



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, SEPTEMBER 11, 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. **COMMUNICATIONS FROM THE CHAIR**

The Temporary Speaker (Sen. Margaret Kamar) conveyed the following Communications from the Chair –

(i) WELCOME ADDRESS FROM RECESS

Honourable Senators,

I take this opportunity to welcome you back from the recess. It is my hope that you have had time to interact with your constituents over the last 30 days and that the Committees have had opportunity to consider and conclude urgent business for reporting to the House.

In accordance with the Calendar of the Senate adopted on 20th February, 2018, this part will see the Senate transact business until 7th December, 2018, with a one-week break between 26th October and 5th November, 2018.

Honourable Senators,

As you may recall, the Senate on 9th August, 2018, approved the amendment of the Senate Standing Orders as recommended by the Procedure and Rules Committee, with regard to the procedure for

processing Statements. The revised Standing Orders have been published and are now in force. I urge Hon. Senators to familiarize themselves with the new provisions relating to Statements, to enable their seamless processing both in plenary and in Committees.

In this regard, I wish to inform the House that a *Kamukunji* will be held tomorrow, Wednesday, 12th September, 2018, at the Senate Chamber, to *inter-alia*, appraise Honourable Senators on the new provisions.

I also wish to inform Hon. Senators that in light of the new provisions, particularly relating to the content and form of requests for Statements, the previous requests for Statements which had been filed by Senators but not finalized, have now lapsed. Senators who wish to pursue these Statements are required to file fresh requests in accordance with the provisions of the revised Standing Orders.

Honourable Senators,

Pursuant to the resolution of the Senate on 21st June, 2018, the Senate is scheduled to hold its inaugural Sitting outside Nairobi, in UasinGishu County, on 24th to 28th September, 2018. Preparations are at an advanced stage to ensure that the sitting is a great success, and also set a benchmark for subsequent sittings of the Senate outside the capital. More information regarding the programme of business, logistical and other arrangements for the sitting will be communicated to Senators in due course, starting at tomorrow's *Kamukunji*.

Honourable Senators,

Allow me to take this opportunity to remind the House that one year is already gone since inauguration of the present term of the Senate on 31st August, 2017. This calls for reflection on how we have performed, both as a House and in our various collective and individual responsibilities, even as we look forward to the remainder of the term.

I therefore urge Honourable Senators to redouble their efforts in ensuring that we achieve the goals that we set for ourselves at the beginning of the term, and that we meet and exceed the high expectations and trust that Kenyans have placed upon us.

Honourable Senators,

I welcome you once again from the recess and look forward to a productive period as we come to the end of the Second Session.

I thank you.”

(ii) Visiting delegation from the County Assembly of Elgeyo Marakwet

Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting delegation from the County Assembly of Elgeyo Marakwet.

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. Hon. David Kipketer | - | Vice-Chairperson, County Assembly Service Board |
| 2. Hon. Lawi Kibire | - | Member |
| 3. Mr. Livingstone Talel | - | Member |
| 4. Ms. Sally Toroitich | - | Member |
| 5. Mrs. Jane Kiptum-Mutai | - | Clerk/Secretary County Assembly Service Board |
| 6. Mr. David Bargetuny | - | Senior Procurement Officer |
| 7. Ms. Rael Rotich | - | Principal Human Resource Officer |
| 8. Mr. Philip Cheor | - | Chief-Sergeant-at-arms |
| 9. Peter Kiptum | - | Board Secretariat |

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.”

(iii) Visiting staff from the County Assembly of Machakos

Honorable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting staff from the County Assembly of Machakos.

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. Mr. Joel Kiptum | - | Senior Sergeant-at-arms |
| 2. Ms. Mirriam Musembi | - | Commissionaire |
| 3. Mr. Stephen Munyao | - | Commissionaire |
| 4. Mr. Jonathan Muli | - | Commissionaire |
| 5. Mr. Christopher Kiilu | - | Commissionaire |
| 6. Mr. Erastus Mutua | - | Commissionaire |

- 7. Mr. Daniel Ndambuki - Commissionaire
- 8. Ms. Jossyfrider Mutua - Commissionaire

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.”

iv. Visiting Students from Kimundi Primary school, Makueni County

“Honourable Senators,

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

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

I thank you.”

