



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – THIRD SESSION

VOTES AND PROCEEDINGS

THURSDAY, MARCH 5, 2015 AT 2.30 P.M

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **COMMUNICATION FROM THE CHAIR - KAMUKUNJI TO ADDRESS CONCERNS ABOUT THE IMPLEMENTATION OF MEMBERS' MEDICAL SCHEME**

The Speaker issued the following communication from the Chair-

"Honourable Senators,

In recent times a number of Members have had concerns about the implementation of the Members Medical Scheme, ranging from the entitlements to Members, administration and management of the scheme.

The Parliamentary Service Commission, recently held a meeting with the Management of the scheme administrators, M/S AON Kenya Insurance Brokers Ltd.

Honourable Senators,

It has been agreed that the top management of AON Kenya Insurance Brokers Ltd. attend and brief a joint *Kamukunji* on Thursday, 12th March, 2015 at 10.00 a.m. in the National Assembly Chamber.

Honourable Senators,

This is to request all members to diarize, note and attend this *Kamukunji*. All concerns and questions regarding the Medical Scheme will be addressed during the *Kamukunji*.

I thank you."

4. PAPERS LAID

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

- i) Report of the Controller of Budget on the County Budget Implementation Review (First Quarter for 2015).
(Chairperson, County Public Accounts and Investments Committee)
- ii) Statement regarding the Business of the Senate for the week commencing Tuesday, March 10th March, 2015.
(The Senate Majority Leader)

5. STATEMENTS**i) Statements pursuant to Standing Order 45 (2) (b)**

- a) The Senator for Vihiga County (Sen. George Khaniri) sought a statement from the Chairperson of the Standing Committee on Legal Affairs and Human Rights, regarding alleged simmering tension between residents of Vihiga and Kisumu Counties over the Vihiga-kisumu County boundary.
- b) The Senator for Mombasa County (Sen. Hassan Omar Hassan) sought a statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget regarding non-release of funds to County Assemblies which was hampering their operations.
- c) The Senator for Isiolo County (Sen. Mohamed Kutti) sought a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding alleged tension between residents living along the border of Isiolo and Meru Counties.
- d) A Nominated Senator (Sen. Beatrice Elachi) sought a Statement from the Chairperson of the Standing Committee on Legal Affairs and Human Rights regarding the standoff between media houses and the Communications Authority of Kenya.
- e) The Senator for Mandera County (Sen. Billow Kerrow) sought a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the security situation in Mandera County.

ii) Statement pursuant to Standing Order 45 (2) (c)

The Senate Majority Leader issued a Statement on the Business of the Senate for the week commencing Tuesday, March 10th, 2015.

6. **MOTION – NEED FOR ESTABLISHMENT OF AN INDEPENDENT COMMISSION TO REVIEW AND RECOMMEND ALTERATION OF BOUNDARIES OF COUNTIES**

(Department of Interior and Coordination of National Government)

Motion made and question proposed;

THAT, noting the constitutional role of the Senate in the protection of the interests of counties and their governments and in the implementation of the devolved system of Government pursuant to Article 96 of the Constitution; aware that the 47 counties are based on the delineation of administrative districts as created under the Provinces and Districts Act of 1992; further aware that there existed deep-rooted and historical boundary disputes between the districts which were inherited by the resultant counties; aware that there are existing boundary disputes between various counties, which raise questions on the exact boundaries between the counties; recognizing the provisions of Article 188 of the Constitution of Kenya that mandates Parliament to approve alteration of county boundaries on the recommendation of an independent commission set up for that purpose; the Senate urges the Standing Committee on Legal Affairs and Human Rights to initiate and prioritize the drafting of legislation within ninety days to provide for the establishment of an independent commission to inquire into, examine and identify the boundaries of counties, taking into account the criteria set out in Article 188 (2) of the Constitution and to recommend appropriate changes to Parliament so as to comprehensively deal and resolve the inter-county boundary disputes to enhance national cohesion and stability.

(Sen. Mutula Kilonzo)

Debate interrupted on Thursday, 19th February, 2015 resumed.

Mover replied.

Rising in his place on a point of order, the Senator for Makueni County (Sen. Mutula Kilonzo Jr) requested for deferment of putting of the question to the following day, pursuant to Standing Order 54 (3).

