



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, MARCH 12, 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. MESSAGE FROM THE NATIONAL ASSEMBLY ON THE ORDER OF PRECEDENCE AND TITLES BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2014)

Pursuant to Standing Order 40 (3) and (4), the Speaker conveyed the following Message from the National Assembly:-

"THAT, whereas, the Order of Precedence and Titles Bill (National Assembly Bill No. 11 of 2014) which was published in the Kenya Gazette Supplement No. 32 of March 21, 2014 as a Bill originating in the National Assembly to provide, inter alia, for the order of precedence for officials at diplomatic, official and social state functions within Kenya and abroad and the official titles of designated office holders, was passed with amendments by the National Assembly on Wednesday, 18th February, 2015;

WHEREAS, the Bill as passed by the National Assembly now concerns County Governments; and

NOW THEREFORE, the National Assembly seeks the concurrence of the Senate in accordance with the provisions of Article 110 (4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders".

Thereafter, the Speaker directed that the Bill be listed in the Order Paper of Tuesday, 17th March, 2015 for First Reading.

4. PAPERS 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, March 17, 2015.

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

**5. NOTICE OF MOTION – (Sen. Sammy Leshore)
(Department of Interior and Coordination of National Government)**

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 had 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.

6. STATEMENTS PURSUANT TO STANDING ORDER 45**a) Statement Pursuant to the provisions of Standing Order 45(2) (a)**

The Senator for Kisumu County (Sen.(Prof.) Anyang' Nyong'o) issued a statement on a planned symposium to honour an eminent Kenyan Scholar, Prof. Micere Mugo, as she retired from a distinguished service as a lecturer at Syracuse University in the United States of America (USA).

Thereafter, the Speaker allowed Senators to commend Prof. Mugo for her exemplary performance in the field of academia.

b) Statement Pursuant to the provisions of Standing Order 45(2) (b)

- i) The Senator for Samburu County (Sen. Sammy Leshore) sought a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding insecurity in Samburu North Constituency.
- ii) The Senator for Samburu County (Sen. Sammy Leshore) sought a statement from the Chairperson of the Standing Committee on Finance,

Commerce and Budget relating to revenue collection from Samburu National Game Reserve.

- iii) A Nominated Senator (Sen. Godliver Omondi) sought a statement from the Chairperson of the Standing Committee on Labour and Social Welfare regarding Government cash transfers to persons with severe disability.
- iv) The Chairperson of the Standing Committee on Lands and Natural Resources issued a statement regarding the Kenya Wildlife Service Community Enterprise Development (KWS-CED). The Chairperson informed the House that the Kenya Wildlife Service established the KWS-CED as part of its Corporate Social Responsibility (CSR) to tackle human-wildlife-conflict related challenges.

He stated that there was no distinct budget allocated to KWS-CED and that it depended on various development partners and joint funding in partnership with other stakeholders such as relevant Government institutions including the Constituency Development Fund and County Development Fund for resources.

The Chairperson further stated that beneficiaries were selected through a participatory process involving relevant stakeholders.

He informed the house that the community around Lake Nakuru had benefited from the KWS-CED through construction of classrooms, and connecting piped water from the Park to the neighbouring Schools and a number of public community centres.

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

Sen. (Prof.) John Lonyangapuo, on behalf of the Senate Majority Leader, issued a Statement regarding the Business of the Senate for the week commencing Tuesday 17th March, 2014.

7. THE SENIOR CITIZENS CARE AND PROTECTION BILL (SENATE BILL NO. 43 OF 2014)

(Sen. (Prof.) Wilfred Lesan)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Labour and Social Welfare.

8. MOTION – RECLASSIFICATION OF ALL SECONDARY SCHOOLS AS COUNTY SCHOOLS

Motion made and Question proposed-

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)

Debate arising;

There being no other Senator willing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order 72 (1) the Temporary Speaker (Sen. (Dr.) Machage) informed the House that the Motion did not affect Counties.

Question put; **agreed to.**

RESOLVED ACCORDINGLY

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.

9. **MOTION – REVIEW OF EXISTING LEGISLATION TO TAKE CARE OF DEMENTIA PATIENTS**

Motion made and Question proposed-

THAT, aware that currently there are approximately 44 million persons living with dementia worldwide, a figure that is expected to triple 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.

10. **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 - 05.03.2015)

Debate interrupted on Wednesday, 11th March, 2015 resumed;

There being no other Senator willing to contribute;

Mover replied;

Raising a point of order, pursuant to Standing Order 54 (3), the Senator for Kisumu County (Sen. (Prof.) Anyang' Nyong'o) requested the Speaker to defer putting of the question to another day;

And the Temporary Speaker (Sen. (Dr.) Machage) acceding to the request, deferred putting of the question to Wednesday, 18th March, 2015.

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

Order for Second Reading read;

Motion made and Question proposed-

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

(Sen. (Dr.) Agnes Zani - 04.12.2014)

Debate interrupted on Thursday, 4th December, 2014 resumed;

And the time being thirty minutes past six O'clock, the Temporary Speaker (Sen. (Dr.) Wilfred Machage) adjourned the Senate without Question put, pursuant to the Standing Orders.

12. SENATE ROSE - at thirty minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, March 17, 2015 at 2.30 p.m.*

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