4. MESSAGES

The Temporary Speaker (Sen. Margaret Kamar) conveyed the following Messages from the National Assembly: –

(i) Approval of the Division of Revenue (Amendment) Bill (Senate Bill No. 14 of 2018)

Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (5), I have received the following message from the Speaker of the National Assembly regarding the approval by the Assembly of the Division of Revenue (Amendment) Bill (Senate Bill No. 14 of 2018).

“PURSUANT to the provisions of Standing Order 41 (1) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the Division of Revenue (Amendment) Bill (Senate Bill No. 14 of 2018) was published vide Kenya Gazette Supplement No. 57 of 15th May, 2018 as a Bill seeking to amend the Division of Revenue Act, No. 1 of 2018, to provide for additional conditional allocations to the County Governments for the financial year 2018/2019;

WHEREAS, the said Bill was passed by the Senate on Wednesday, 13th June, 2018 and referred to the National Assembly for consideration;

AND WHEREAS, the National Assembly passed the said Bill on Thursday, 30th August, 2018 without amendments and in the form passed by the Senate;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Order 41 (1) of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

Honourable Senators,

This Message was received at a time when the Senate was on recess and pursuant to standing order 41 (5), I transmitted the Message to every Senator, vide letter Ref. SEN/L&P/MSG.2018 (02) dated 5th September, 2018.

Honourable Senators,

In accordance with the provisions of Article 110 (5) of the Constitution and standing order 163 of the Senate, the Bill is being processed for presentation to His Excellency the President for assent.

I thank you.”

(ii) **Approval of the Copyright (Amendment) Bill, 2017, the Private Partnerships (Amendment) Bill, 2017 and the Land Value Index Laws (Amendment) Bill, 2018.**

Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (5), I received the following Messages from the Speaker of the National Assembly, on 29th August, 2018, regarding the passage, by the National Assembly, of the Copyright (Amendment) Bill, 2017, the Public Private Partnerships (Amendment) Bill, 2017 and the Land Value Index Laws (Amendment) Bill, 2018-

a. Passage of the Copyright (Amendment) Bill (National Assembly Bill No. 33 of 2017)

“PURSUANT to the provisions of standing orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS, the Copyright (Amendment) Bill (National Assembly Bill No. 33 of 2017) was published vide Kenya Gazette Supplement No. 142 of 18th September, 2017 as a Bill proposing to amend the Copyright Act, 2001;

AND WHEREAS, the National Assembly considered and passed the said Bill on Tuesday, 25th July, 2018 with amendments in the form attached hereto;

FURTHER WHEREAS an amendment to Part c of the Second Schedule to the Copy Right Act, 2001, introduced provisions that concern counties in the terms of Article 110 of the Constitution;

NOW THEREFORE, in accordance with the provisions of Article 110 (4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration”.

b. Passage of the Public Private Partnerships (Amendment) Bill (National Assembly Bill No.52 of 2017)

“PURSUANT to the provisions of standing orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS, the Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017) was published vide Kenya Gazette Supplement No. 196 of 29th December, 2017 as a Bill concerning county governments proposing to amend the Public Private Partnerships Act, 2013;

AND WHEREAS the National Assembly considered and passed the said Bill on Tuesday, 31st July, 2018 with amendments in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110 (4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration”.

c. Passage of the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018)

“PURSUANT to the provisions of standing orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS, the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018) was published vide Kenya Gazette Supplement No. 9 of 12th February, 2018 as a Bill concerning county governments proposing to amend the Land Act; the Land Registration Act and Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act and to provide for the assessment of land value index in respect of compulsory acquisition of land;

AND WHEREAS the National Assembly considered and passed the said Bill on Wednesday, 8th August, 2018 with amendments in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110 (4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration”.

Honourable Senators,

This Messages were received at a time when the Senate was on recess and pursuant to standing order 41 (5), I transmitted the Message to every Senator, vide letter Ref. SEN/L&P/MSG.2017 (01) dated 30th August, 2018.

Honourable Senators,

Pursuant to Standing Order 151 which requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order 133, I direct that the Bills be listed for First Reading tomorrow, Wednesday, 12th September, 2018. I thank you.

