



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – FOURTH SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, JULY 20, 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 Deputy Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Deputy Speaker conveyed the following communications from the Chair-

**a) Visiting students from Egerton University, from Murang'a County**

"Honorable Senators, I wish to recognize the presence of visiting students from Egerton University, from Murang'a 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."

**b) Visiting students and teachers from Loreto Girls High School**

"Honorable Senators, I wish to recognize the presence of visiting students and teachers from Loreto Girls High School, Limuru in Kiambu 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 and teachers from Nkuene Girls High School**

“Honorable Senators, I wish to recognize the presence of visiting students and teachers from Nkuene Girls High School, Meru 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.”

**4. STATEMENTS PURSUANT TO STANDING ORDER 45 (2) (B)**

- a) The Senator for West Pokot County (Sen. (Prof.) John Lonyangapuo) sought a Statement from the Chairperson of the Standing Committee on Education concerning school fees levied by secondary schools, teacher training colleges and medical training colleges.
- b) The Vice-Chairperson of the Standing Committee on Roads and Transportation issued a supplementary statement on the ongoing renovation of the Kimbimbi-Sagana-Kagio-Kutus and Ngurubani – Kimbimbi roads.

In the statement, the Vice-Chairperson informed the House that the Sagana-Kagio-Kutus road originally had a carriageway width of 6m and unpaved shoulders of 1m on each side. The Vice-Chairperson further informed the House that the shoulders and some parts of the carriageway on the road had been eroded over time, leading to narrowing of the road. Consequently, KeNHA planned to progressively reinstate the road to its original state, and had commenced restoration of the sections between Sagana and Kagio.

The Vice-Chairperson further informed the House that the ongoing renovation of the Sagana-Kagio-Kutus road had been scheduled to be completed in June, 2016, but was delayed by unfavourable weather conditions in the months of March, April and part of May, 2016.

**5. COMMITTEE OF THE WHOLE****THE REPRODUCTIVE HEALTH CARE BILL (SENATE BILL NO. 17 OF 2014)**

(Sen. Judith Sijeny)

***(Resumption of Debate interrupted on Tuesday, 19<sup>th</sup> July, 2016)  
(Division)***

Order deferred.

6. **COMMITTEE OF THE WHOLE**

**THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILL NO. 11 OF 2015)**

(Sen. Mutula Kilonzo Jnr.)

***(Resumption of Debate interrupted on Tuesday, 19<sup>th</sup> July, 2016)  
(Division)***

Order deferred.

7. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 21 OF 2015)**

Order for Second Reading Read;

Motion made and Question proposed-

**THAT**, the County Governments (Amendment) Bill (Senate Bill No. 21 of 2015) be now read a Second Time.

*(Sen. (Prof.) John Lonyangapuo – 14.07.16)*

Debate interrupted on Tuesday, 19<sup>th</sup> July, 2016 resumed;

Mover replied;

Raising a point of order, the Mover (Sen. (Prof.) Lonyangapuo) requested the Deputy Speaker to defer putting of the Question to another day pursuant to Standing Order 54 (3);

And the Deputy Speaker acceding to the request, deferred putting of the Question to a later date.

8. **COMMITTEE OF THE WHOLE**

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

(Sen. Kipchumba Murkomen)

Order deferred.

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

Order deferred.

10. **COMMITTEE OF THE WHOLE**  
**THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILL NO. 1 OF**  
**2015)**  
(Sen. Martha Wangari)

Order deferred.

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

Order deferred.

12. **COMMITTEE OF THE WHOLE**  
**THE COUNTY LIBRARY SERVICES BILL (SENATE BILL NO. 6 OF 2015)**  
(Sen. Joy Gwendu)

Order deferred.

13. **COMMITTEE OF THE WHOLE**  
**THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL**  
**(SENATE BILL NO. 35 OF 2014)**  
(The Chairperson, Standing Committee on Legal Affairs and Human Rights)

Order deferred.

14. **THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL**  
**(SENATE BILL NO.4 OF 2014)**  
(The Senate Majority Leader)

*(Second Reading)*

***(Resumption of Debate interrupted on Tuesday, 15<sup>th</sup> April, 2014)***

Order deferred.

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

(The Senate Majority Leader)

*(Second Reading)*

Order deferred.

16. **THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL (SENATE BILL NO. 9 OF 2015)**

Order for Second Reading Read;

Motion made and Question proposed-

**THAT**, the National Hospital Insurance Fund (Amendment) Bill (Senate Bill No. 9 of 2015) be now read a Second Time.

*(Sen. Martha Wangari)*

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Raising a point of order, pursuant to Standing Order 54 (3), the Mover (Sen. Wangari) requested the Temporary Speaker (Sen. Peter Mositet) to defer putting of the question to another day;

And the temporary Speaker (Sen. Peter Mositet) acceding to the request, deferred putting of the question to a later day.

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

(The Senate Majority Leader)

Order for Second Reading Read;

Order deferred.

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

(The Senate Majority Leader)

Order for Second Reading Read;

Order Deferred.

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

Order for Second Reading Read;

Motion made and Question proposed-

**THAT**, the County Governments (Amendment) Bill (Senate Bill No.4 of 2016) be now read a Second Time.

*(Sen. Daniel Karaba)*

Debate arising;

And there being no other Senator wishing to contribute;  
The Mover replied;

Raising a point of order, pursuant to Standing Order 54 (3), the Mover (Sen. Karaba) requested the Temporary Speaker (Sen. Peter Mositet) to defer putting of the question to another day;

And the Temporary Speaker (Sen. Peter Mositet) acceding to the request, deferred putting of the question to a later day.

20. **THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILL NO. 5 OF 2016)**

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

Order for Second Reading Read;

Order deferred.

21. **MOTION – ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON THE INQUIRY INTO THE FINANCIAL OPERATIONS OF HOMA-BAY COUNTY EXECUTIVE FOR THE FINANCIAL YEAR 2013/2014**

**THAT**, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of Homa-Bay County Executive for the Financial year 2013/2014 laid on the Table of the House on Wednesday, 4<sup>th</sup> November, 2015.

***(Resumption of Debate interrupted on Thursday, 28<sup>th</sup> April, 2016)***

*(Chairperson, Sessional Committee on County Public Accounts and Investments)*

Order deferred.

22. **MOTION – TO NOTE THE REPORT OF THE COMMONWEALTH WOMEN PARLIAMENTARIANS REGIONAL CAPACITY BUILDING WORKSHOP HELD IN DAR ES SALAAM, TANZANIA ON 20<sup>TH</sup> – 23<sup>RD</sup> JANUARY, 2016**

**THAT**, the Senate notes the Report of the Commonwealth Women Parliamentarians Regional Capacity Building Workshop held in Dar Es Salaam, Tanzania on 20<sup>th</sup> – 23<sup>rd</sup> January, 2016 laid on the Table of the House on Thursday, March 17, 2016.

***(Resumption of Debate interrupted on Thursday, 30<sup>th</sup> June, 2016)***

*(Sen. Joy Gwendu)*

Order deferred.

23. **MOTION - TO DIRECT 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**

**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.

*(Sen. George Khaniri)*

Order deferred.

And there being no other business, and the time being twenty five minutes past six O'clock, the Temporary Speaker (Sen. Mositet) adjourned the Senate without Question put pursuant to the Standing Orders.

24. **SENATE ROSE** - at twenty five minutes past Six O'clock..

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Thursday, July 21, 2016 at 2.30 p.m.*