



REPUBLIC OF KENYA

**ELEVENTH PARLIAMENT – FOURTH SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, MARCH 03, 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. **COMMUNICATION FROM THE CHAIR ON VISITING DELEGATION FROM TURKANA COUNTY ASSEMBLY**

The Speaker conveyed the following Communications from the Chair-

"Honorable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting members and staff from Turkana County Assembly.

The delegation from Turkana County Assembly-Committee on Legal Affairs and Human rights is here on a benchmarking visit and attachment.

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

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|--------------------------|--------------------|
| 1. Hon. Lawrence Lotomon | - Chair            |
| 2. Hon. Lillyrose Akori  | - Vice Chair       |
| 3. Hon. Jacob Nakuwa     | - Member           |
| 4. Mr. Francis Ekunoit   | - Sergeant-at-Arms |
| 5. Mr. James Kuya        | - Research Officer |

I hope that they have a fruitful program.

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

I thank you."

**4. PAPERS LAID**

The following Papers were laid on the Table of the Senate;

- i) The Senate Calendar (Regular Sessions) for the year 2016 (February to December, 2016).

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

- ii) Report Standing Committee on Information and Technology on the County Oversight and Networking Engagement (CONE) to Migori, Bomet and Narok Counties.

*(Chairperson, Standing Committee on Information and Technology)*

- iii) Report of the Sessional Committee on Devolved Governments on the proposed extension of the term of office of the Transition Authority.

*(Chairperson, Sessional Committee on Devolved Government)*

- iv) Annual Report and Financial statements for Moi University for the Year ended 30<sup>th</sup> June, 2012;

- v) Report of the Auditor General on the Financial Statements of Kenya Marine and Fisheries Research Institute for the Year ended 30<sup>th</sup> June, 2014;

- vi) Report of the Auditor General on the Financial Statements of Kenya Ferry Services Limited for the Year ended 30<sup>th</sup> June, 2014;

- vii) Report of the Auditor General on the Financial Statements of Rivatex East Africa Limited for the Year ended 30<sup>th</sup> June, 2014.

- viii) Report of the Auditor General on the Financial Statements of Postal Corporation of Kenya for the Year ended 30<sup>th</sup> June, 2014;

*(Sen. Kimani Wamatangi, on behalf of the Chairperson, Sessional Committee on County Public Accounts and Investments)*

- ix) The Business of the Senate for the coming week;

*(The Senate Minority Leader)*

**5. NOTICE OF MOTION – (Sen. (Prof.) Lonyangapuo, on behalf of the Senate Majority Leader)**

**THAT**, pursuant to Standing Order 28(1), the Senate approves the Senate Calendar (Regular Sessions) for the year 2016 (*February to December, 2016*), laid on the Table of the Senate on Thursday, 3<sup>rd</sup> March, 2016.

6. **NOTICE OF MOTION** – (Vice-Chairperson, Sessional Committee on County Public Accounts and Investments)

**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, 4th November, 2015.

7. **NOTICE OF MOTION** – (Chairperson, Standing Committee on Information and Technology)

**THAT**, the Senate adopts the Report of the Standing Committee on Information and Technology on the County Oversight and Networking Engagement (CONE) to Migori, Bomet and Narok Counties laid on the Table of the Senate on 3<sup>rd</sup> March, 2016.

8. **NOTICE OF MOTION** – (Chairperson, Sessional Committee on Devolved Government)

**THAT**, this House adopts the Report of the Sessional Committee on Devolved Government on the proposed extension of the term of the Transition Authority laid on the Table of the House on Thursday, 3<sup>rd</sup> March, 2016.

9. **STATEMENTS PURSUANT TO STANDING ORDER 45**

i) **Statements pursuant to standing order 45 (2) (b)**

- a) The Senator for Nyeri County (Sen. Mutahi Kagwe) sought a statement from the Chairperson of the Standing Committee on Legal Affairs and Human Rights regarding the ongoing voter registration by the Independent Electoral and Boundaries Commission.
- b) The Nominated Senator (Sen. Fatuma Dullo) sought a statement from the Chairperson of the Standing Committee on Information and Technology regarding poor mobile telephony network coverage in Oldo-Nyiro and its environs in Isiolo County.
- c) The Nominated Senator (Sen. Fatuma Dullo) sought a statement from the Chairperson of the Standing Committee on Energy regarding provision of electricity at Oldo-Nyiro trading centre and its environs, in Isiolo County.
- d) The Nominated Senator (Sen. Fatuma Dullo) sought a Statement from the Chairperson of the Standing Committee on Land and Natural Resources regarding the operationalization of the County Wildlife Conservation and Compensation Committees.

- e) The Vice-Chairperson of the Standing Committee on National Security and Foreign Relations issued a statement on the alleged assault of a police officer by one Captain Alister Brown. In the statement, the Vice-Chairperson informed the House that the incident occurred upon the landing of a helicopter used by the Deputy President to attend a fund-raising event in Nyandarua County.

