourned the Senate at six minutes past six O'clock without Question put, pursuant to the Standing Orders.

19. **SENATE ROSE** – at Six Minutes past Six O'clock

**MEMORANDUM**

*The Speaker will take the Chair,  
on Wednesday, July 03, 2019 at 2:30 p.m.*

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