



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 12, 2016 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 Speaker.
3. COMMUNICATIONS FROM THE CHAIR

The Speaker conveyed the following Communications from the Chair:-

(a) VISITING WOMEN PARLIAMENTARIANS FROM THE PARLIAMENT OF SOUTH SUDAN

"Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting women Parliamentarians from the Parliament of South Sudan.

The Delegation is in the country on an exposure visit to learn and share experiences and broaden its understanding and knowledge on the workings of our Parliament. They have been here since Monday, 10th October, 2016 and will depart on Thursday, 13th October, 2016.

I request each member of the delegation to stand when called out so that they may be acknowledged in the usual Senate tradition.

They are:-

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| 1. The Hon. Betty Achan , MP | - | National Legislative Assembly and Leader of Delegation |
| 2. Amb. Michael Nyang, MP | - | Ministry of Foreign Affairs, South Sudan |
| 3. The Hon. Mary Puru, MP | - | National Legislative Assembly |

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| 4. | The Hon. Alma Abuoch Jervas, MP- | National Legislative Assembly |
| 5. | The Hon. Lith Aluong, MP | - State Legislative Assembly |
| 6. | The Hon. Nyanchiek Nhial, MP | - National Legislative Assembly |
| 7. | The Hon. Hannah Lona, MP | - State Legislative Assembly |
| 8. | The Hon. Athiak Rou Rachel | - State Legislative Assembly |
| 9. | The Hon. Suzan Paite, MP | - State Legislative Assembly |
| 10. | The Hon. Mary Elias, MP | - State Legislative Assembly |
| 11. | The Hon. Florence Abina, MP | - State Legislative Assembly |
| 12. | The Hon. Florence Nighty, MP | - State Legislative Assembly |
| 13. | The Hon. Flora Iliha, MP | - State Legislative Assembly |
| 14. | The Hon. Ajoh Gordon Kuol, MP | - State Legislative Assembly |
| 15. | The Hon. Adriana Ali, MP | - State Legislative Assembly |
| 16. | The Hon. Mary Hadia, MP | - State Legislative Assembly |
| 17. | The Hon. Joyce Hadia, MP | - State Legislative Assembly |
| 18. | Ms. Catherine Pita | - Staff |
| 19. | Ms. Florence Ade | - Staff |

I hope that they have a fruitful programme.

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

I thank you."

(b) VISITING PUPILS AND TEACHERS FROM MOI AIRBASE PRIMARY SCHOOL, NAIROBI COUNTY

"Honourable Senators,

I wish to recognize the presence of visiting pupils and teachers from Moi Airbase Primary School, Nairobi County. They are seated at 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."

(c) VISITING STUDENTS OF THE KENYA SCHOOL OF LAW

"Honourable Senators,

I wish to recognize the presence of visiting students from the Kenya School of Law. They are seated at 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. STATEMENTS PURSUANT TO STANDING ORDER 45(2) (B)

- i) Nominated Senator, (Sen. Ben Njoroge), sought a Statement from the Chairperson of the Standing Committee on Land and Natural Resources regarding the ongoing Northern Water Collector Tunnel Project in Murang'a which is intended to provide reliable water supply to Nairobi City County and its environs.
- ii) The Senator for Vihiga County, (Sen. George Khaniri), sought a Statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget concerning the implementation of the Banking (Amendment) Act, 2016.
- iii) The Vice Chairperson of the Standing Committee on National Security and Foreign Relations issued a Statement regarding the alleged disappearance and brutal murder of children in Chesuwe Village, Nandi County.

Thereupon, she informed the House that the Government was not aware that five children aged between 8 and 16 years had disappeared in Chesuwe Village, Nandi County, but that the Government was aware that two cases of disappearance of children were reported at Kapsabet Police Station vide Police OB No. 50 of 1st July, 2016 and OB No. 25 of 18th July, 2016.

The Vice-Chairperson also informed the House that following the reports, the Government security agencies, with the support of the community members, managed to recover two (2) mutilated bodies from a bush on 7th July, 2016 and 10th July, 2016, respectively.

The Vice Chairperson stated that investigations had been launched and a suspect, one Mr. Newton Kipleting, had been arrested in connection with the abduction and murder of the two children.

The Vice Chairperson further stated that the Government was not aware of the disappearance of forty (40) students from Kakamega County and thirty (30) youth from Tana River County and that the Government had

employed appropriate security measures to ensure that all learning institutions were secure and conducive for learning.

- iv) The request for statement from Chairperson, Standing Committee on Agriculture, Livestock and Fisheries regarding farmers' preparedness for the planting season and supply of fertilizer and other farm inputs to farmers made by Sen. Daniel Karaba – dropped.

5. THE LOCAL CONTENT BILL (SENATE BILL NO. 13 OF 2016)

(Sen. Gideon Moi)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Energy without Question put pursuant to the Standing Orders.

6. MOTION - ALTERATION OF THE SENATE CALENDAR

Motion made and Question proposed;

THAT, Pursuant to Standing Order 28(4), the Senate resolves to alter its Calendar in respect of Part III of the Fourth Session so that the recess scheduled to commence on Friday, 14th October, 2016 be deferred to start on Thursday, 20th October, 2016 and accordingly, for the Senate to adjourn on Wednesday, 19th October, 2016 until Tuesday, 1st November, 2016 when sittings will resume.

(Deputy Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

The Mover replied;

Before putting the Question, pursuant to Standing Order 72, the Temporary Speaker (Sen. Sang) ruled that the Motion did not affect counties;

Question put and agreed to;

RESOLVED ACCORDINGLY

THAT, Pursuant to Standing Order 28(4), the Senate resolves to alter its Calendar in respect of Part III of the Fourth Session so that the recess scheduled to commence on Friday, 14th October, 2016 be deferred to start on Thursday, 20th October, 2016 and accordingly, for the Senate to adjourn on Wednesday, 19th October, 2016 until Tuesday, 1st November, 2016 when sittings will resume.

7. THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL) (AMENDMENT) BILL (SENATE BILL NO.9 OF 2016)

(Sen. Fatuma Dullo)

(Second Reading)

(Resumption of Debate interrupted on Tuesday, 4th October, 2016)

(Division)

Order deferred.

8. **THE SELF HELP ASSOCIATIONS BILL (SENATE BILL NO. 2 OF 2015)**

(Sen. Martha Wangari)

(Second Reading)

(Resumption of Debate interrupted on Tuesday, 4th October, 2016)

(Division)

Order deferred.

9. **THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2014)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of Debate interrupted on Tuesday, 4th October, 2016)

(Division)

Order deferred.

10. **THE NATIONAL COHESION AND INTEGRATION (AMENDMENT) BILL (SENATE BILL NO. 6 OF 2016)**

(Sen. Beatrice Elachi)

(Second Reading)

(Resumption of Debate interrupted on Tuesday, 11th October, 2016)

(Division)

Order deferred.

11. **COMMITTEE OF THE WHOLE**

THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2016)

(Sen. Daniel Karaba)

(Resumption of Debate interrupted on Wednesday, 5th October, 2016)

(Division)

Order deferred.

12. **COMMITTEE OF THE WHOLE**

THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)

(Senate Majority Leader)

Order deferred.

13. THE COUNTY GOVERNMENTS (AMENDMEN) (NO. 2) BILL (SENATE BILL NO.7 OF 2016)

(Sen. Mutula Kilonzo Jnr.)

(Second Reading)

Order deferred.

14. THE TREATY MAKING AND RATIFICATION (AMENDMENT) BIL (SENATE BILL NO. 5 OF 2016)

(Chairperson, Standing Committee on National Security and Foreign Relations)

(Second Reading)

Order deferred.

15. MOTION - (Sen. George Khaniri)

(Ministry of Education, Science and Technology)

WHEREAS Article 43(1)(f) and 53(1)(b) of the Constitution guarantees every citizen a right to education and every child a right to free and compulsory basic education, respectively;

NOTING that the Teachers Service Commission is mandated to handle employment, deployment, remuneration and discipline of teachers in public schools in Kenya;

CONCERNED that there are great disparities in the distribution of teachers in public schools across the country leading to oversupply in some schools and undersupply in others and ultimately leading to major teacher shortage especially in rural and marginalized areas;

APPRECIATING efforts made by the national government to improve the teacher pupil ratio to international standards in all public schools through yearly employment of teachers;

FURTHER CONCERNED that the statistics on the number and distribution of teachers in public schools is not readily available;

NOW THEREFORE, the Senate directs the Ministry of Education, Science and Technology to conduct a countrywide audit on the distribution of teachers in all public schools indicating the requisite establishment per school and the corresponding number of teachers who are in-post and further that the Ministry submits a report to the House on the matter within ninety (90) days.

Order deferred.

16. MOTION – (Sen. (Prof.) John Lonyangapuo)

(Department of Education)

THAT, whereas Article 53 (1)(b) of the Constitution provides that every child in Kenya has the right to free and compulsory basic education;

RECOGNIZING the importance of education in the alleviation of the main challenges facing Kenya's sovereignty identified at independence, namely; poverty, illiteracy and disease;

APPRECIATING the gains made following the implementation of the free primary education program in 2003 and cognizant of the principles set out in the Basic Education Act of 2013 whose objectives include promotion and regulation of free and compulsory basic education besides providing for accreditation, registration and management of basic education institutions;

NOTING the substantial resources invested by the national and county governments, parents, sponsors and development partners in the provision of basic education;

FURTHER NOTING that pursuant to the Basic Education Act, the County Director of Education is vested with numerous responsibilities including facilitation of auditing of all basic educational institutions in the respective county thereby leaving fundamental gaps of governance especially in the management of the available resources;

NOW THEREFORE, the House recommends to the Cabinet Secretary for Education to facilitate the creation of the office of an auditor to specifically audit the basic education institutions' funds to enhance transparency and accountability and improve governance in the management of these institutions.

Order deferred.

17. MOTION – (Sen. (Eng.) Muriuki Karue)
(Ministry of Interior and Coordination of National Government)

THAT,

CONCERNED about the numerous reports of the arbitrary arrests of innocent people by the police;

FURTHER CONCERNED that a large number of those arrested are allegedly locked up in police cells without being recorded either in the Occurrence Book or elsewhere;

DEEPLY CONCERNED that some of the arrested people disappear without a trace and that many who are subsequently traced are found dead away from where they were known to have been locked up;

ALARMED by the recent incident where three young men were locked up for hours at Syokimau Police Post without any record indicating they had been at the police post, only for them to be found days later, in another area far from the police post, having been brutally killed;

APPRECIATING that the Closed Circuit Television (CCTV) system installed by the Government in Nairobi has helped a lot in criminal investigations;

NOW THEREFORE the Senate calls upon the National Government to-

- a) install CCTV cameras in all police stations and police posts in order to record each and every person going in and out of the station;
- b) have the CCTV system designed in such a way that it is capable of capturing the Occurrence Book entries every twelve hours; and
- c) ensure the CCTV system is connected to a central depository in order to minimize chances of subsequent tampering.

Order deferred.

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

18. SENATE ROSE - at fifteen minutes past Six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Thursday, October 13, 2016, at 2.30 p.m.*

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