



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, FEBRUARY 13, 2020 AT 2.30 P.M.

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

The Speaker conveyed the following communications from the Chair-

i) On commencement of the Fourth Session of The Twelfth Parliament

“Honourable Senators,

- 1) It is my pleasure and privilege to welcome you to the Fourth Session of the Senate. In accordance with the Standing Orders of the Senate, this Session begins today and will run until 3rd December, 2020. It is my hope that after the recess period and festive season, you have had an opportunity to spend time with your families, constituents and friends and that you are re-energized for the Session that is ahead of us.

Honourable Senators,

- 2) I wish to commend you for the tremendous work you did in the Third Session. The Senate introduced a total of thirty-four (34) Bills, comprising twenty-four (24) Bills originating from the Senate and ten (10) Bills from the National Assembly. In total, the Senate considered seventy-seven (77) Bills during the Session.
- 3) The Senate also passed eighty-three (83) Motions touching on various issues of public concern and considered thirty-three (33) Petitions admitted by citizens

pursuant to Article 119 and Standing Order 225 and 226 of the Senate. You will recall that a total of 275 Statements were processed and considered by the Senate and where necessary, referred to the concerned Standing Committee for further consideration.

Honourable Senators,

- 4) As we commence this Fourth Session of the 12th Parliament, we find ourselves with a full plate. There is urgent outstanding business relating to Bills at various stages; with sixteen (16) Bills due for the Committee of the Whole Stage, twelve (12) Bills at the Second Reading stage and five (5) Bills which are due for First Reading.
- 5) 45 Petitions which are yet to be reported on by respective Standing Committees require immediate action while Statements referred to respective Committees require to be addressed pursuant to the Standing Orders.

Honourable Senators,

- 6) Regarding the Budget Process, the Senate will very shortly receive and consider the Budget Policy Statement, the Division of Revenue Bill as well as the County Allocation of Revenue Bill. The resolution of the Senate in these legislative instruments is key in safeguarding devolution. I urge all Honourable Senators to be available in order to approve this particular business within the required timelines for our counties to receive the necessary funding for critical projects and programmes.
- 7) In keeping with its mandate of protecting devolution and the interests of counties and their governments, the Senate will participate in two major events in our annual calendar of event that continue to demonstrate its resolve in this regard; namely, the Devolution Conference and the Legislative Summit. These two event affords us not only a platform for the Senate to be heard but also to interact with other key players in devolution, celebrate the gains and successes accomplished, reflect on the challenges encountered, and come up with resolutions and concrete plans of action on the way forward.
- 8) As one Senator said, these events should not be talking shops but an opportunity for the Senate to influence and change government policy as regards devolution. I am delighted that during the Third Session, the Senate introduced the following legislation, among others, as a result of the outcomes of the two events –
 - a) The Lifestyle Audit Bill which seeks to provide a comprehensive framework for the conduct of lifestyle audits in Kenya;
 - b) The County Resource Development Bill which provides a framework for the establishment of Regional Economic Blocs;
 - c) The Public Finance Management (Amendment) Bill, 2019, which seeks to establish a revenue collection system by county governments; and

- d) The Street Vendors (Protection of Livelihood) Bill (Senate Bills No. 10 of 2019) which seeks to provide a legal framework for the recognition, protection and regulation of street vending in Kenya.

Honourable Senators,

- 9) Kenya, being a primarily agricultural economy, necessary protection and safeguards against exploitative and monopolistic tendencies is paramount for the attainment of the Big Four Agenda on food security and the realization of Vision 2030. Highlights of some of the legislative proposals which may form part of the legislative agenda for this Session include the Potato Produce and Marketing Bill; the Mung Bean Bill; Fisheries Management Bill and the Kenya Meat Commission Bill. These Bills will make significant contribution to food security and I urge the respective Standing Committee to expedite their introduction in the Senate.

