



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – THIRD SESSION

VOTES AND PROCEEDINGS

TUESDAY, SEPTEMBER 29, 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 issued the following Communications from the Chair-

i.) On the visiting staff of Nyandarua County Assembly

"Honorable Senators,

I am pleased to acknowledge and welcome to the Senate this afternoon, members of staff from Nyandarua County Assembly who are seated at the Speakers Gallery. They are in the Senate on an attachment program.

I request the officers that when your name is called out, you stand so that you may be acknowledged in our usual Senate tradition.

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| 1. Mr. Stephen Mwangi | - | Serjeant-At-Arms |
| 2. Mr. Daniel Kamau | - | Serjeant-At-Arms |
| 3. Mrs. Leah Njenga | - | Serjeant-At-Arms |
| 4. Mr. Benjamin Gatonga | - | Serjeant-At-Arms |
| 5. Lewis Njenga | - | ICT Officer |
| 6. Martha Wachuka | - | ICT Officer |
| 7. Chepkoech Gladys | - | ICT Officer |

I take this opportunity on behalf of the Senate and on my own behalf, to wish the delegation a happy and fruitful visit in the Senate.

I thank you."

ii.) On the visiting staff from Bungoma County Assembly.

"Honorable Senators,

I am pleased to acknowledge and welcome to the Senate this afternoon, visiting staff of the Bungoma County Assembly who are seated at the public Gallery. The officers are visiting the Senate on attachment.

I request the officers that when your name is called out, you stand so that you may be acknowledged in our usual Senate tradition.

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| 1. Calistus Wanjala | - | Serjeant-At-Arms |
| 2. Mildred Wasari | - | Serjeant-At-Arms |
| 3. Martin Omusee | - | Serjeant-At-Arms |
| 4. Ruth Kubeba | - | Secretary, Clerk's Office |
| 5. Beatrice Mainya | - | Secretary, Speaker's Office |

I take this opportunity on behalf of the Senate and on my own behalf, to wish the delegation a happy and fruitful visit in the Senate.

I thank you."

4. PETITION ON THE LEGAL FRAMEWORK FOR VOTER REGISTRATION AND VOTING DURING ELECTIONS

Pursuant to Standing Order 220 (1) (a) and 225 (2) (b), the Speaker reported a petition on behalf of a Mr. David O. Gesicho, a resident of Kakamega County, concerning the legal framework for voter registration and voting during elections.

Pursuant to Standing Order 226, the Speaker allowed Senators to comment on the petition and directed that the Petition be committed to the Standing Committee on Legal Affairs and Human Rights, pursuant to Standing Order 227.

5. PAPERS

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

- i.) Report of the Auditor-General on the financial statements of the County Government of Kwale for the sixteen (16) months period ended 30 June 2014;
- ii.) Report of the Auditor-General on the financial statements of the County Government of Mombasa for the sixteen (16) months period ended 30 June 2014;

- iii.) Report of the Auditor-General on the financial statements of the County Government of Tana River for the sixteen (16) months ended 30 June 2014; and
- iv.) Report of the Auditor-General on the financial operations of Kilifi County Executive for the year ended 30 June 2014.

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

6. **NOTICE OF MOTION-** (Sen. (Prof.) Anyang' Nyong'o)

THAT, AWARE THAT the Senate, on 18th June, 2015, resolved to establish a select committee consisting of eleven (11) Senators to conduct an inquiry into the affairs of Kenya Airways Limited and its Subsidiary and report back to the House within three months of its establishment.

REALIZING THAT the three month period lapsed on 18th September, 2015 but owing to the magnitude of the work involved the committee was not able to complete its work within the duration

NOTING THE NEED for more time to carry out a thorough inquiry into this matter;

NOW THEREFORE the Senate resolves to renew the mandate of the committee for a further period of 2 months to enable the committee to complete its work and report to the House and further resolves that the following two (2) Senators be added to the membership of the select committee-

- i.) Sen. Stephen Sang; and
- ii.) Sen. Mutula Kilonzo (Jnr)

7. **STATEMENTS PURSUANT TO STANDING ORDER 45 (2) (b)**

- i) The Senator for Trans-Nzoia County (Sen. Henry Ndiema) sought a statement from the Chairperson of the Standing Committee on Roads and Transportation regarding the status of road construction in urban centers by Kenya Urban Roads Authority (KURA);
- ii) The Senator for Nandi County (Sen. Stephen Sang') sought from the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries on the declining profits (bonus) in the tea industry;
- iii) The chairperson for the Standing Committee on Legal Affairs and Human Rights issued a statement regarding voter registration and preparedness for the next General Elections.

The Chairperson informed the senate that the Independent Electoral and Boundaries Commission (IEBC) was in the process of preparing for the 2017 elections by implementing its strategy in three phases namely the review phase, the planning phase and the implementation phase.

The Chairperson further informed the senate that the commission had already audited the 2013 general elections and put in place remedial measures including the drafting of the Elections (Amendment) Bill, 2015 which was undergoing pre-publication scrutiny.

Regarding

the planning phase, the chairperson informed the Senate that the Commission has launched its 2015-2020 strategic plan, where among other things, the 2017 general elections were outlined and further that the Commission was developing an Elections Operational Plan (AOP) for the 2017 elections in readiness for the mass voter registration.

The Speaker directed the Chairperson to furnish the Senate with more information on the matter.

8. **THE PETITION TO COUNTY ASSEMBLY (PROCEDURE) BILL (SENATE BILL NO. 35 OF 2014)**

Order for Second Reading read;

Motion made and Question proposed –

That the Petition to County Assembly (Procedure) Bill (Senate Bill No. 35 of 2014) be read a second time.

*(Chairperson, Standing Committee on Legal Affairs and Human Rights –
22.09.2015) - Division*

Order deferred.

9. **THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILL NO. 42 OF 2014).**

Order for Second Reading read;

Motion made and Question proposed –

That the Office of the County Printer Bill (Senate Bill No. 42 of 2014) be read a second time.

(Sen. Sang' – 23.09.2015) - Division

Order deferred.

10. COMMITTEE OF THE WHOLETHE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2014)

(The Senate Majority Leader)

Order deferred;

11. COMMITTEE OF THE WHOLETHE PUBLIC APPOINTMENTS (COUNTY ASSEMBLY APPROVAL) BILL (SENATE BILL NO. 20 OF 2014)

(Chairperson Standing Committee on Labour and Social Welfare)

Order deferred;

12. COMMITTEE OF THE WHOLETHE COUNTY EARLY CHILDHOOD EDUCATION BILL, (SENATE BILL NO. 32 OF 2014)

(Chairperson Standing Committee on Education)

Order deferred;

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

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Senior Citizens Care and Protection Bill (Senate Bill No. 43 of 2014) be now read a Second Time.

(Sen. (Prof) Wilfred Lesan)

Debate arising;

Rising in his place on a point of order, the Senator for Bomet County (Sen. (Prof.) Wilfred Lesan) claimed to move- "**THAT**, the debate be now adjourned" pursuant to Standing Order 99.

And the temporary Speaker (Sen. (Dr.) Machage) acceding to the request;

Question put and **agreed to.**

14. THE HIV AND AIDS PREVENTION AND CONTROL (AMENDMENT) BILL
(SENATE BILL NO.4 OF 2015)

(Sen. (Dr.) Machage)

Order deferred

There being no other business and the time being eighteen minutes past six O'clock, the Temporary Speaker (Sen. Dr. Machage) adjourned the business of the Senate without Question put pursuant to the Standing Orders.

15. SENATE ROSE - at eighteen minutes past six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, September 30, 2015 at 2.30 p.m.*

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