



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, JULY 10, 2018 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:-

(i) Visiting students and teachers from Moi Forces Academy, Lanet, Nakuru County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Moi Forces Academy, Lanet, Nakuru County.

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.”

(ii) Visiting students and teachers from Matiku Secondary School, Makueni County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Matiku Secondary School, Makueni County.

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.”

(iii) Visiting Executive from Google, USA.

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of a visiting Executive from Google, USA, Mr. Daniel Ole Tinga, in charge of ICT delivery at the Office of the Chief Information Officer (CIO).

Mr. Tinga is currently in Kenya to strategize on ICT capabilities and enablement for both government and private sector. He is also assisting in the setting up of a call centre in Narok County which will employ 200 youth in ICT support.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to Mr. Tinga and, on behalf of the Senate and on my own behalf, wish him a fruitful visit.

I thank you.”

4. PETITION

Pursuant to Standing Order 220(1) (b) and 224 (2) (a) the Senator for Nairobi County (Sen. Johnson Sakaja) presented to the Senate a Petition on behalf of the members of Nairobi Importers and Traders Association on the fight against counterfeit and contraband goods in Kenya

Pursuant to Standing Order 225 the Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Tourism, Trade and industrialization pursuant to Standing Order 226.

5. PAPER LAID

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

Report of the Standing Committee on National Security, Defence and Foreign Relations on the Disaster Risk Management Bill (Senate Bills No. 8 of 2018).

(Vice - Chairperson, Standing Committee on National Security, Defence and Foreign Relations)

6. NOTICE OF MOTION - ESTABLISHMENT OF MENTAL HEALTH AND PSYCHO-SOCIAL SUPPORT CENTERS AT THE COUNTY LEVEL

(Sen. (Arch.) Sylvia Kasanga, MP and Sen. Mercy Chebeni, MP)

AWARE THAT Article 43(1) of the Constitution provides that every person has a right to the highest attainable standard of health, which includes the right to health care services;

NOTING THAT cases of mental illness are on the rise with 1 in 4 Kenyans likely to suffer from a mental disorder at some point in their lives, coupled with the fact that many Kenyans with mental illness do not receive adequate treatment;

CONCERNED THAT the World Health Organization has ranked Kenya sixth, among African countries with the highest number of depression cases;

DEEPLY CONCERNED that there exists internal inequities in the distribution of the already low numbers of mental health workers in Kenya with the available professionals being concentrated in cities leaving rural area with very few professionals if any;

FURTHER CONCERNED THAT, delivery of mental health services is facing a myriad of challenges key among them, inadequate and understaffed rehabilitation facilities and outreach programmes leading to the provision of insufficient mental healthcare services at the psychiatric units;

NOW THEREFORE the Senate calls upon the National Government in collaboration with the County Governments to-

1. increase the number of specialized well equipped mental health facilities and develop effective outreach and other mental health programmes targeting Kenyans in remote areas and learning institutions;
2. increase the allocated mental health budget to ensure there are adequate funds targeting this specific area; and
3. develop initiatives to encourage more Kenyans to pursue and specialize in psychiatry and build the capacity of community health workers and staff in mental health facilities through continuous training.

(Sen. Mercy Chebeni, MP)

7. **STATEMENTS PURSUANT TO STANDING ORDER NO. 46 (2)(a)**

- i. The Senator for Turkana County (Sen. (Prof.) Imana Malachy, MP) made a statement on insecurity in Turkana County that has paralyzed crude oil extraction and transportation from the County.

In the statement, the Senator informed the House that the residents of Turkana County blocked trucks transporting crude oil from Ngamia 8 citing a number of reasons including insecurity, discrimination of the local community in awarding tenders and the criteria for sharing out the community's share of proceeds from oil.

The Senator raised concern regarding the shoot to kill order by the President on bandits terrorizing residents of Turkana and Pokot communities which has led to the shooting of a police reservist and livestock stolen from Lokori Ward following several bandit attacks.

