



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 29, 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. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following communications from the Chair-

a) Visiting Delegation from Nyamira County Assembly

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation from Nyamira County Assembly who are here on attachment.

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

They are:

1. Eric Orangi Angwenyi
2. Gilbert A. Onduko
3. Hassan Mokaya

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 for the remainder of their stay.

I thank you.”

b) Visiting Delegation from Kakamega County Assembly

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of a visiting delegation from Kakamega County who are here on attachment.

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

They are:

- | | |
|--------------------------|---|
| 1. Hon. Kundu R. Makhanu | Leader of Majority |
| 2. Hon. Boniface Osanga | Deputy Minority Leader |
| 3. Hon. Swaka Limera | Majority Chief Whip |
| 4. Hon. Dorcus Mulwale | Deputy Majority Whip |
| 5. Hon. Robert Lutatwa | Deputy Minority Whip |
| 6. Ms. Judith Achieng’ | Executive Secretary (CASB Secretariat) |
| 7. Ms. Stacy Florence | Second Clerk Assistant (CASB Secretariat) |
| 8. Ms. Phylvan Inziani | Second Clerk Assistant |
| 9. Mr. Ramadhan Mohammed | Third Clerk Assistant (CASB Secretariat) |
| 10. Mr. Patrick Litaba | Serjeant-At- Arms (CASB) |
| 11. Mr. Titus Vutiya | Personal Assistant to the Speaker |

I hope that they have a fruitful attachment.

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.”

c) Self-Assessment exercise to evaluate the level of gender sensitivity of the Parliament of Kenya

"Honourable Senators, you will recall that the IPU sent an Expert Mission to Kenya from 12th to 17th July, 2015 to offer advice on the way forward in implementing the Constitutional requirement on the two thirds gender rule upon a request by the Parliament of Kenya.

Following consultative meetings, with Members of Parliament, the executive, Constitutional Commissions and Civil Society Organizations, the Expert Mission forwarded its report to Parliament on 23rd July, 2015. The report contained suggestions on how to meet the two thirds gender rule based on the discussions that were held and further identified the following three additional areas of collaboration between the Parliament of Kenya and IPU-

- (a) Building capacity of women parliamentarians;
- (b) Evaluation of the level of gender sensitivity of the Parliament of Kenya through conduct of a self-assessment exercise; and
- (c) Organizing a parliamentary debate on women's participation.

Honourable Senators, as a follow up on the suggested areas of collaboration, the IPU on 3rd October, 2016 wrote to the Speakers of the Senate and National Assembly requesting to collaborate with the Parliament of Kenya in a self assessment exercise on the level of gender sensitivity in the Parliament of Kenya, a request which was granted.

Consequently, the IPU together in collaboration with our Parliament has organized a sideline meeting during the ongoing Second High Level Meeting (HLM2) of the Global Partnership for Effective Development Cooperation (GPEDC) aimed at undertaking the self assessment exercise. The meeting, which started yesterday, Monday, 28th November, 2016, is currently taking place at the Sarova Stanley here in Nairobi. It will end tomorrow, Wednesday, 30th November, 2016. I had the opportunity to attend the opening session together with some Members of the Senate delegation to the meeting and I found the deliberations quite insightful.

Honourable Senators, the IPU has designed an assessment tool in the form of a questionnaire which I have instructed the Office of the Clerk to circulate to all Senators this afternoon. I urge you all to fill the questionnaire and hand it to the Serjeant-at-Arms at the entrance to the Senate Chamber so that it can be given back to the IPU team by close of day today.

I thank you".

d) Parliamentary Forum, at the Second High Level Meeting of the Global Partnership for Effective Development Co-operation.

"Honourable Senators,

This is to notify you that the second High- Level meeting (HLM2) of the Global partnership Towards Inclusive and Accelerated Implementation of the 2030 Agenda is taking place in Nairobi between 28th November-1st December, 2016 in Nairobi, Kenya.

The Global Partnership for Effective Development Co-operation (GPEDC) is an inclusive multi-stakeholder partnership and brings together the full range of development actors to ensure that finance, knowledge and policy have maximum impact on development results.

Through its multi- stakeholder platform, the Global partnership tracks progress in the implementation of Busan commitments for more effective development co-operation through its monitoring framework comprising a set of 10 indicators which focus on strengthening development co-operation, enhancing gender equality, as well as supporting greater involvement of civil society, parliaments and private sector in development efforts.

