



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – THIRD SESSION

VOTES AND PROCEEDINGS

THURSDAY, JULY 09, 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**

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

"Honourable Senators,

I wish to recognize the presence of students and teachers from Nzeluni Academy in Kitui County, Mutuini Primary School in Nairobi County and Chebara Boys' High School in Elgeyo Marakwet County. They are seated in the Public gallery.

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."

4. **PAPER LAID**

The following Paper was laid on the Table of the Senate-

Statement by the Senate Majority Leader regarding the Business of the Senate for the week commencing Tuesday, 14th July, 2015.

(Sen. (Prof.) John Lonyangapuo on behalf of the Senate Majority Leader)

5. **STATEMENTS**

a) Statement pursuant to Standing Order 45(2) (b)

- i) The Senator for Homa Bay County (Sen. Moses Kajwang) sought a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations concerning the status of registration of persons and issuance of National Identity Cards.
- ii) The Senator for Kisii County (Sen. Chris Obure) sought a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the circumstances surrounding the death of Police Constable Bernard Okindo Mageto, who was found dead at his station of duty on Friday 19th June, 2015.
- iii) The Vice -Chairperson of the Standing Committee on National Security and Foreign Relations issued a Statement regarding treatment of Kenyans applying for visas to South Africa.

The Vice-Chairperson informed the House that in the past five years Kenya and South Africa had experienced challenges resulting from different immigration policies, particularly on visa and work permit applications.

The Vice-Chair also informed the House that South Africa required Kenyan nationals transiting through South Africa to obtain transit visas.

The House was further informed that although South Africa had outsourced the visa services to a private company in 2013, holders diplomatic passports as well as official and service passports holders and official delegations holding ordinary passports could apply through the South Africa High Commission in Nairobi, provided the applications were forwarded through the ministry of Foreign Affairs and International Trade.

- iv) The Vice - Chairperson of the Standing Committee on Energy issued a Statement regarding frequent power blackouts in Kisii and Murang'a Counties.

The Vice Chairperson informed the House that, the breakdowns were attributable to, *inter alia*, broken poles and conductors, trees/branches falling on power lines, equipment failure, illegal extension and tapping of electricity and third-party interference, such as road constructions.

The House was also informed that any controlled or planned power outages were published in two local dailies with the widest circulation to inform customers 48 hours in advance.

- v) The Chairperson of the Standing Committee on National Security and Foreign Relations issued a statement regarding insecurity along the Turkana-West Pokot border.

The Chair informed the House that the Government was not aware that leaders drawn from Turkana and West Pokot Counties had agreed that no development should be undertaken in the disputed area along the common border by either of the County Governments, without the concurrence and full participation of the other as a first step to end insecurity in the area.

The Chair however stated that the Government was aware that Turkana County Government had commissioned the construction of a road from Kainuk to Sarmaj, which heightened tension between communities living at the border, but the project had been stopped barely 8 kms from Kainuk and normalcy had since been restored.

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

The Senator for West Pokot County (Sen. (Prof) John Lonyangapuo), on behalf of the Senate Majority Leader, issued a Statement on the Business of the Senate for the week commencing Tuesday, 14th July, 2015.

6. MOTION – NEED TO SET UP NATIONAL AIDS CONTROL COUNCIL (NACC) COUNTY OFFICES IN COUNTY HEADQUARTERS
(Department of Health)

Motion made and Question Proposed-

THAT, cognizant that the core mandate of the National AIDS Control Council (NACC) is to develop strategies, policies and guidelines relevant to the prevention and control of HIV and AIDS in Kenya; noting that the operational structure of NACC has not been aligned to the Constitution of Kenya 2010; acknowledging the objects of devolution as set out under

Article 174 of the Constitution; recognizing that under the Fourth Schedule, the health function has been devolved except for the health policy and referral hospitals; concerned that an estimated 1.2 million Kenyans are infected with HIV/AIDS and a 100,000 are infected annually; recognizing the need to achieve an *"AIDS free society"* by stepping up the fight against the pandemic at the County level, the Senate urges the National Government to set up the National AIDS Control Council (NACC) County offices in all County Headquarters with the National Headquarters providing overall co-ordination and that the resources allocated for the fight against HIV/AIDS be disbursed and managed at the County level.

(Sen. Sammy Leshore)

Debate arising;

There being no senator wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 72, the Temporary Speaker (Sen. Ongoro) informed the House that the Motion did not affect Counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, cognizant that the core mandate of the National AIDS Control Council (NACC) is to develop strategies, policies and guidelines relevant to the prevention and control of HIV and AIDS in Kenya; noting that the operational structure of NACC has not been aligned to the Constitution of Kenya 2010; acknowledging the objects of devolution as set out under Article 174 of the Constitution; recognizing that under the Fourth Schedule, the health function has been devolved except for the health policy and referral hospitals; concerned that an estimated 1.2 million Kenyans are infected with HIV/AIDS and a 100,000 are infected annually; recognizing the need to achieve an *"AIDS free society"* by stepping up the fight against the pandemic at the County level, the Senate urges the National Government to set up the National AIDS Control Council (NACC) County offices in all County Headquarters with the National Headquarters providing overall co-ordination and that the resources allocated for the fight against HIV/AIDS be disbursed and managed at the County level.

7. **MOTION – NEED TO CONDUCT AN INQUIRY INTO THE MATTER OF HEADQUARTERS FOR COUNTIES**

(Sessional Committee on Devolved Government)

Motion made-

THAT, noting that County governments were allocated offices and premises formerly occupied by the defunct local authorities and, to some extent, by former provincial administration;

OBSERVING that these arrangements were satisfactory in most counties;

AWARE that some counties had little or no such offices or premises to inherit resulting in serious operational challenges of such county governments;

APPRECIATING that there are many counties with inadequate physical facilities whether they inherited the envisaged facilities or not;

CONCERNED that the situation, continues to impact negatively on the performance of the said counties;

ACKNOWLEDGING that it is the mandate of the Senate to protect the interests of the counties and to ensure that their governments are fully operational;

NOW THEREFORE, in order to form the basis for possible assistance to counties for headquarter facilities, the Senate resolves to direct the Sessional Committee on Devolved Government to conduct an inquiry into the needs of : -

- a) The following four counties: Nyandarua, Tharaka Nithi, Tana River and Lamu, and report to the Senate within one month, and
- b) All the other forty – three counties and report to the Senate within four months.

(Sen. Muriuki Karue)

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

(No. 057)

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(747)

8. 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, July 14, 2015 at 2.30 p.m.*

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