



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – THIRD SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, MAY 06, 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 Speaker conveyed the following communications from the Chair-

a) Senate *Kamukunji* to be held on Thursday, 7th May, 2015

“Honourable Senators,

I wish to inform you that there will be a *Kamukunji* for all Senators to be held tomorrow, Thursday, 7th May, 2015 in the Senate Chamber, Main Parliament Buildings, at 11.00 am.

The agenda will be circulated on arrival.

All Honourable Senators are invited to attend.”

b) Constitution of a Mediation Committee to consider the Environmental Management and Co-Ordination Bill (National Assembly Bill No. 31 of 2014)

“Honourable Senators,

As you may recall, on Wednesday, 29th April, 2015, I delivered a message from the National Assembly regarding the rejection by the Assembly of some of the Senate amendments (clauses 10, 20, 23, and 25) to the Environmental Management and Co-ordination Bill (National Assembly Bill No. 31 of 2014), the effect of which is to refer the Bill to a Mediation Committee.

Honourable Senators,

In my Communication on Wednesday 29th April, 2015, I informed you that the Speaker of the National Assembly had nominated the following Members to the Mediation Committee-

- 1) The Hon. Amina Abdalla, MP;
- 2) The Hon. Ronald Tonui, MP; and,
- 3) The Hon. Mwamkale William Kamoti, MP.

In this regard, Hon. Senators, I also hereby appoint the following Senators to represent the Senate in the Mediation Committee that will attempt to develop a version of the Bill that both Houses will pass-

- 1) Sen. Lenny Kivuti;
- 2) Sen. George Khaniri; and
- 3) Sen. Liza Chelule.

Honourable Senators,

I wish to draw your attention that the two Houses will have 30 days, from the date of the formation of a Mediation Committee (from today), to dispose of the Bill. However, the Bill is subject to a constitutional timeline of 27th May, 2015. The deadline was initially on 27th August, 2014 but was extended by a period of nine months by the National Assembly, pursuant to the provisions of Article 261 (2) of the Constitution.

I therefore urge the Mediation Committee to expedite the deliberation of the four clauses in contention with the aim of having the Bill passed before the 27th May, 2015 deadline.

I thank you.”

c) Heightened security in all Government installations including Parliament

“Honourable Senators,

As you may be aware, there have been heightened security checks around all critical Government installations including Parliament. The Parliamentary Service Commission is currently implementing meticulous measures, aimed at enhancing the security of all persons and facilities within and around the precincts of Parliament.

From now on, the Speaker’s rules on admittance of strangers will be strictly enforced, including the requirement that a member will not be allowed to have more than two visitors at any one time. Visitors will also not be allowed access to the precincts of parliament without duly authorized visitor’s cards. Further, no Member of Parliament will be

allowed to bring in visitors aboard the Member's vehicle, except a driver and official bodyguards. All other passengers will be required to alight from the vehicle at the gates for screening and scrutiny of the invitation cards.

Honourable Senators, you may also be aware that a member of staff of the Parliamentary Service is being questioned by security agencies on security related issues. I wish to assure you that the Commission is keenly following up on this matter to its logical conclusion.

Finally, I also wish to assure you, all Members, Parliamentary staff and the public at large that stringent security measures have been put in place to secure you and all parliamentary facilities as you discharge your duties within the precincts of Parliament.

I thank you."

d) Visiting Pupils and Teachers from St. Theresa's Tartar Girls High School

"Honorable Senators,

I wish to recognize the presence of the Pupils and Teachers from St. Theresa's Tartar Girls High School from West Pokot County seated in the Public gallery who are visiting the Senate today.

As you all know Hon. Senators, the tradition of receiving and welcoming visitors to Parliament is a long time tradition and one we shall endeavor to continue upholding.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the Pupils and Teachers of St. Theresa's Tartar Girls High School.

I thank you."

4. PETITIONS

a) Petition on Public Participation on Bills and other Business Before the Senate

Pursuant to Standing Order 220 (1) (a), the Speaker reported to the Senate that a petition had been received from a civil society organization known as The Institute for Social Accountability (TISA) on public participation on Bills and other business before the Senate.