The monitoring framework is currently being refined to fully reflect the 2030 Agenda and will contribute to the review of targets for SDGs 5 and 17 and implementation of the Financing for Development agreements. The High-Level Meeting (HLM2) aims to amplify the positive impact of development cooperation over the next 15 years.

Honourable Senators, to strengthen the voice of parliaments at HLM2, the parliament of Kenya, IPU and AWEPA, organized a parliamentary forum today 29th November. The meeting is expected to adopt a parliamentary Statement to HLM 2 that will build on the conclusions of a similar forum during the first HLM.

The Speaker of the Senate had the opportunity to grace the official opening session of the forum at the KICC where the parliament of Kenya was represented effectively for which I thank and commend Senators who participated and represented the Senate at the Forum.

I thank you.”

4. PETITION

The following report on a petition was laid on the Table of the Senate, pursuant to Standing Order 227(2) -

Report of the Joint Committee of the Standing Committee on Finance, Commerce and Budget and the Sessional Committee on Devolved Government on the Petition by some Members of Kisumu County on alleged corruption and gross mismanagement by the Kisumu County Executive.

(Vice-Chairperson, Standing Committee on Finance, Commerce and Budget)

5. PAPER LAID

The following Paper was laid on the Table of the Senate-

- i. The Report of the Sessional Committee on County Public Accounts and Investments on the disorderly conduct of Honorable Mwangi Wa Iria, the Governor of Murang’a County.

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

6. NOTICE OF MOTION

THAT, the Senate adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the disorderly conduct of Honourable Mwangi Wa Iria, the Governor of Murang'a County.

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

7. NOTICE OF MOTION

THAT WHEREAS, the Parliamentary Service (Senate Monitoring and Evaluation) (Procedure for Management of Funds) Regulations, 2016 were published on 27th September, 2016 and tabled in the Senate and in the National Assembly on 4th and 6th October, 2016, respectively;

AWARE, that the Sessional Committee on Delegated Legislation of the Senate considered the said Regulations, resolved that they be acceded to and pursuant to standing order 214 (4) (a) of the Senate Standing Orders, conveyed the said decision to the Parliamentary Service Commission;

WHEREAS, the National Assembly considered the said Regulations and pursuant to the provisions of sections 18 and 19 of the Statutory Instruments Act, 2013 annulled the Regulations entirely;

FURTHER WHEREAS, the National Assembly sent a Message to the Senate seeking concurrence to their resolution;

NOW THEREFORE, pursuant to standing order 215 (3) (b) and 216, the Senate resolves to establish a Joint Committee comprising the following Senators -

1. Sen. Kiraitu Murungi
2. Sen. Abdirahman Hassan
3. Sen. Beatrice Elachi
4. Sen. Muriuki Karue
5. Sen. (Dr.) Agnes Zani
6. Sen. Billow Kerrow
7. Sen. Stephen Sang
8. Sen. (Prof.) John Lonyangapuo
9. Sen. Peter Mositet
10. Sen. Judith Sijeny
11. Sen. Gertrude Emma Mbura
12. Sen. Janet Ong'era
13. Sen. Kimani Wamatangi
14. Sen. Boni Khalwale
15. Sen. Mike Mbuvi Kioko Sonko

to consider the Parliamentary Service (Senate Monitoring and Evaluation) (Procedure for Management of Funds) Regulations, 2016 and report back within 21 days.

(The Senate Majority Leader)

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

- (a) The Chairperson of the Standing Committee on Health (Sen. (Dr.) Wilfred Machage) issued a Statement on the ongoing recruitment of personnel by the Ministry of Health for deployment in Counties.

In the statement, the Chairperson informed the Senate that the Ministry of Health had indicated that it was carrying out the recruitment exercise pursuant to Schedule 4 of the Constitution, which allows the national government to provide capacity and technical assistance to counties.

The Chairperson stated however, that the view of the Committee was that the Ministry of Health had no such mandate to undertake staff recruitment on behalf of Counties.

Having considered the matter, and noting that the Council of Governors had written to the Senate protesting against the said recruitment of health personnel by the Ministry of Health, the Speaker directed that the Standing Committee on Health invites the Cabinet Secretary for Health to appear before the Senate to clarify on the matter.

