



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FIFTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, JUNE 14, 2017 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. **COMMUNICATION FROM THE CHAIR ON THE VISITING MEMBERS OF THE COUNTY ASSEMBLY OF BARINGO AND THE STAFF FROM GARISSA COUNTY ASSEMBLY**

The Speaker conveyed the following Communication from the Chair:-

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting Members of the County Assembly of Baringo and Staff from Garissa County Assembly.

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. Risper Kimaiywa
2. Hon. Susan Wacuka
3. Mr. Lopoiyo L. Jonathan
4. Mr. Hassan Mohammed Madi
5. Mr. Ali Noor Hassan
6. Mr. Abdi Noor Duale

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.”

4. PAPERS LAID

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

- 1) Report of the Auditor-General on the Financial Statements of TAVEVO Water and Sewerage Company for the year ended 30th June, 2016;
- 2) The Report of the Auditor-General on the Financial Statements of Kwale Water and Sewerage Company Limited for the year ended 30th June, 2016;
- 3) The National Government Budget Implementation Half Year Review Report for for FY 2016/17 by the Controller of Budget;
- 4) The Report of the Auditor-General on the Embu County Assembly Mortgage Scheme fund for the three years period ended 30th June, 2016; ;
- 5) The County Government Budget Implementation Half Year Review Report for FY 2016/17 by the Controller of Budget.

(Sen. Mutahi Kagwe, on behalf of the Chairperson, Standing Committee on Finance, Commerce and Budget)

- 6) Report of the Standing Committee on Information and Technology on the World – Parliament Conference, at the Chamber of Deputies, Valpariso, Chile;
- 7) Report of the Standing Committee on Information and Technology on the Study Visit to Japan;
- 8) Report of the Standing Committee on Information and Technology on the end of Eleventh (11th) Term Committee Report;
(Chairperson, Standing Committee on Information and Technology)
- 9) Performance Report of the Independent Policing Oversight Authority (IPOA) for the period July – December, 2016.

(Sen. Daniel Karaba, on behalf of the Chairperson, Standing Committee on National Security and Foreign Relations)

5. STATEMENT

The Vice- Chairperson of the Standing Committee on Land and Natural Resources issued a statement regarding pollution caused by loud music emanating from Lions Eye Hospital and the upcoming construction of a temple and auditorium in Loresho, as sought by Sen. (Dr.) Boni Khalwale.

Thereupon, the Vice- Chairperson stated that the control of air pollution, noise pollution, other public nuisance and outdoor advertising were devolved to the county governments, which is in line with the provisions of the Constitution of Kenya in Article 3 as read with Articles 185 (2), 186(1) and 187(2) which sets out the devolved functions.

The Vice- Chairperson further informed the Senate that the Environment Management and Co-ordination (Noise and Excessive Vibration Pollution)

Control Regulations, contained in Legal Notice No.61 of 2009 are currently being implemented by the respective County Government and that any person who previously has been affected by noise pollution may apply to the High Court for redress and the Court may make such orders, issue such writs or give such directions as it may deem appropriate to provide compensation for any victim of pollution.

6. **MOTION- APPROVAL OF THE REPORT OF THE PROCEDURE AND RULES COMMITTEE ON PERIODIC REVIEW OF THE SENATE STANDING ORDERS**

Motion made and Question proposed;

THAT, pursuant to Standing Orders 249 and 250, the Senate **approves** the Report of the Procedure and Rules Committee on Periodic Review of the Senate Standing Orders laid on the Table of the Senate on Tuesday, 13th June, 2017 and that the amended Standing Orders take effect at the commencement of the 12th Parliament.

(Sen. (Dr.) Machage on behalf of the Chairperson, Procedure and Rules Committee)

Debate arising;

There being no other Senator wishing to contribute;

The Mover Replied;

Before the Question was put and pursuant to Standing Order 72, the Temporary Speaker (Sen. Elizabeth Ongoro) informed the House that the motion did not affect counties.

Question put and **agreed to**.

RESOLVED ACCORDINGLY

THAT, pursuant to Standing Orders 249 and 250, the Senate **approves** the Report of the Procedure and Rules Committee on Periodic Review of the Senate Standing Orders laid on the Table of the Senate on Tuesday, 13th June, 2017 and that the amended Standing Orders take effect at the commencement of the 12th Parliament.