The Vice-Chairperson stated that the assault was as a result of perception by Captain Brown, (pilot of the said helicopter), that the officer had not properly managed an excited crowd of onlookers who had surged towards the helicopter immediately it landed. She further stated that following the incident, Captain Brown had been arrested and arraigned in court.

She assured the Senate that appropriate punitive and deterrent measures are in place to deal with and prosecute persons who violate laws or attack police officers while on duty.

- f) The Vice-Chairperson of the Standing Committee on National Security and Foreign Relations issued a statement on the shooting of Boda boda riders by the Police at Kilingili in Vihiga County. In the Statement the Vice-Chairperson informed the House that the incident arose as a result of demonstrations by motor-cyclists following the arrest of one of the cyclists whose motor-cycle had been dangerously parked along the highway at Chavakali Market.

The Vice-Chairperson further informed the House that the rowdy riders overpowered Police officers at Kilingili Police Station and in an attempt to ensure safety of the Station, the officers shot several rounds of ammunition in the air which resulted to injuring of four persons.

- g) The Chairperson of the Standing Committee on Health issued a statement on the status of the medical equipment lease project for County hospitals. In the Statement, the Chairperson informed the House that the project entailed equipping 2 hospitals in each County and 4 referral hospitals with state of the art medical equipment through the Managed Equipment Services (MES) Project. He stated that the project was aimed at enabling Kenyans access quality healthcare service.

The Chairperson also informed the House that the Ministry of Health and equipment manufacturers signed contracts for implementation of the project in February, 2015 and that the project implementation had since been rolled out country wide. The Chairperson further stated that each contractor had completed fitting out works, equipment installation and commissioned services in 86 hospitals and trained a total of 1415 officers.

The Chairperson further informed the House that the expected date of completion of the project roll-out in all the 47 Counties was one year from May, 2015.

He assured the Senate that the two hospitals in Vihiga County which the request for statement had wished to be addressed would be equipped, alongside other hospitals, by the end of May, 2016.

The Chairperson undertook to bring a more comprehensive statement on the matter, specifically on the liaison between the National Government and the Council of Governors on the project and between the contractors and the county governments.

**ii) Statement pursuant to Standing Order 45 (2) (c)-**

The Senate Minority Leader issued a Statement regarding the Business of the Senate for the week commencing Tuesday, March 8, 2016.

**10. MOTION - APPROVAL OF THE SENATE CALENDAR (REGULAR SESSIONS) FOR THE YEAR 2016**

Motion made and Question proposed:-

**THAT**, pursuant to Standing Order 28(1), the Senate approves the Senate Calendar (Regular Sessions) for the year 2016 (*February to December, 2016*), laid on the Table of the Senate on Thursday, 3<sup>rd</sup> March, 2016.

*(Sen. Catherine Mukiite on behalf of the Senate Majority Leader)*

And there being no other Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 72, the Temporary Speaker (Sen. (Dr.) Machage) informed the House that the Motion did not affect Counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY-**

**THAT**, pursuant to Standing Order 28(1), the Senate approves the Senate Calendar (Regular Sessions) for the year 2016 (*February to December, 2016*), laid on the Table of the Senate on Thursday, 3<sup>rd</sup> March, 2016.

**11. COMMITTEE OF THE WHOLE  
THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL  
(SENATE BILL NO. 7 OF 2015)**

(Sen. David Musila)

*(Resumption of Debate interrupted on Thursday, 18<sup>th</sup> February, 2016)*

Order deferred.

12. COMMITTEE OF THE WHOLE  
THE OFFICE OF THE COUNTY ATTORNEY BILL, (SENATE BILL NO. 37 OF 2014)  
(Chairperson, Standing Committee on Legal Affairs and Human Rights)  
*(Resumption of Debate interrupted on Thursday, 18<sup>th</sup> February, 2016)*  
Order deferred.
13. COMMITTEE OF THE WHOLE  
THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILL NO. 42 OF 2014)  
(Sen. Stephen Sang)  
*(Resumption of Debate interrupted on Thursday, 18<sup>th</sup> February, 2016)*  
Order deferred.
14. COMMITTEE OF THE WHOLE  
THE WATER BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2014)  
(The Senate Majority Leader)  
*(Resumption of Debate interrupted on Thursday, 3<sup>rd</sup> December, 2015)*  
Order deferred.
15. COMMITTEE OF THE WHOLE  
THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2014)  
(Sen. Halima Abdille)  
Order deferred.
16. THE NATIONAL CEREALS AND PRODUCE BOARD (AMENDMENT) BILL (SENATE BILL NO. 15 OF 2015)  
(Sen. (Dr.) Zipporah Kittony)  
*(Second Reading)*  
*(Resumption of Debate interrupted on Thursday, 25<sup>th</sup> February, 2016)*  
Order deferred.
17. THE COUNTY LIBRARY SERVICES BILL (SENATE BILL NO. 6 OF 2015)  
(Sen. Joy Gwendu)  
*(Second Reading)*  
*(Resumption of Debate interrupted on Tuesday, 1<sup>st</sup> March, 2016)*  
Order deferred.

