



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIRST SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, SEPTEMBER 28, 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. **PAPER LAID**

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

The Business of the Senate for the coming week.

(The Senate Majority Leader)

4. **NOTICE OF MOTION** – (The Senate Majority Leader)

THAT, aware that the country is still in an election cycle, arising out of the requirement for a fresh Presidential Election in October, 2017; further aware that there is need to legislate on and address certain legal lacunas and in compliance with judicial decisions asking Parliament to legislate on certain matters to ensure that the elections conform with the provisions of Article 81 of the Constitution on general principles for the electoral system; noting that such election-related matters would ordinarily require consideration by the relevant Committee of the House which is yet to be established; further noting the limited period of time before the date of the said fresh election; cognizant of the urgent need to consider and conclude with all matters relating to the elections to allow the Independent Electoral and Boundaries Commission ample time to implement any changes related to the review of the election-related laws;

NOW THEREFORE, pursuant to the provisions of Standing Order 134 (3), (4), (5) and Standing Order 136 of the Senate, the Senate resolves –

- a) to establish a Select Committee to be known as the *Select Committee on the Election Laws (Amendment Bill) 2017* comprising of not more than nine Senators;
- b) that, the following Senators be appointed to the Select Committee on the Election Laws (Amendment) Bill (Senate Bills No. 3 of 2017);
 1. Sen. Fatuma Adan Dullo;
 2. Sen. Paul Kimani Wamatangi;
 3. Sen. Johnson Arthur Sakaja;
 4. Sen. Naomi Jillo Waqo; and
 5. Sen. Aaron Cheruiyot.
- c) that, the Election Laws (Amendment) Bill (Senate Bills No. 3 of 2017) be committed to the Select Committee on the Election Laws (Amendment Bill) 2017;
- d) that, the Committee considers the Election Laws (Amendment) Bill (Senate Bills No. 3 of 2017) and reports to the Senate on or before Tuesday, October 10, 2017.

5. **NOTICE OF MOTION** – (The Senate Majority Leader)

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 urges the National Government to put in place the following measures through the Ministry of Health and the Ministry of East African Community, Labour and Social Protection-

1. 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

2. 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.

6. **STATEMENTS**

a) Statement Pursuant to Standing Order 46 (2) (b)

The Senator for Makueni County (Sen. Mutula Kilonzo Jr.) sought a statement from the Senate Majority Leader regarding the alleged dumping of asbestos in Ngulu-Kikumbulyu Ward in Kibwezi West in Makueni County.

b) Statement Pursuant to Standing Order 46 (2) (c)

The Senate Majority Leader issued a Statement on the Business of the Senate for the coming week.

7. **MOTION – REDUCTION OF PUBLICATION PERIOD FOR THE ELECTION LAWS (AMENDMENT) BILL (SENATE BILL NO. 3 OF 2017)**

Motion made and Question proposed:

THAT, Pursuant to Standing Order 128, this House resolves to reduce the publication period of the Election Laws (Amendment) Bill (Senate Bills No. 3 of 2017), from Fourteen (14) days to One (1) day.

(The Senate Majority Leader)

There being no Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 73, the Temporary Speaker (Sen. Kang'ata) informed the House that the Motion did not affect counties.

Question put and **agreed to.**

RESOLVED ACCORDINGLY-

THAT, Pursuant to Standing Order 128, this House resolves to reduce the publication period of the Election Laws (Amendment) Bill (Senate Bills No. 3 of 2017), from Fourteen (14) days to One (1) day.

8. **THE ELECTION LAWS (AMENDMENT) BILL (SENATE BILL NO. 3 OF 2017)**
(The Senate Majority Leader)

Order for First Reading read;

Bill read a First time.