7. **MOTION - ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2015)**

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Mediation Committee on the Health Bill (National Assembly Bill No. 14 of 2015) laid on the Table of the Senate on Thursday, 25th May, 2017 and pursuant to Article 113 of the Constitution and Standing Order 155 (3) of the Senate Standing Orders approves the mediated version of the Bill.

(The Chairperson of the Mediation Committee)

(Resumption of Debate interrupted on Tuesday, 13th June, 2017)
(Division)

Order deferred.

8. **COMMITTEE OF THE WHOLE**
THE COUNTY PENSION SCHEME BILL (SENATE BILL NO. 20 OF 2016)
(Chairperson, Standing Committee on Labour and Social Welfare)

(Resumption of Debate interrupted on Friday, 9th June, 2017)
(Division)

Order deferred.

9. **COMMITTEE OF THE WHOLE**
THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 27 OF 2014)
(Chairperson, Standing, Committee on Legal Affairs and Human Rights)
(Consideration of National Assembly Amendments)

(Resumption of Debate interrupted on Wednesday, 1st March, 2017)
(Division)

10. **COMMITTEE OF THE WHOLE**
THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 10 OF 2015)
(Sen. Stephen Sang)

(Resumption of Debate interrupted on Thursday, 16th February, 2017)
(Division)

Order deferred.

11. **COMMITTEE OF THE WHOLE**
THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 8 OF 2015)
(Sen. Omar Hassan)

(Resumption of Debate interrupted on Tuesday, 15th November, 2016)
(Division)

Order deferred.

12. **COMMITTEE OF THE WHOLE**
THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2015)
(Sen. Godliver Omondi)

(Resumption of Debate interrupted on Tuesday, 15th November, 2016)
(Division)

Order deferred.

13. **COMMITTEE OF THE WHOLE**
THE NATIONAL CEREALS AND PRODUCE BOARD (AMENDMENT) BILL (SENATE BILL NO. 15 OF 2015)
(Sen. Zipporah Kittony)

(Resumption of Debate interrupted on Wednesday, 16th November, 2016)
(Division)

Order deferred.

14. **THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 32 OF 2014)**

(Chairperson, Standing Committee on Education)

(Consideration of National Assembly Amendments)

(Resumption of Debate interrupted on Tuesday, 13th June, 2017)

(Division)

Order deferred.

15. **COMMITTEE OF THE WHOLE**
THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT) BILL
(SENATE BILL NO. 2 OF 2016)

(Sen. (Prof) Wilfred Lesan)

(Resumption of Debate interrupted on Tuesday, 13th June, 2017)

(Division)

Order deferred.

16. **COMMITTEE OF THE WHOLE**
THE ASUMPTION OF OFFICE OF GOVERNOR BILL (SENATE BILL NO. 10 OF 2016)

(Sen. Paul Wamatangi)

Order deferred.

17. **COMMITTEE OF THE WHOLE**
THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO.26 OF 2015)

(The Senate Majority Leader)

Order deferred.

18. **COMMITTEE OF THE WHOLE**
THE PARLIAMENTARY POWERS AND PRIVILEGES BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)

(The Senate Majority Leader)

Order deferred.

19. **COMMITTEE OF THE WHOLE**
THE COUNTY GOVERNMENTS (AMENDMENT) (NO.4) BILL (SENATE BILL NO. 18 OF 2014)

(Sen. Kipchumba Murkomen)

Order deferred.

20. **COMMITTEE OF THE WHOLE**
THE AGRICULTURE, FISHERIES AND FOOD AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2015)

(The Senate Majority Leader)

Order deferred.

21. **COMMITTEE OF THE WHOLE**
THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL (SENATE
BILL NO. 12 OF 2015)
(Sen. Paul Kimani Wamatangi)

Order deferred.

22. **COMMITTEE OF THE WHOLE**
THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL
(SENATE BILLS NO. 9 OF 2015)
(Sen. Martha Wangari)

Order deferred.

And there being no other business, the Temporary Speaker (Sen. Elizabeth Ongoro) adjourned the Senate at forty five minutes past Four O'clock without question put, pursuant to the Standing Orders.

23. **SENATE ROSE** – at forty five minutes past Four O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Thursday, June 15, 2017 at 2.30 p.m.*

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