The Senator further informed the House that the reports of the Kenya Bureau of Statistics indicates that Turkana is one of the poorest at 88% compared to the national poverty level at 45% and the only hope for Turkana people in the expected benefit from the discovery of oil.

The Senator urged the government to take a keen interest and work together with Turkana people to restore peace and security in the region to ensure that the benefit of oil is felt by the people Turkana.

Following requests by Senators for clarifications and additional information on the statement, the Speaker directed the Standing Committee on National Security, Defence and Foreign Relations to investigate the matter further and report back to the Senate within two weeks.

- ii. Nominated Senator (Sen. Mercy Chebeni, MP) made a statement regarding the state of emergency medical care in Kenya.

In the statement the Senators informed the House that Article 43 of the Constitution provides that every person has a right to the highest trainable standards of health care services including reproductive health and further a person shall not be denied emergency medical care. On a similar note the Health Act No.21 of 2017 defines emergency treatments and asserts the right to the same whether in a private or public hospital.

The Senator further enumerated the challenges experienced in the public health, this included a lack of specialized trained personnel, a lack of standard operating procedure of emergency operation leading to deaths of many Kenyans, a lack of resources including the ambulances, specialized equipment to facilitate the service as well as a lack of a well – connected reliable central dispatch system.

In addition, the Senator informed the House that emergency cases have over the years been seen to increase with a number of major incidents and disaster occurring in the wake of global terrorism, a lack of enforcement to the traffic and building regulations. Without a well-coordinated response such incidences are likely to be on the increase leading to morbidity and mortality.

The Senator emphasized that emergency health care should be given priority and drew the matter to the attention of the Standing Committee on Health since health is a devolved function and urged the Committee to review the matter with a view to have the provisions of the Act operationalized.

8. **THE PETROLEUM BILL (NATIONAL ASSEMBLY BILLS NO. 48 OF 2017)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Energy.

9. **THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILLS NO. 47 OF 2017)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 4th July, 2018)

Order deferred.

10. **THE PUBLIC PARTICIPATION BILL (SENATE BILLS NO. 4 OF 2018)**

Motion made and Question proposed: -

THAT, the Public Participation Bill (Senate Bills No. 4 of 2018) be now read a Second Time.

(Sen. James Orengo, MP on behalf of Sen. Amos Wako, MP – 03.07.2018)

Debate interrupted on Tuesday, 3rd July, 2018 resumed;

And there being no other Senator wishing to contribute and in the absence of the Mover to reply.

Raising a point of order, the Senator for Narok County (Sen. Ledama Olekina) requested that the putting of the Question be deferred to a later date, pursuant to Standing Order 55(3).

And the Temporary Speaker (Sen. (Prof.) Margaret Kamar) acceding to the request deferred putting of the Question to a later date.

11. **THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 8 OF 2018)**

Motion made and Question proposed: -

THAT, the Disaster Risk Management Bill (Senate Bills No. 8 of 2018) be now read a Second Time.

(Sen. Mutula Kilonzo Jnr, MP and Sen. Sakaja Johnson, MP – 05.07.2018)

Debate interrupted on Thursday, 5th July, 2018 resumed;

And there being no other Senator wishing to contribute;

The Mover (Sen. Mutula Kilonzo Jnr.) replied;

Raising a point of order, the Senator for Makueni County (Sen. Mutula Kilonzo Jnr.) requested that the putting of the Question be deferred to a later date, pursuant to Standing Order 55(3).

And the Temporary Speaker (Sen. (Prof.) Margaret Kamar) acceding to the request deferred putting of the Question to a later date.

12. **THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**

Motion made and Question proposed: -

THAT, the Retirement Benefits (Deputy President and Designated State Officers) (Amendment) Bill (Senate Bills No. 2 of 2018) be now read a Second Time.

(Sen. Ledama Olekina, MP)

Debate arising;

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

13. **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, July 11, 2018 at 2.30 p.m.*

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