5. PETITIONS

- a) Pursuant to Standing Order 230, the Speaker reported to the Senate a Petition by Mr. John Kimeu Mukai concerning the need for compensation to residents and the restoration of Thange River Basin.

Pursuant to Standing Order 231(1), the Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Lands, Environment and Natural Resources pursuant to Standing Order 232(2).

- b) Pursuant to Standing Order 230, the Speaker reported to the Senate a Petition by Mr. Vincent Ombaka Concerning disruption of local trade by Government action and sanctions.

Pursuant to Standing Order 231(1), the Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Tourism, Trade and Industrialization pursuant to Standing Order 232(2).

- c) Pursuant to Standing Order 230, the Speaker reported to the Senate a Petition by Mr. Kevin Ndoho Macharia concerning the need for review of laws relating to business premises.

Pursuant to Standing Order 231(1), the Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Tourism, Trade and Industrialization pursuant to Standing Order 232(2).

6. PAPERS LAID

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

- a) The County Government Cash Disbursement Schedule for Fiscal Year 2018/2019.
- b) The National Cohesion and Integration Commission Annual Report for Financial Year 2016/2017.
- c) Report of the Auditor-General on the financial statements of the Wote Water and Sewerage Company Limited for the year ended 30 June, 2017.
- d) Report of the Auditor-General on the financial statements of the Kwale County Bursary Fund for the year ended 30 June, 2015.
- e) Report of the Auditor-General on the financial statements of the Kwale County Bursary Fund for the year ended 30 June, 2017.

- f) Report of the Auditor-General on the financial statements of the Kwale County Youth, Women and Persons with Disabilities Revolving Fund for the year ended 30 June, 2017.
- g) Report of the Auditor-General on the financial statements of the Kwale County Youth, Women and Persons with Disabilities Revolving Fund for the year ended 30 June, 2016.
- h) Report of the Auditor-General on the financial statements of the Kwale Water & Sewerage Company Limited for the year ended 30 June, 2017.
- i) Report of the Auditor-General on the financial statements of the Kwale County Trade Revolving Fund for the year ended 30 June, 2015.
- j) Report of the Auditor-General on the financial statements of the Kwale County Trade Revolving Fund for the year ended 30 June, 2017.
- k) Report of the Auditor-General on the financial statements of the Kwale County Assembly Members and Staff Loan Scheme Fund for the year ended 30 June, 2017.
- l) Report of the Auditor-General on the financial statements of the Kilifi County Ward Scholarship Fund for the year ended 30 June, 2014.
- m) Report of the Auditor-General on the financial statements of the Lamu County Fisheries Development Agency for the year ended 30 June, 2016.
- n) Report of the Auditor-General on the financial statements of the Lamu County Fisheries Development Agency for the year ended 30 June, 2017.
- o) Report of the Auditor-General on the financial statements of the Isiolo County Assembly for the year ended 30 June, 2017.
- p) Report of the Auditor-General on the financial statements of the Taita Taveta County Assembly Revolving Car Loan Scheme Fund for the year ended 30 June, 2017.
- q) Report of the Auditor-General on the financial statements of the Taita Taveta County Government Result Based Financing for the year ended 30 June, 2017.

(The Senate Majority Leader)

7. STATEMENT PURSUANT TO STANDING ORDER NO. 47 (1)

- (i) Pursuant to Standing Order 47(1), the Senator for Bungoma County (Sen. Moses Wetang'ula, MP) made a Statement concerning the passing on of HE Kofi Annan, former Secretary General of the United Nations.

The Senator informed the House that HE Kofi Annan will be remembered as the first Sub-Saharan African to have ascended through to the ranks of the United Nations System to the position of Secretary General through sheer hard work.

The Senator reminded the House that he would be remembered as the Secretary General who paid great attention to civil society and female gender in human development and made critical interventions in the fight against poverty, deprivation and underdevelopment and gifted developing countries with the Millennium Development Goals (MDG's).

The Senator also lauded the late Annan among other eminent African leaders, as a peace maker, who took initiative to broker a peace deal between former President Mwai Kibaki of PNU and ODM leader Raila Odinga, following the disputed elections in Kenya in 2007, as a result of which legal frameworks that gave birth to the government of National Unity were put in place.

Thereupon, the Senate observed a minute of silence in his honour.

