



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – THIRD SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, SEPTEMBER 30, 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 ON THE VISITING DELEGATION FROM THE MALAWI PARLIAMENTARY SERVICE COMMISSION**

The Deputy Speaker made the following Communication from the Chair-

"Honourable Senators,

I am pleased to acknowledge and to welcome to the Senate this afternoon, a delegation from the Malawi Parliamentary Service Commission who are seated at the Speaker's Gallery. The members are here on benchmarking visit.

I request members of the delegation as listed below to stand when their name is called out, so that they may be acknowledged in our usual Senate tradition.

1. Hon. Vitus G. Dzoole, MP- Leader of delegation
2. Hon. Aaron Sangala, MP
3. Hon. Ralph Jooma, MP
4. Hon. Abubakar Mbaya, MP

The delegation is accompanied by the following officers-

1. Mr. J. Mdala- Chief Policy and Planning Officer; and
2. Ms. L. Jambo- Secretary to the Deputy Clerk of Parliament

Honorable Senators,

As you all know, Kenya and Malawi have had very cordial relations and our Parliaments have a lot to learn from each other.

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. STATEMENTS PURSUANT TO STANDING ORDER 45

Statements pursuant to Standing Order 45 (2) (b)

- a) The Senator for Kakamega County (Sen.(Dr.) Khalwale) sought a Statement from the Chairperson of the Standing Committee on Roads and Transportation regarding the status of the construction of the Kakamega to Kaburengu/Webuye Road.
- b) A Nominated Senator (Sen. Ongeru) sought a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding a letter written by the Cabinet Secretary for Interior and Coordination of National Government directing the Criminal Investigations Department and the National Cohesion and Integration Commission into areas they should investigate relating to a speech made by Sen. Muthama on 23rd September, 2015 at the Uhuru Park.
- c) A Nominated Senator (Sen. Mukiite) sought a Statement from the Leader of Majority regarding government's preparedness for the impending El Nino rains.
- d) The Vice-Chairperson of the Sessional Committee on Devolved Government issued a statement on the status of resettlement of internally displaced persons (IDPs).

The Vice Chairperson informed the Senate that IDPs in Vihiga who totaled 814 were categorized as integrated IDP and that out of the 814, 447 IDPs were paid KShs. 10,000/= each. The rest are yet to be paid.

She further informed the Senate that a National Consultative Coordination Committee on IDPs which was constituted to deal with the matter had held several planning meetings, visited various IDP groups and was already implementing planned crucial activities. She noted that this intervention was only addressing 2007/2008 post election violence victims but the government acknowledged the existence of victims of previous violence whose plight needed to be addressed but was not being addressed due to lack of framework that defined how far back in time they could go.

She further informed the Senate that in the current Financial Year (2015/16) the programme had been allocated Kshs. 2.205 billion which would be utilized to profile and settle those who had not been settled.

5. 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.

6. 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.

7. MOTION – RENEWAL OF MANDATE OF THE AD-HOC COMMITTEE INQUIRING INTO THE AFFAIRS OF KENYA AIRWAYS LIMITED

Motion made and Question proposed;

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)

(Sen. Peter Anyang Nyong'o- Chairperson, Ad-hoc Committee on Kenya Airways)

Debate arising;

Amendment proposed;

Motion made and Question proposed;

THAT, the Motion be amended by inserting the following words after the words, "Sen. Mutula Kilonzo (Jnr)" thereof, "with effect from 31st July 2015 in respect of the membership".

(Sen. James Orengo)

Debate arising;

Before the question was put and pursuant to Standing Order 72, the Temporary Speaker ruled that the question did not affect counties;

Question on amendment put and **passed**.

Debate on Motion as amended resumed.

Before the question was put and pursuant to Standing Order 72, the Temporary Speaker ruled that the question did not affect counties;

Question put and passed.

RESOLVED ACCORDINGLY-

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)

with effect from 31st July 2015 in respect of the membership.

8. **COMMITTEE OF THE WHOLE**

The Climate Change Bill (National Assembly Approval) Bill No. 32 of 2014)

(The Senate Majority Leader)

Order Deferred.

9. **COMMITTEE OF THE WHOLE**

The Public Appointments (County Assembly Approval Bill (Senate Bill No. 20 of 2014)

(Chairperson Standing Committee on Labour and Social Welfare)

Order Deferred.

10. **COMMITTEE OF THE WHOLE**

The County Early Childhood Education Bill, (Senate Bill No.32 of 2014)

(Chairperson of the Standing Committee on Education)

Order Deferred.

11. **THE SENIOR CITIZEN 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;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Mositet) adjourned the business of the Senate without Question put, pursuant to the Standing Orders.

12. SENATE ROSE - at thirty minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, October 6, 2015 at 2.30 p.m.*

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