



**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – FIRST SESSION**  
**THE SENATE**  
**VOTES AND PROCEEDINGS**

**WEDNESDAY, SEPTEMBER 27, 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. (Prof.) Margaret Kamar.
3. **COMMUNICATION FROM THE CHAIR – VISITING DELEGATION FROM THE COUNTY ASSEMBLY OF MERU ON ATTACHMENT AT THE SENATE**

The Temporary Speaker Sen. (Prof.) Margaret Kamar conveyed the following communication:-

**“Honourable Senators,**

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of visiting County Assembly staffers from Meru County.

The county assembly officers are visiting the Senate on a one-week attachment program.

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

1. Mr. John Macharia -Assistant Hansard Editor
2. Ms. Debra Kinya -Audio Officer
3. Ms. Evelyne Kagwiria -Hansard Reporter
4. Ms. Lidsay Makena -Research Officer
5. Ms. Susan Muthoni -Clerk Assistant

**Honourable Senators,**

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

I thank you.”

**4. PAPERS LAID**

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

- i. Annual report and the Financial Statements for Unclaimed Financial Assets Authority (UFAA) for the period ended 30<sup>th</sup> June, 2016;
- ii. Annual report and the Financial Statements for Unclaimed Financial Trust Funds for the period ended 30<sup>th</sup> June, 2016;
- iii. Report of the Auditor General on the Financial Statements of the Marsabit County Executive Mortgage Scheme for the period ended 30<sup>th</sup> June, 2016;
- iv. Annual report and the Financial Statements of Malindi Water and Sewerage company Limited for the period ended 30<sup>th</sup> June, 2016;
- v. Annual report and the Financial Statements of Kilifi -Mariakani and Sewerage company Limited for the period ended 30<sup>th</sup> June, 2016;
- vi. Annual report for the Inter- Parliamentary Union for 2016; and
- vii. Report of the 136<sup>th</sup> Assembly of the Inter - Parliamentary Union (IPU) Assembly and related Meetings held in Bangladesh on 30<sup>th</sup> March – 5<sup>th</sup> April, 2017;
- viii. The Senate Calendar (Regular Sessions of the Senate) for the year 2017 (*September to December, 2017*).

*(Sen. Mahamud Maalim, on behalf of the Senate Majority Leader)*

**5. NOTICE OF MOTION – (Sen. Mahamud Maalim, on behalf of the Senate Majority Leader)**

**THAT**, pursuant to Standing Order 29(1), the Senate approves the Senate Calendar (Regular Sessions of the Senate) for the year 2017 (*August to December, 2017*), laid on the Table of the Senate on Wednesday, 27<sup>th</sup> September, 2017.

**6. STATEMENT PURSUANT TO STANDING ORDER 46 (2) (b)**

The Senator for Narok County (Sen. Ledama Ole Kina) sought a statement from the Senate Majority Leader regarding recent and frequent clashes between members of the Maa community and members of the Kipsigis community in Kimintent Ward in Narok County.

7. **ADJOURNMENT OF THE HOUSE UNDER PROVISIONS OF STANDING ORDER NO. 34 TO DISCUSS THE HEIGHTENED POLITICAL TENSION IN THE COUNTRY**

Rising in his place on a Point of Order, Nominated Senator (Sen. Isaac Mwaura) claimed to move a Motion for the adjournment of the House under the provisions of Standing Order No. 34 in order to discuss a definite matter of urgent national importance regarding the heightened political tension in the country.

And the Temporary Speaker (Sen. (Prof.) Kamar) having acceded to the claim;

And there being sufficient number of Senators rising in their places in support of the claim;

Thereupon, the Temporary Speaker (Sen. (Prof.) Kamar) directed that the Motion be moved at thirty minutes past Four O'clock or after the conclusion of Business appearing under Order No. 8 on the Order Paper.