Honourable Senators,

- 10) In keeping with a new but quickly strengthening tradition of this parliamentary term, the Senate held its second plenary Sittings outside Nairobi, in Kitui County. This tradition, by all standards, has proved that the Senate has responded to the call by the public for a much closer engagement with their elected representatives; to listen to their everyday challenges and provide policy and legislative interventions to address them. Through this initiative, the Senate has brought the Legislature closer to the people both symbolically and functionally.
- 11) Planning for the next sitting of the Senate outside Nairobi has begun and further communication regarding this event will be made in the coming weeks.

Honourable Senators,

- 12) As I conclude, you are aware that Sessional Committees - namely, the County Public Accounts and Investments Committee (CPAIC) and the Committee on Delegated Legislation – are re-constituted at the commencement of a new Session. I wish to inform Senators that consultations are ongoing with the Majority and Minority Parties on the membership to the two Committees, after which the Senate Business Committee, will present the names to the House for approval.
- 13) Finally, I urge you to remain committed and focused, to rededicate ourselves to the execution of our Constitutional mandate and to undertake the task ahead of us with utmost integrity in service to our great country.

I thank you and wish you all a fruitful Session.”

ii) On the processing of the Budget Policy Statement, 2020

“Honourable Senators,

As you may have noted, the Senate Majority Leader has tabled the Budget Policy Statement for the Financial Year 2020/2021.

Section 25 of the Public Finance Management Act and Standing Order 180 of the Senate requires the National Treasury to prepare and submit the Budget Policy Statement to Parliament by the 15th of February each year.

Honourable Senators, by a letter Ref. No. Conf.MOF83/02TY.5/(45) dated 13th February, 2020, and received in the office of the Clerk on 13th February, 2020, the Cabinet Secretary for the National Treasury submitted the following documents for consideration and approval by Parliament-

- a) The Budget Policy Statement, 2020;
- b) The Medium Term Debt Management Strategy, 2020;
- c) The Draft Division of Revenue Bill, 2020; and
- d) The Draft County Allocation of Revenue Bill, 2020.

Honourable Senators, the Budget Policy Statement is an important tool as it sets out the broad strategic priorities and policy goals that will guide the national government and county governments in preparing their budgets both for the following Financial Year and over the medium term. It contains, among other things-

- i) an assessment of the current state of the economy and the financial outlook over the medium term, including the macro-economic forecasts;
- ii) the financial outlook with respect to Government revenues, expenditures and borrowing for the next financial year and over the medium term;
- iii) the proposed expenditure limits for the national government, including those of Parliament and the Judiciary and indicative transfers to county governments;
- iv) the fiscal responsibility principles and financial objectives over the medium term including limits on total annual debt; and the proposed division of revenue, including proposed conditional grants, if any.

In a nutshell it means that any proposal that Senators have regarding the Division of Revenue Bill and the County Allocation of Revenue Bill, including funds for conditional allocations to the counties, should be canvassed and forwarded to the National Treasury for possible factoring in the Budget Policy

Statement, failure to which, it will be difficult for changes to be accommodated later on.

Honourable Senators, Section 25 (7) of the Public Finance Management Act provides as follows-

25 (7) Parliament shall, not later than fourteen days after the Budget Policy Statement is submitted to Parliament, table and discuss a report containing its recommendations and pass a resolution to adopt it with or without amendments.

Further Standing Order 180(4) requires the Standing Committee on Finance and Budget to deliberate upon and table a report containing its recommendations on the Budget Policy Statement within twelve days.

Based on the importance of the Budget Policy Statement and the above timelines, I direct that once tabled, the Budget Policy Statement be considered by all Standing Committees each concentrating on its mandate. The Standing Committees will then forward their recommendations to the Standing Committee on Finance and Budget for consolidation and tabling of the report, not later than Tuesday, 25th February, 2020. The Senate should then debate and approve the report by Thursday, 27th February, 2020.

Please note that, pursuant to section 25 (8) of the Public Finance Management Act and Standing Order 180 (8) of the Senate, the Cabinet Secretary of the National Treasury is expected to take into account resolutions passed by Parliament in finalizing the budget for the relevant Financial Year.