9. **MOTION – ESTABLISHMENT OF A SELECT COMMITTEE ON THE ELECTION LAWS (AMENDMENT) BILL, 2017**

Motion made and Question proposed:

THAT, aware that the country is still in an election cycle, arising out of the requirement for a fresh Presidential Election in October, 2017; further aware that there is need to legislate on and address certain legal lacunas and in compliance with judicial decisions asking Parliament to legislate on certain matters to ensure that the elections conform with the provisions of Article 81 of the Constitution on general principles for the electoral system; noting that such election-related matters would ordinarily require consideration by the relevant Committee of the House which is yet to be established; further noting the limited period of time before the date of the said fresh election; cognizant of the urgent need to consider and conclude with all matters relating to the elections to allow the Independent Electoral and Boundaries Commission ample time to implement any changes related to the review of the election-related laws;

NOW THEREFORE, pursuant to the provisions of Standing Order 134 (3), (4), (5) and Standing Order 136 of the Senate, the Senate resolves –

- a) to establish a Select Committee to be known as the *Select Committee on the Election Laws (Amendment) Bill, 2017* comprising of not more than nine Senators;
- b) that, the following Senators be appointed to the Select Committee on the Election Laws (Amendment) Bill (Senate Bills No. 3 of 2017);
 1. Sen. Fatuma Adan Dullo;
 2. Sen. Paul Kimani Wamatangi;
 3. Sen. Johnson Arthur Sakaja;
 4. Sen. Naomi Jillo Waqo; and
 5. Sen. Aaron Cheruiyot.
- c) that, the Election Laws (Amendment) Bill (Senate Bills No. 3 of 2017) be committed to the Select Committee on the Election Laws (Amendment) Bill, 2017;
- d) that, the Committee considers the Election Laws (Amendment) Bill (Senate Bills No. 3 of 2017) and reports to the Senate on or before Tuesday, October 10, 2017.

(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. Kang'ata) informed the House that the Motion did not affect counties.

Question put and **agreed to.**

RESOLVED ACCORDINGLY

THAT, aware that the country is still in an election cycle, arising out of the requirement for a fresh Presidential Election in October, 2017; further aware that there is need to legislate on and address certain legal lacunas and in compliance with judicial decisions asking Parliament to legislate on certain matters to ensure that the elections conform with the provisions of Article 81 of the Constitution on general principles for the electoral system; noting that such election-related matters would ordinarily require consideration by the relevant Committee of the House which is yet to be established; further noting the limited period of time before the date of the said fresh election; cognizant of the urgent need to consider and conclude with all matters relating to the elections to allow the Independent Electoral and Boundaries Commission ample time to implement any changes related to the review of the election-related laws;

NOW THEREFORE, pursuant to the provisions of Standing Order 134 (3), (4), (5) and Standing Order 136 of the Senate resolves –

- a) to establish a Select Committee to be known as the *Select Committee on the Election Laws (Amendment) Bill, 2017* comprising of not more than nine Senators;
- b) that, the following Senators be appointed to the Select Committee on the Election Laws (Amendment) Bill (Senate Bills No. 3 of 2017);
 1. Sen. Fatuma Adan Dullo;
 2. Sen. Paul Kimani Wamatangi;
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- c) that, the Election Laws (Amendment) Bill (Senate Bills No. 3 of 2017) be committed to the Select Committee on the Election Laws (Amendment Bill) 2017;
- d) that, the Committee considers the Election Laws (Amendment) Bill (Senate Bills No. 3 of 2017) and reports to the Senate on or before Tuesday, October 10, 2017.

10. **MOTION – ESTABLISHMENT OF A SPECIAL FUND FOR REMITTANCE OF CONTRIBUTIONS TO THE NATIONAL HOSPITAL INSURANCE FUND (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 urges the National Government to put in place the following measures through the Ministry of Health and the Ministry of East African Community, Labour and Social Protection-

1. 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
2. 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.

11. **MOTION – ADJOURNMENT OF THE SENATE PURSUANT TO STANDING ORDER 29 (3)**

Motion made and Question proposed;

THAT, pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 10th October, 2017.

(The Senate Majority Leader)

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Kang'ata) adjourned the Senate without question put, pursuant to the Standing Orders.

12. **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
Tuesday, October 10, 2017 at 2.30 p.m.*

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