8. **MOTION - APPROVAL OF THE SENATE CALENDAR (REGULAR SESSIONS) FOR THE YEAR 2017**

Motion made and Question proposed:-

**THAT**, pursuant to Standing Order 29(1), the Senate approves the Senate Calendar (Regular Sessions of the Senate) for the year 2017 (*August to December, 2017*), laid on the Table of the Senate on Wednesday, 27<sup>th</sup> September, 2017.

*(Sen. Mahamud Maalim, on behalf of the Senate Majority Leader)*

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 73, the Temporary Speaker (Sen. (Prof.) Kamar) informed the House that the Motion did not affect Counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

**THAT**, pursuant to Standing Order 29(1), the Senate approves the Senate Calendar (Regular Sessions of the Senate) for the year 2017 (*August to December, 2017*), laid on the Table of the Senate on Wednesday, 27<sup>th</sup> September, 2017.

9. **MOTION-ESTABLISHMENT OF A SPECIAL FUND FOR REMITTANCE OF CONTRIBUTIONS TO NHIF FOR PERSONS LIVING WITH DISABILITIES**

(Department of Health)

**AWARE** that about 15% of the Kenyan population are persons living with disabilities;

**APPRECIATING** that the Government has taken several measures to avail certain privileges through the National Council for Persons with Disabilities to registered persons living with disabilities;

**NOTING** that the National Hospital Insurance Fund (NHIF) is a contributory health insurance cover and the remittance of contributions for persons living with disabilities by government for the cover, is not among the privileges extended to persons living with disabilities;

**CONCERNED** that most persons living with disabilities have difficulties engaging in gainful income generating activities that would enable them pay the contributions to NHIF, hence are without any medical cover;

**FURTHER CONCERNED** that many persons with disabilities are unable to access medical services leading to high mortality rate;

**NOW THEREFORE**, the Senate recommends to the National Government to put in place the following measures through the Ministries of Health and East African Community, Labour and Social Protection-

- i) Undertake vetting of all persons living with disabilities in Kenya to ascertain those who are unable to afford payment of contributions to the NHIF; and
- ii) Set aside a special fund for remittance of contributions to NHIF for those persons who are living with disabilities and cannot afford to pay the contributions.

*(The Senate Majority Leader)*

Order deferred.

10. **MOTION-IMPLEMENTATION OF THE POLICY STATEMENTS AND STRATEGIES MADE IN THE NATIONAL SPECIAL NEEDS EDUCATION POLICY FRAMEWORK, 2009**

**AWARE** that Article 43 (1) (f) of the Constitution of Kenya provides that every person has the right to education and that Article 53 (1) (b) of the

Constitution provides that every child has the right to free and compulsory basic education;

**COGNIZANT** that Article 54 (1) (b) of the Constitution provides that a person with any disability is entitled to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;

**RECOGNIZING** that education in Kenya is a shared function of both the county and national governments;

**CONCERNED** that while significant gains have been made under the Free Education Programme introduced in the year 2003, access and participation of children with special needs is generally low across the country and their needs have not been specifically addressed;

**NOW THEREFORE** the Senate directs the Standing Committee on Education to inquire into the performance of the Ministry of Education, Science and Technology in the implementation of the policy statements and strategies made in the National Special Needs Education Policy Framework, 2009 and report back to the Senate within three months.

*(The Senate Majority Leader)*

Order deferred.

11. **MOTION – ADJOURNMENT OF THE HOUSE UNDER PROVISIONS OF STANDING ORDER NO. 34 TO DISCUSS THE HEIGHTENED POLITICAL TENSION IN THE COUNTRY**

Motion made and Question proposed;-

**THAT**, the Senate do now adjourn to discuss a definite matter of urgent national importance, namely, the heightened political tension in the country.

*(Sen. Isaac Mwaura)*

Debate arising;

And there being no other Senator wishing to contribute;

The Senate adjourned at forty minutes past Five O'clock without Question put, pursuant to the Standing Orders.

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

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Thursday, September 28, 2017 at 2.30 p.m.*

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