



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FIFTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, APRIL 04, 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 Deputy Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Deputy Speaker conveyed the following Communications from the Chair:-

a) Visiting students and teachers from various schools

“Honorable Senators, I wish to recognize the presence of visiting students and teachers from the following schools:-

- 1) Ontulili Boys, Meru County;
- 2) Chepkumia Secondary School, Nandi County; and
- 3) Mbugiti Primary School, Murang'a County

They are seated in 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 St. Theresa Tartar Girls, West Pokot County

“Honorable Senators, I wish to recognize the presence of visiting students and teachers from St. Theresa's Tartar Girls, West Pokot County.

They are seated in 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. **PETITIONS**

The following reports on Petitions were laid on the Table of the Senate, pursuant to Standing Order 227(2)-

- 1) Report of the Standing Committee on Finance, Commerce and Budget on a Petition concerning utilization of funds set aside under the Busia County Ward Development Fund for the financial year 2014/2015;
- 2) Report of the Standing Committee on Finance, Commerce and Budget on a Petition concerning alleged embezzlement of funds, financial impropriety and skewed employment in Turkana County;
- 3) Report of the Standing Committee on Finance, Commerce and Budget on a Petition concerning various matters affecting County Executive and County Assembly of Vihiga; and
- 4) Report of the Standing Committee on Finance, Commerce and Budget on a Petition concerning enactment of legislation to confine National and County Governments to exclusive use of interest free Islamic Bonds.

(Sen. (Dr.) Wilfred Machage, on behalf of the Chairperson, Standing Committee on Finance, Commerce and Budget)

5. **PAPERS LAID**

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

- 1) The National Government Budget Implementation Review Report for the First Quarter of FY 2016/2017;
- 2) The County Budget Implementation Review Report for the First Quarter of FY 2016/2017;

(Sen. (Dr.) Wilfred Machage, on behalf of the Chairperson, Standing Committee on Finance, Commerce and Budget)

- 3) Public Service Commission Evaluation Report for the year 2015/2016 on Public Service Compliance with the values and principles in Articles 10 and 232 of the Constitution.

(Sen. Judith Sijeny, on behalf of the Chairperson, Standing Committee on Legal affairs and Human Rights)

6. STATEMENTS PURSUANT TO STANDING ORDER 45(2)(b)

- a) The Chairperson of the Standing Committee on Health (Sen. (Dr.) Machage) issued a statement regarding conditional allocations to County Governments for leasing of medical equipment.

In the statement, the Chairperson informed the Senate that the Managed Equipment Services (MES) Program entailed equipping 98 hospitals countrywide, that is two hospitals in each county and 4 national hospitals, with specialized medical equipment. The National Government had signed five contracts for the supply of medical equipment and related services under the MES Program and allocated Kshs.4.5 billion each in the 2015/2016 and 2016/2017 financial years towards the Project.

Thereafter, the Chairperson informed the House of the counties that had received the equipment and the dates of commissioning, the cost of each equipment lot, the working conditions of the equipment (post-supply), and the number of hospitals that had functioning Intensive Care Units following supply of equipment under the MES Program.

Following supplementary questions received from Hon. Senators, the Chairperson undertook to provide further information on the MES Program at a later date.

- b) The Vice-Chairperson of the Standing Committee on Education issued a statement on the lecturer's strike that had since been called off following successful conclusion of negotiations between the lecturers and their employers. The Vice-Chairperson informed the Senate that a lot of progress had been made regarding the implementation of the Collective Bargaining Agreement (CBA) between lecturers and their employers and that the government had committed Ksh10 billion for the implementation of the CBA.
- c) A member of the Standing Committee on Education (Sen. (Dr.) Agnes Zani) issued a statement on delay by the Teachers Service Commission (TSC) to promote teachers in Isiolo County.

In the statement, the Senator informed the House that the number of teachers submitting Diploma and Degree certificates to TSC had surpassed the funded establishment, which had rendered promotion on attainment of higher qualification financially unsustainable. The decision to delay promotions in recognition of higher qualifications therefore affected all teachers in the country and not only those from Isiolo.

Furthermore, the Senator informed the House that, since 2014, the TSC required that for one to be registered, employed or promoted as a Graduate Teacher, he or she must have scored a mean grade of C+ (Plus) and above in KCSE.

11. **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)
Order deferred.
12. **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.
13. **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.
14. **COMMITTEE OF THE WHOLE**
THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF THE
ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 8 OF 2015)
(Sen. Omar Hassan)

(Resumption of Debate interrupted on Tuesday, 15th November, 2016)
(Division)
Order deferred.
15. **COMMITTEE OF THE WHOLE**
THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO.
32 OF 2014)
(Chairperson, Standing Committee on Education)

(Consideration of National Assembly Amendments)
Order deferred.
16. **COMMITTEE OF THE WHOLE**
THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY
BILL NO. 35 OF 2014)
(The Senate Majority Leader)

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

Order deferred.

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

(The Senate Majority Leader)

Order deferred.

18. **COMMITTEE OF THE WHOLE**
THE ASSUMPTION OF OFFICE OF GOVERNOR BILL (SENATE BILL NO. 10 OF 2016)

(Sen. Paul Kimani Wamatangi)

Order deferred.

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

(Sen. (Prof). Wilfred Lesan)

Order deferred.

20. **COMMITTEE OF THE WHOLE**
THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2) BILL (SENATE BILL NO. 7 OF 2016)

(Sen. Mutula Kilonzo Jr.)

Order deferred.

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

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

Order deferred.

22. **MOTION – ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON THE INQUIRY INTO THE FINANCIAL OPERATIONS OF KIAMBU, BUSIA, TANA RIVER, TRANS NZOIA, NYANDARUA, MIGORI, KWALE, KISUMU, SAMBURU AND KERICHO COUNTY EXECUTIVES.**

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the financial

operations of Kiambu, Busia, Tana River, Trans Nzoia, Nyandarua, Migori, Kwale, Kisumu, Samburu and Kericho County Executives for the Financial year 2013/2014 (1st July, 2013 to 30th June, 2014) laid on the Table of the Senate on Thursday, 23rd February, 2017.

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

Debate interrupted on Thursday, 30th March, 2017 resumed;

And there being no other Senator wishing to contribute;

The Temporary Speaker (Sen. (Dr.) Machage) deferred further debate on the Bill to Wednesday, 5th April, 2017 during which time the mover would be called upon to reply.

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

(Second Reading)

Order deferred.

24. **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 CONDUCTED BETWEEN 19TH JANUARY AND 5TH FEBRUARY, 2015**

Motion made and Question proposed,

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 19th January and 5th February, 2015 and laid on the Table of the House on Wednesday, 29th July, 2015.

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

Debate interrupted on Wednesday, 22nd February, 2017 resumed;

There being no other Senator wishing to contribute;

And in the absence of the Mover to reply;

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, 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 19th January and 5th February, 2015 and laid on the Table of the House on Wednesday, 29th July, 2015.

25. **MOTION – NOTING OF THE REPORT OF THE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS ON THE EALA REPORTS AND RESOLUTIONS PURSUANT TO STANDING ORDER 235**

THAT, the Senate notes the Report of the Standing Committee on National Security and Foreign Relations on the EALA Reports and Resolutions pursuant to standing order 235 laid on the Table of the House on Tuesday, 19th April, 2016.

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

Order deferred.

26. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS ON THE STUDY VISIT TO RUSSIA**

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the study visit to Russia laid on the Table of the House on Tuesday, 15th March, 2016.

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

Order deferred.

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

27. **SENATE ROSE** – at forty five minutes past Five O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, April 5, 2017 at 2.30 p.m.*

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