



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FIFTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, APRIL 05, 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 Temporary Speaker (Sen. (Dr.) Wilfred Machage).

3. **COMMUNICATIONS FROM THE CHAIR**

The Temporary Speaker (Sen. Machage) conveyed the following Communications from the Chair:-

a) Visiting youth leaders from Kakamega County

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting Youth Leaders from Kakamega County.

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

They are:

- i. Mr. Reuben Makokha
- ii. Mr. Godfrey Cheti
- iii. Mr. Rodgers Wakhisi
- iv. Mr. Alex Olale
- v. Mr. Dafra Amboko
- vi. Mr. Sheban Akida
- vii. Mr. Musa Alajoni
- viii. Mr. Allan Ngereso
- ix. Ms. Carolyn Njung'e

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

I thank you.”

b) Visiting Students and Lecturers from the University of Kabianga, Kericho County.

“Honorable Senators,

I wish to recognize the presence of visiting Students and Lecturers from the University of Kabianga, Kericho 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 Labour and Social Welfare on a Petition concerning the establishment of breastfeeding and childcare in major towns and urban centers in Kenya;
- 2) Report of the Standing Committee on Labour and Social Welfare on a Petition concerning sacked employees of Kenya Railways;
(Chairperson, Standing Committee on Labour and Social Welfare)
- 3) Report of the Standing Committee on Finance, Commerce and Budget on a Petition concerning alleged corruption and breach of law in the County Government of Bungoma.
(Chairperson, Standing Committee on Finance, Commerce and Budget)

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

- a) A nominated Senator (Sen. Emma Mbura) sought a statement from the Chairperson of the Standing Committee on Labour and Social Welfare regarding the violation of rights of Export Processing Zone (EPZ) workers in Mazaras, Rabai Constituency.
- b) The Vice Chairperson of the Sessional Committee on Implementation (Sen. Daisy Kanainza) issued a Statement on the plight of the former councilors under Kenya’s defunct local authorities.

In the statement, the Vice-Chairperson informed the Senate that when the former Councillors were elected or nominated, they had specific terms of engagement which specified the kind of benefits that they were entitled to upon expiry of their terms which did not include payment of any honorarium.

She further stated that following the Senate's resolution to pay a one-off honorarium of Kshs.1.5 million and a monthly pension of Kshs.30,000 per person, the National Treasury considered the resolution and submitted that the request is not sustainable. This is because, the National Government will be required to pay out a total of Kshs. 18 billion and factor in an additional budget of Kshs.360 million per month totaling to Kshs.4.32 billion per year.

The Vice-Chairperson also informed the Senate that the National Treasury recommended that the matter be referred to the Salaries and Remuneration Commission for further guidance.

The Vice-Chairperson stated that following the refusal by the Treasury to implement the Senate resolution, the Committee had invited the Cabinet Secretary for Devolution and Planning to a meeting scheduled for Monday, 10th April, 2017 at 10.00 a.m. to discuss the way forward. Consequently, the Vice-Chairperson invited Senators to the said meeting.

- c) A member of the Standing Committee on Health (Sen (Prof.) Wilfred Lesan) issued a statement on behalf of the Chairperson on the Kenya Medical Training Colleges in the Country.

In the Statement, the Senator informed the House that the Kenya Medical Training College (KMTC) is a National institution under the Ministry of Health established under Cap 261 of 1990 of the Laws of Kenya. The college has 65 campuses spread across 42 of the 47 counties and that Counties without a campus are Marsabit, Narok, Mandera, Kirinyaga and Samburu.

The Senator noted that according to KMTC's Strategic Plan it intends to establish campuses in all counties and that the Board of Management has scheduled to visit the County Government of Kirinyaga on 11th -12th April, 2017 to hold discussions with the Governor's office on the modalities of achieving the same and subsequently organize to visit all other Counties without a campus.

6. **MOTION -TO ELECT A SENATOR TO PRESIDE OVER HOUSE SITTING**

Motion made and Question proposed;

THAT, pursuant to Article 107 (1) (c) of the Constitution and Standing Order 18, the House elects Sen. (Prof.) John Lonyangapuo to preside over the sitting of the Senate for the remainder of the sitting today.

(Sen. (Prof.) Wilfred Lesan)

Debate arising;

And there being no other Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 72, the Temporary Speaker (Sen. (Dr.) Wilfred Machage) informed the House that the Motion did not affect Counties.

Question put and **agreed to**.

RESOLVED ACCORDINGLY

THAT, pursuant to Article 107 (1) (c) of the Constitution and Standing Order 18, the House elects Sen. (Prof.) John Lonyangapuo to preside over the sitting of the Senate for the remainder of the sitting today.

7. **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.

8. **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.

9. **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.

10. **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.

11. **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.

12. **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)

Order deferred.

13. **COMMITTEE OF THE WHOLE**
THE PARLIAMENTARY POWERS AND PRIVILEGES BILL (NATIONAL
ASSEMBLY BILL NO. 35 OF 2014)
(The Senate Majority Leader)

Order deferred.

14. **COMMITTEE OF THE WHOLE**
THE ASSUMPTION OF OFFICE OF GOVERNOR BILL (SENATE BILL NO.
10 OF 2016)
(Sen. Paul Kimani Wamatangi)

Order deferred.

15. **COMMITTEE OF THE WHOLE**
THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT) BILL
(SENATE BILL NO. 2 OF 2016)
(Sen. (Prof). Wilfred Lesan)

Order deferred.

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

(Sen. Mutula Kilonzo Jr.)

Order deferred.

17. **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.

18. **MOTION- ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE**
ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON THE INQUIRY
INTO THE FINANCIAL OPERATIONS OF SEVERAL 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)

(Resumption of Debate interrupted on Tuesday 4th April, 2017)

Order deferred.

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

Order deferred.

20. **THE COUNTY BOUNDARIES BILL (SENATE BILL NO.16 OF 2016)**

Order for Second Reading read-

Motion made and Question proposed;

THAT, the County Boundaries Bill (Senate Bill No.16 Of 2016) be now read a Second time.

(Sen. Mutula Kilonzo Junior)

Debate arising;

Adjournment of debate pursuant to Standing Order 99(1):

Raising a point of order, the Senator for Makueni County (Sen. Mutula Kilonzo Jr) claimed to move- **“That**, the debate be now adjourned”, pursuant to Standing Order 99(1).

And the Temporary Speaker (Sen. (Prof.) Lonyangapuo) acceding to the claim;

Motion made and Question proposed;

“THAT, the debate be now adjourned”,

(Sen. Mutula Kilonzo Jr)

Question put and agreed to.

21. **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.

22. **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. (Prof.) Lonyangapuo) adjourned the Senate at thirty three Minutes past Five O'clock without question put, pursuant to the Standing Orders.

23. **SENATE ROSE** – at thirty three minutes past Five O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Thursday, April 6th, 2017 at 2.30 p.m.*

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