And the Deputy Speaker acceding to the request appointed Wednesday, 11th March, 2015 as the date when the question shall be put.

7. **MOTION – NEED TO REVIEW CATEGORIZATION OF PUBLIC SECONDARY SCHOOLS**

(Department of Education, Science and Technology)

THAT, aware that the prime purpose of devolution in Kenya is to decentralize and transfer functions, resources and power to the county level of government in order to promote participatory democracy and sustainable development for the benefit of all Kenyans; concerned that the Ministry of Education, Science and Technology still upholds the historical classification

of schools into national, county and district schools; concerned that such categorization has implications in terms of funding, administration and eventually academic performance and that it limits choices and admissions of students to Form One; appreciating that in the current devolved system of government counties will play a key role in the educational outcomes of their schools; the Senate calls upon the Ministry of Education, Science and Technology to take immediate action to review the categorization of public secondary schools and to classify all of them as county schools in order to ensure equity in resource allocation and guarantee quality education for all.

(Sen (Dr.) Agnes Zani)

Order deferred.

8. **MOTION- NEED TO REVIEW EXISTING LEGISLATION ON HEALTH CARE TO MAINSTREAM AND ENHANCE CARE FOR PATIENTS OF DEMENTIA**
(Department of Health)

THAT, aware that currently there are approximately 44 million persons living with dementia worldwide, a figure that is expected to tripple by 2050; acknowledging that caring for dementia patients can be a difficult experience; appreciating the contribution of family members and other care givers of people suffering from dementia across Kenya; noting with concern that mental healthcare does not seem to be a priority in the public health sector in Kenya since the allocation for mental healthcare is less than 1% of the total public health budget; acknowledging the importance of raising awareness of dementia and ensuring that people with dementia are treated with dignity and respect; appreciating the contribution of non- governmental organizations such as the Africa Mental Health Foundation and the International Institute for Legislative Affairs who provide a platform for sharing of views and experiences on care of people with dementia; noting the need to enhance awareness on and provide better care for patients of dementia; the Senate directs the Standing Committee on Health to immediately initiate review of the existing legislation on health care in order to mainstream and enhance care for patients of dementia and further that the Committee submits a report to the House on the matter within ninety (90) days.

(Sen. (Dr.) Wilfred Machage)

Order deferred.

9. **THE POTATO PRODUCE AND MARKETING BILL (SENATE BILL NO. 22 OF 2014)**

Motion made and Question proposed-

THAT, the Potato Produce and Marketing Bill (Senate Bill No. 22 of 2014) be now read a Second Time.

(Sen. (Eng.) Karue Muriuki 04.12.2014)

Debate interrupted on Tuesday, 24th February, 2015 resumed;

There being no other Senator willing to contribute and in the absence of the Mover;

The Deputy Speaker deferred putting of Question until Wednesday 11th March, 2015.

10. **THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILL NO. 34 OF 2014)**

Motion made and Question proposed-

THAT, the Natural Resources (Benefit Sharing) Bill (Senate Bill No. 34 of 2014) be now read a Second Time.

(Chairperson, Ad hoc Committee on Legislation on Royalties accruing from Natural Resources - 04.12.2014)

Order Deferred.

11. **THE MINING BILL (NATIONAL ASSEMBLY BILL NO.8 OF 2014)**

(The Senate Majority Leader)

Second Reading

Order Deferred.

12. **PUBLIC APPOINTMENTS (COUNTY ASSEMBLY APPROVAL) BILL (SENATE BILL NO. 20 OF 2014)**

(Chairperson of the Standing Committee on Labour and Social welfare)

Second Reading

Order Deferred.

13. **PARLIAMENTARY SERVICE COMMISSION (AMENDMENT) BILL (SENATE BILL NO. 21 OF 2014)**

(Sen. Kiraitu Murungi)

Second Reading.

Order Deferred.

14. **THE PUBLIC FUNDRAISING BILL (SENATE BILL NO. 28 OF 2014)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Public Fundraising Bill (Senate Bill No. 28 of 2014) be now read a Second Time.

(Chairperson of the Ad hoc Committee on Legislation on Harambee)

Debate arising;

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

15. **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, March 10, 2015 at 2.30 p.m.*

-----xx-----