Honourable Senators, I therefore urge you all to prioritize the scrutiny of the Budget Policy Statement taking into consideration our most important function of safeguarding devolution.

I thank you.”

4. **PAPERS LAID**

The following papers were laid on the Table of the Senate –

- i. Budget Policy Statement, 2020;
- ii. The Medium-Term Debt Management Strategy, 2020;
- iii. The Draft Division of Revenue Bill, 2020; and
- iv. The Draft County Allocation of Revenue Bill, 2020.

(The Senate Majority Leader)

5. NOTICE OF MOTION – (The Senate Majority Leader)

THAT, pursuant to Standing Orders 184 and 189(3), the Senate approves the following Senators nominated to serve in the Senate Business Committee, in addition to the Speaker of the Senate, who, pursuant to Standing Order 184(1), shall be the Chairperson of the Committee, the Senate Majority Leader, the Senate Minority Leader, the Senate Majority Whip and the Senate Minority Whip: -

1. Sen. Fatuma Dullo, CBS, MP;
2. Sen. Cleophas Malalah, MP;
3. Sen. Beatrice Kwamboka, MP;
4. Sen. Paul Githiomi Mwangi, MP;
5. Sen. (Eng.) Mohamed M. Mahamud, CBS, MP;
6. Sen. (Dr.) Christopher Andrew Langat, MP; and
7. Sen. Ledama Olekina, MP.

6. STATEMENT PURSUANT TO STANDING ORDER 52 (1)

The Senate Majority Leader issued a Statement regarding the Business of the Senate for the week commencing 18th February, 2020.

In his statement the Senate Majority Leader informed the House that upon approval of the membership of the Senate Business Committee and the rise of the House, the Committee would hold a sitting to schedule the Business of the week commencing 18th February, 2020.

7. MOTION-APPROVAL OF SENATORS TO SERVE IN THE SENATE BUSINESS COMMITTEE

Order read;

Motion made and Question proposed-

THAT, pursuant to Standing Orders 184 and 189(3), the Senate approves the following Senators nominated to serve in the Senate Business Committee, in addition to the Speaker of the Senate, who, pursuant to Standing Order 184(1), shall be the Chairperson of the Committee, the Senate Majority Leader, the Senate Minority Leader, the Senate Majority Whip and the Senate Minority Whip: -

1. Sen. Fatuma Dullo, CBS, MP;
2. Sen. Cleophas Malalah, MP;
3. Sen. Beatrice Kwamboka, MP;
4. Sen. Paul Githiomi Mwangi, MP;
5. Sen. (Eng.) Mohamed M. Mahamud, CBS, MP;
6. Sen. (Dr.) Christopher Andrew Langat, MP; and
7. Sen. Ledama Olekina, MP.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 79 (1), the Temporary Speaker (Sen. (Prof) Kamar, MP) informed the House that the Motion did not affect Counties.

Question put and **agreed to.**

RESOLVED ACCORDINGLY:

THAT, pursuant to Standing Orders 184 and 189(3), the Senate approves the following Senators nominated to serve in the Senate Business Committee, in addition to the Speaker of the Senate, who, pursuant to Standing Order 184(1), shall be the Chairperson of the Committee, the Senate Majority Leader, the Senate Minority Leader, the Senate Majority Whip and the Senate Minority Whip: -

1. Sen. Fatuma Dullo, CBS, MP;
2. Sen. Cleophas Malalah, MP;
3. Sen. Beatrice Kwamboka, MP;
4. Sen. Paul Githiomi Mwangi, MP;
5. Sen. (Eng.) Mohamed M. Mahamud, CBS, MP;
6. Sen. (Dr.) Christopher Andrew Langat, MP; and
7. Sen. Ledama Olekina, MP.

And there being no other business, the Temporary Speaker (Sen. (Prof.) Kamar, MP) adjourned the Senate at twenty-three minutes past Four O'clock without Question put, pursuant to the Standing Orders.

8. **SENATE ROSE** - at twenty three minutes past Four O'clock

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, February 18, 2020 at 2.30 p.m.*

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