- (b) The Chairperson of the Standing Committee on Health (Sen. (Dr.) Wilfred Machage) issued a Statement on the alleged misappropriation and loss of funds at the Ministry of Health.

In the statement, the Chairperson informed the Senate that the Committee had received a copy of the Interim Audit Report that brought the matter to the fore, as well as the written response by the Ministry in relation to the said Report. The Chairperson proceeded to table the said documents.

Upon further requests for clarifications, the Speaker directed that further information, as well as a detailed analysis of the said Interim Audit Report and response by the Ministry, be issued in the Senate during the sitting on Wednesday, 1st December, 2016.

- (c) A request for a statement by a nominated Senator (Sen. Ben Njoroge) regarding the ongoing construction of the Northern Corridor Water Collector Tunnel was dropped, in the absence of the Senator.

- (d) A request for a statement by the Senator for Homabay County (Sen. Moses Kajwang') regarding the Hyacinth menace in Lake Victoria was dropped, in the absence of the Senator.

PAPERS LAID

The following papers were laid on the Table of the Senate during Statements' hour-

- i) The Interim Audit Report on end of the year procurements and payments at the Ministry of Health for the FY 2015/2016.
- ii) Response by the Ministry of Health to the audit queries raised in the Interim Audit Report.

(Chairperson, Standing Committee on Health, while responding to a request for Statement by the Senate Minority Leader)

9. **MOTION – ESTABLISHMENT OF A JOINT COMMITTEE TO CONSIDER THE PARLIAMENTARY SERVICE (SENATE MONITORING AND EVALUATION) (PROCEDURE FOR MANAGEMENT OF FUNDS) REGULATIONS, 2016**

Motion moved in amended form and Question Proposed;

THAT WHEREAS, the Parliamentary Service (Senate Monitoring and Evaluation) (Procedure for Management of Funds) Regulations, 2016 were published on 27th September, 2016 and tabled in the Senate and in the National Assembly on 4th and 6th October, 2016, respectively;

AWARE, that the Sessional Committee on Delegated Legislation of the Senate considered the said Regulations, resolved that they be acceded to and pursuant to standing order 214 (4) (a) of the Senate Standing Orders, conveyed the said decision to the Parliamentary Service Commission;

WHEREAS, the National Assembly considered the said Regulations and pursuant to the provisions of sections 18 and 19 of the Statutory Instruments Act, 2013 annulled the Regulations entirely;

FURTHER WHEREAS, the National Assembly sent a Message to the Senate seeking concurrence to their resolution;

NOW THEREFORE, pursuant to standing order 215 (3) (b) and 216, the Senate resolves to establish a Joint Committee comprising the following Senators -

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6. Sen. Billow Kerrow
7. Sen. Stephen Sang
8. Sen. (Prof.) John Lonyangapuo
9. Sen. Peter Mositet
10. Sen. Judith Sijeny
11. Sen. Henry Tiole Ndiema
12. Sen. Janet Ong'era
13. Sen. Kimani Wamatangi
14. Sen. Boni Khalwale
15. Sen. Christopher Obure

to consider the Parliamentary Service (Senate Monitoring and Evaluation) (Procedure for Management of Funds) Regulations, 2016 and report back within 21 days.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 72 (1), the Temporary Speaker (Sen. (Dr.) Machage) informed the House that the Question did not affect Counties.

Question put and **agreed to.**

RESOLVED ACCORDINGLY

THAT WHEREAS, the Parliamentary Service (Senate Monitoring and Evaluation) (Procedure for Management of Funds) Regulations, 2016 were published on 27th September, 2016 and tabled in the Senate and in the National Assembly on 4th and 6th October, 2016, respectively;

AWARE, that the Sessional Committee on Delegated Legislation of the Senate considered the said Regulations, resolved that they be acceded to and pursuant to standing order 214 (4) (a) of the Senate Standing Orders, conveyed the said decision to the Parliamentary Service Commission;

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11. Sen. Henry Tiolo Ndiema
12. Sen. Janet Ong'era;
13. Sen. Kimani Wamatangi;
14. Sen. Boni Khalwale;
15. Sen. Christopher Obure,

to consider the Parliamentary Service (Senate Monitoring and Evaluation) (Procedure for Management of Funds) Regulations, 2016 and report back within 21 days.

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

10. **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
Wednesday, November 30, 2016 at 2.30 p.m.*

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