Pursuant to Standing Order 226, the Speaker invited 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.

b) **Petition on The State of The Tea Industry in Kenya**

Pursuant to Standing Order 220 (1) (a), the Speaker reported to the Senate that a petition had been received from one Maj. (Rtd.) Joel Kiprono Rop on the state of the tea industry in Kenya.

Pursuant to Standing Order 226, the Speaker invited Senators to comment on the petition and directed that the Petition be committed to the Standing Committee on Agriculture, Livestock and Fisheries, pursuant to Standing Order 227.

5. **NOTICE OF MOTION** - (Sen. Abdirahman Hassan)
(Department of Education, Science and Technology)

THAT;

AWARE THAT the country in general and North Eastern region, in particular, currently faces an acute shortage of teachers;

NOTING THAT the problem in schools in North Eastern region counties has been exacerbated by the recent refusal by teachers to report to their duty stations in the region;

CONCERNED THAT the National Government has no plans to overturn the current freeze on regular recruitment of teachers;

The Senate calls upon the National Government to immediately reintroduce the untrained teacher (UT) programme as well as in-service training for untrained teachers in the North Eastern region as a measure to bridge the shortage of teachers in the region.

6. **STATEMENTS**

Statements pursuant to the provisions of Standing Order 45 (2) (b)

- i) The Senator for Kisii County (Sen. Christopher Obure) sought a statement from the Chairperson of the Standing Committee on Education regarding the predicament of students of Garissa Teacher Training College which was closed down as a result of the security situation in the area.
- ii) A Nominated Senator (Sen. Janet Ong'era) sought a statement from the Chairperson of the Standing Committee on Land and Natural Resources regarding hazards posed by the Nairobi Dam especially during the rainy seasons.

- iii) The Chairperson of the Standing Committee on Labour and Social Welfare issued a statement on the number of senior citizens receiving Government cash transfers in each county, and the names of the recipients in each of the eight constituencies of Kitui County.

The Chairperson informed the House that as of the 2014/2015 financial year, there were 210,000 beneficiaries receiving the older persons cash transfers countrywide, with the number of beneficiaries from Kitui County being 4,407. He stated that the programme also covers cash transfers to orphans, vulnerable children and persons with severe disabilities and that the aim of the programme is to alleviate poverty and enabling the target group meet their basic needs and live with dignity.

The Chairperson further stated that the number of beneficiaries had exponentially increased from the initial number of 200 beneficiaries at the inception of the programme during 2007/2008 Financial Year to 164,000 beneficiaries in 2013/2014.

The Speaker ordered that issuing of statement be deferred to allow Senators to interrogate the list of beneficiaries submitted by the Chairperson.

- iv) The Vice-Chairperson of the Standing Committee on National Security and Foreign Relations issued a statement relating to insecurity in Suiyan area in Samburu North where two people had been killed by suspected cattle rustlers.

The Vice-Chairperson informed the House that on 9th March, 2015 suspected Turkana bandits attacked Suiyan area and killed two people, and made away with an unknown number of animals. She stated that the act was suspected to have been a revenge mission following a previous attack in January, 2015 suspected to have been perpetuated by the Samburus and where three Turkana herders were killed.

The Vice-Chairperson further informed the House that efforts were underway to track the bandits, in addition to other measures being undertaken to promote peaceful co-existence amongst the area residents.

- v) The Chairperson of the Standing Committee on Labour and Social Welfare issued a statement regarding Government cash transfers to persons with severe disabilities. The Chairperson informed the House that beneficiaries of the cash transfers receive monthly stipends of Kshs.2,000/=, with the programme currently targeting 27,200 beneficiaries nationwide.

The Chairperson further informed the House that due to challenges faced by the previous cash disbursement system which frequently

resulted in delays, the National Government had initiated a Single Registry and a more robust Management Information System that would consolidate key information on the cash transfer programme and ensure issues of registration, enrollment, payments, complaints and grievances were handled expeditiously. The Ministry was also engaging the National Treasury and development partners for increased funding to the programme.

7. **THE PUBLIC PROCUREMENT AND ASSET DISPOSAL BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2014)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First Time and committed to relevant Committee.