- (ii). Pursuant to Standing Order 47(1), the Senator for Isiolo County (Sen. Fatuma Dullo, MP) made a statement regarding the oversight role of the Senate/ Senators vis-à-vis County Governments.

Thereupon, she reminded the House that the guiding principles and objects of devolution are enshrined in Articles 174 and 175 of the Constitution and that Article 96 points to the role of the Senate in protecting the interests of counties and their governments, and to exercise oversight roles over national revenues allocated to the county governments. The Senator also explained the roles of the County Assembly in oversight to the County Executive and other devolved organs at the County level.

The Senator informed the Senate that the County Executive Committee of Isiolo had recently embarked on a negotiation for Public Private Partnership (PPP) for delivery of health care services in the County in contravention of Articles 10 and 73 of the Constitution on transparency and accountability, as well as the right to access of information under Article 35 of the Constitution, which calls for public participation.

The Senator pointed out that the project had put the county at the risk of potential misuse of public resources due to unregulated public private engagement. She informed the House that her efforts to seek accountability of the same were thrown into disarray after she was denied access to information on the grounds that the Senate had no role in the oversight of Counties.

The Senator urged the Senate to remain firm in executing its mandate, as provided for in the Constitution.

8. **THE COUNTY PLANNING (ROADS, PAVEMENTS AND PARKING BAYS) BILL (SENATE BILLS NO 18 OF 2018)**

(Sen.Ledama Olekina, MP)

Order for First Reading read;

Bill read a first time and committed to the Standing Committee on Roads and Transportation.

9. **THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILLS NO. 19 OF 2018)**

(Sen. Samwel Poghio,MP)

Order for First Reading read;

Bill read a first time and committed to the Standing Committee on Information and Technology.

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

Sen. (Canon) Naomi Waqo Jilo,MP

Order for First Reading read;

Bill read a first time and committed to the Standing Committee on National Security, Defence and Foreign Relations.

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

(The Senate Majority Leader)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 9th August, 2018)

(Division)

Order deferred.

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

(Sen. Gideon Moi, MP)

(Second Reading)

Order deferred.

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

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

(Second Reading)

Order deferred.

14. **THE DATA PROTECTION BILL (SENATE BILLS NO. 16 OF 2018)**

(Chairperson, Standing Committee on Information, Communication and Technology)

(Second Reading)

Order deferred.

15. **THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILLS NO. 17 OF 2018)**

(Sen. Aaron Cheruiyot, MP)

(Second Reading)

Order deferred.

16. **THE PETROLEUM BILL (NATIONAL ASSEMBLY BILLS NO. 48 OF 2017)**

(The Senate Majority Leader)

(Second Reading)

Order deferred.

17. **MOTION - ENFORCEMENT OF THE NATIONAL TRANSPORT AND SAFETY AUTHORITY (OPERATION OF MOTORCYCLE) REGULATIONS, 2015**

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

THAT 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.

(Resumption of Debate interrupted on Thursday, 2nd August, 2018)

Order deferred.

18. **MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS 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.

19. **MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS 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.

20. **MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS 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.

21. **MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS 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.

22. **MOTION – ADOPTION OF THE 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, DEMOCRATIC REPUBLIC OF CONGO**

Motion made and question proposed;

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 19th – 20th March, 2018, laid on the Table of the Senate on Tuesday, 15th May, 2018.

(Sen. Samuel Poghiso)

Debate arising;

And there being no other Senator wishing to contribute;

The mover replied;

Before the question was put, and pursuant to Standing Order No. 79, the Temporary Speaker (Sen. Steve Lelegwe) ruled that the motion did not affect counties.

Question put and agreed to.

Resolved Accordingly

That; the 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 19th – 20th March, 2018, laid on the Table of the Senate on Tuesday, 15th May, 2018.

23. **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.

24. **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-

1. developing and enforcing regulations for preventing the obstruction of riparian reserves and natural water courses; and
2. 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.

Motion withdrawn Pursuant to Standing Order 56(1)

And there being no other business on the Order Paper, the Temporary Speaker (Sen. Steve Lelegwe) adjourned the Senate at ten minutes past Six O'clock without Question put, pursuant to the Standing Orders.

25. **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
Wednesday, September 12, 2018 at 2.30 p.m.*