18. **MOTION - RENEWAL OF THE MANDATE OF THE AD HOC COMMITTEE ON PRISONS AND BORSTAL INSTITUTIONS FOR A FURTHER PERIOD OF FORTY-FIVE (45) DAYS**

**AWARE THAT** the Senate on 22<sup>nd</sup> October, 2015, resolved to establish a Select Committee (Adhoc Committee on Prisons and Borstal Institutions) consisting of eleven (11) Senators to enquire into the rights of detained persons, persons held in custody and other imprisoned persons under the law, requiring Parliament to enact legislation to provide for the human treatment of such persons with due regard to the relevant international human rights instruments and report back to the House within three months of its establishment.

**REALIZING THAT** the three month period lapsed today 25<sup>th</sup> February, 2016 and owing to the magnitude of the work involved, the Committee was not able to complete its work within the stipulated period;

**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 forty-five (45) days to enable the Committee complete its work and report to the House.

*(Chairperson Ad Hoc Committee on Prisons and Borstal Institutions)*

Order deferred.

19. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS ON THE ASSESSMENT OF THE SECURITY SITUATION IN MANDERA COUNTY, LAIKIPIA COUNTY AND KAPEDO (BORDER TOWN OF TURKANA AND BARINGO COUNTIES)**

**THAT**, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the assessment of the security situation in Mandera County, Laikipia county and Kapedo (Border town of Turkana and Baringo Counties) conducted between 19<sup>th</sup> January and 5<sup>th</sup> February, 2015 and laid on the table of the House on Wednesday, 29<sup>th</sup> July, 2015.

*(Chairperson, National Security and Foreign Relations)*

Order deferred.

20. **MOTION- NOTING OF THE REPORT OF THE ACP PARLIAMENTARY ASSEMBLY AND THE 29<sup>TH</sup> SESSION OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY HELD AT THE GRAND PACIFIC HOTEL, SUVA, FIJI**

**THAT**, the Senate notes the Report of the ACP Parliamentary Assembly and the 29<sup>th</sup> Session of the ACP-EU Joint Parliamentary Assembly held at the Grand Pacific Hotel, Suva, Fiji from 10<sup>th</sup> to 17<sup>th</sup> June, 2015, laid on the Table of the House on Wednesday, 25<sup>th</sup> November, 2015.

*(Sen. Kembi-Gitura)*

Order deferred.

21. **MOTION - ESTABLISHMENT OF A SELECT COMMITTEE TO INVESTIGATE THE OPERATIONS OF THE MINISTRY OF DEVOLUTION AND NATIONAL PLANNING AND THE NATIONAL CONSULTATIVE COORDINATION COMMITTEE ON INTERNALLY DISPLACED PERSONS**  
(Ministry of Devolution and Planning)

**THAT WHEREAS** the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act makes provision for the prevention, protection and provision of assistance to internally displaced persons and affected communities and gives effect to the Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons, and the United Nations Guiding Principles on Internal Displacement;

**OBSERVING** that the Act establishes the National Consultative Coordination Committee on Internally Displaced persons whose mandate is to inter alia, ensure registration of internally displaced persons and maintain a data base of such persons and advise the Cabinet Secretary for Devolution and National Planning on the exercise of his or her powers and functions under the Act;

**CONCERNED** that the Statement delivered to the Senate on 30<sup>th</sup> September, 2015 by the Chairperson of the Standing Committee on Labour and Social Welfare as a response to inquiries on the status of IDPs resettlement points to the fact that the distribution of the Internally Displaced Persons Fund, which was approximately kshs15 billion, was done in a discriminatory manner and the criterion for profiling the IDPs was skewed;

**NOW THEREFORE**, the Senate resolves to establish a Select Committee to investigate the operations of the Ministry of Devolution and National Planning and the National Consultative Coordination Committee on Internally Displaced Persons as far as resettlement process and criteria used to profile and pay IDPs is concerned and further determine whether the Kshs15 billion was used for the intended purpose and report back to the Senate within three months;



**AND FURTHER** that the Members of the Select Committee are-

1. Sen. Boy Juma Boy
2. Sen. Stephen Sang'
3. Sen. Muriuki Karue
4. Sen. Anyang' Nyong'o
5. Sen. Peter Mositet
6. Sen. George Khaniri
7. Sen. Naisula Lesuuda
8. Sen. Janet Ong'era
9. Sen. Emma Mbura

*(Sen. George Khaniri)*

Order deferred.

22. **THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2015)**

(Sen. Kimani Wamatangi)

*(Second Reading)*

Order deferred.

23. **THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 10 OF 2015)**

(Chairperson, Sessional Committee on Delegated Legislation)

*(Second Reading)*

Order deferred.

There being no other business, the Temporary Speaker, (Sen.(Dr.) Machage) adjourned the Senate at five minutes past Five O'clock, without Question put, pursuant to the Standing Orders.

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

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

*The Speaker will take the Chair on  
Tuesday, March 08, 2016 at 2.30 p.m.*

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