8. **COMMUNICATION FROM THE CHAIR ON THE PUBLIC PROCUREMENT AND ASSET DISPOSAL BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2014)**

The Speaker issued the following communication from the Chair-

“Honourable Senators,

The Public Procurement and Asset Disposal Bill (National Assembly Bill No. 40 of 2014) which has just been read a first time now, was published on 8th December, 2014 as a Bill originating in the National Assembly. It was passed by the National Assembly on 30th April, 2015.

The Bill is subject to a constitutional timeline of 27th May, 2015. The deadline was initially on 27th August, 2014 but was extended by a period of nine months by the National Assembly, pursuant to the provisions of Article 261 (2) of the Constitution.

I therefore direct that the Bill be committed to the Standing Committee on Finance, Commerce and Budget for scrutiny and public participation and that the Bill be listed for Second Reading on Tuesday 12th May, 2015 and its deliberations be expedited with the aim of having the Bill passed before 27th May, 2015.

I thank you.”

9. **THE FAIR ADMINISTRATIVE ACTION BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2015)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First Time and committed to relevant Committee.

10. **COMMUNICATION FROM THE CHAIR ON THE FAIR ADMINISTRATIVE ACTION BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2015)**

The Speaker issued the following communication from the Chair-

“Honourable Senators,

The Fair Administrative Action Bill (National Assembly Bill No. 10 of 2015) was published on 13th March, 2015 as a Bill originating in the National Assembly. It was passed by the National Assembly on 23rd April, 2015.

The Bill is subject to a constitutional timeline of 27th May, 2015. The deadline was initially on 27th August, 2014 but was extended by a period of nine months by the National Assembly, pursuant to the provisions of Article 261 (2) of the Constitution.

I therefore direct that the Bill be committed to the Standing Committee on Legal Affairs and Human Rights for scrutiny and public participation and that the Bill be listed for Second Reading on Tuesday 12th May, 2015 and its deliberations be expedited with the aim of having the Bill passed before 27th May, 2015.

I thank you.”

11. **THE POTATO PRODUCE AND MARKETING BILL (SENATE BILL NO. 22 OF 2014)**

(Sen. (Eng.) Karue Muriuki)

Third Reading;

Order deferred;

12. **COMMITTEE OF THE WHOLE**

The Alcoholic Drinks Control (Amendment) Bill (Senate Bill No. 5 of 2014)

(Senate Majority Leader)

Order deferred;

13. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. (Ongoro – in the Chair)

The Alcoholic Drinks Control (Amendment) Bill (Senate Bill No. 5 of 2014)

NEW CLAUSE 40A –

Question proposed;

THAT, New Clause 40A be now read a Second Time.

Raising a Point of Order, the Senator for West Pokot County (Sen. (Prof. John Lonyangapuo) moved that the Committee of the Whole reports progress on the Alcoholic Drinks Control (Amendment) Bill (Senate Bill No. 5 of 2014) and seek leave to sit again tomorrow.

And the Acting Chairperson of Committees acceding to the request;

Before the question was put and pursuant to Standing Order 72, the Acting Chairperson of Committees ruled that the question did not affect counties;

Question put and **agreed to.**

14. **HOUSE RESUMED** – The Deputy Speaker – in the Chair)

The Alcoholic Drinks Control (Amendment) Bill (Senate Bill No. 5 of 2014)

Progress Reported.

Motion made and Question proposed-

THAT the House do agree with the Committee in the said report.
(Sen. (Prof. John Lonyangapuo)

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

Question put and **agreed to.**

15. **THE PARLIAMENTARY SERVICE (AMENDMENT) BILL (SENATE BILL NO. 21 OF 2014)**

Order for Second Reading read;

Motion made and Question proposed:-

THAT, the Parliamentary Service (Amendment) Bill (Senate Bill No. 21 of 2014) be now read a Second Time.

(Sen. Kiraitu Murungi – 05.05.2015)

Debate interrupted on Tuesday 5th May, 2015 resumed;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Ongoro) interrupted proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

16. **SENATE ROSE** - at thirty minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Thursday, May 7, 2015 at 2.30 p.m.*

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