



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, JUNE 06, 2018 AT 2.30 PM**

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with prayer said by the Deputy Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Deputy Speaker conveyed the following communications from the Chair:-

**a) Visiting students from Precious Blood Girls Secondary School, Riruta**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery, this afternoon, of visiting students and teachers from Precious Blood Girls Secondary School (Riruta), Nairobi County.

On behalf of the Senate and on my own behalf, I welcome you to the Senate and wish you well for the remainder of your stay.

I thank you.”

**b) Visiting students from Kanga High School**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery, this afternoon, of visiting students and teachers from Kanga High School, Migori County.

On behalf of the Senate and on my own behalf, I welcome you to the Senate and wish you well for the remainder of your stay.

I thank you.”

4. PAPERS LAID

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

- a) Report of the Standing Committee on Finance and Budget on the Division of Revenue (Amendment) Bill (Senate Bills No. 14 of 2018).

*(Sen. Mutula Kilonzo Jnr. on behalf of the Chairperson, Standing Committee on Finance and Budget)*

- b) The Report of the Standing Committee on Education on a Petition by the University Academic Staff Union (UASU) on the 2013-2017 Collective Bargaining Agreement (CBA)

*(Chairperson, Standing Committee on Education)*

- c) The Annual Report of the Office of the Auditor-General for Financial Year 2016/2017;

- d) The Kenya Institute of Public Policy and Research and Analysis (KIPPRA) publications on:

- (i) Measuring Social Cohesion Index;
- (ii) Implications of Trade Facilitation on Foreign Direct Investment in Kenya;
- (iii) Inequality in Healthcare Service Delivery in Kenya; and
- (iv) Harnessing Kenya's Demographic Dividend.

*(The Senate Majority Leader)*

5. NOTICE OF MOTION – Sen. (Arch.) Sylvia Kasanga, MP

**THAT, AWARE** that Article 43(1)(f) of the Constitution of Kenya provides that every person has a right to education and Article 53(1)(b) of the Constitution states that every child has the right to free and compulsory basic education;

**COGNIZANT** that on 5<sup>th</sup> January, 2018 during the flagging off of national delivery of core course books for schools at Cemastea Karen, His Excellency the President Uhuru Kenyatta stated that his administration has focused on initiatives that ensure every Kenyan has access to quality education, so they can acquire appropriate skills and knowledge that make our country globally competitive;

**FURTHER AWARE** that recently the country has suffered floods in many parts of the country leading to deaths and people being displaced and rendered homeless;

**DEEPLY CONCERNED** that some schools have also remained closed even after other schools reopened while others have been closed as a result of floods and instances of insecurity;

they are unable to access education which is their right, while some of the students in those schools are expected to sit for their national exams at the end of the year and their performance risks being negatively affected by the lost time out of school;

**NOW, THEREFORE,** the Senate resolves that the Standing Committee on Education, investigates this matter with a view to-

- 1) identifying strategies to ensure that the affected students are able to access education as soon as possible;
- 2) outlining preventative measures to ensure that more students are not affected by the floods and insecurity; and,
- 3) Submitting a Report to the Senate within sixty (60) days outlining the short and long term strategies, that are being put in place to ensure that schools in flood and insecurity prone areas are not affected in the future.

## 6. **STATEMENTS**

### **(i) Statements Pursuant to Standing Order No. 46 (2) (a)**

- (a) The Senator for Bungoma County (Sen. Moses Wetang'ula) made a Statement regarding the disappearance of a flight operated by East African Safari Air Express (SAX).

In his Statement, the Senator informed the Senate that an East African Safari Air Express (SAX) flight from Kitale to the Jomo Kenyatta International Airport had been reported missing in the evening of Tuesday, 5<sup>th</sup> June, 2018. However, conflicting information given by SAX management and the Kenya Civil Aviation Authority with regards to the circumstances surrounding the disappearance of the aircraft had brought unnecessary anxiety to the families of the passengers and crew on board.

The Senator urged the relevant authorities involved in the search and rescue mission to hasten their operation and that the management of the airline to be sensitive to the families of the persons who were on board and release information in a timely manner.

- (b) Nominated Senator (Sen. Beatrice Kwamboka) made a Statement regarding the rise in the number of collapsing buildings in the country.

The Senator expressed concern at the high number of buildings that had collapsed due to structural defects. This has resulted in injuries, death and destruction of property, raising concerns on whether the requisite construction standards are being observed.

The Senator stated that there was need for immediate inspection and testing of the building materials and buildings to ascertain whether they adhere to

the set construction standards and therefore suitable for human habitation, with a view to avoid further loss of lives and property.

The Senator further stated the National Government in conjunction with the county governments should, interrogate the situation and consider giving priority to building control, reinforce laws relating to standards of buildings and strengthen the inspectorate to instill compliance to standards by contractors.

- (c) Nominated Senator (Sen. (Dr.) Getrude Musuruve) made a Statement on the rise in the number of rape cases to persons with disabilities in Kakamega County and surrounding counties.

The Senator stated that in recent times, there has been a high number of cases of sexual abuse against children and adults with disabilities, reported in Kakamega County. She further stated that physical trauma, psychological damage and social consequences of rape stayed with the victim for years.

She expressed concern that in a number of cases, the perpetrators have not been apprehended and appealed to the relevant national and county government agencies to put in place measures to stop the vice and further ensure that justice for victims is served.

- (d) The Senator for Makueni County (Sen. Mutula Kilonzo Jnr.) made a Statement regarding the leasing of medical equipment in Makueni County.

The Senator highlighted to the House that the medical equipment leasing programme was a welfare relief programme for Kenyans who had to travel long distances to access medical facilities including dialysis machines, X-Rays, ultrasound among others.

However, the medical leasing programme was not clear on certain aspects, including the maintenance and repair costs for the medical equipment, which would require retroactive increase of funds for the programme as approved in the Division of Revenue Act, 2018.

He further stated that it would benefit the Senate and the county of Makueni if the Committee on Finance and Budget could conduct an audit and request for information from the relevant agencies on the total cost of the medical equipment leasing programme, the leasing period, a schedule of equipment delivered to each County, the actual cost of each equipment as well as the value assigned for the maintenance, repair and replacement of the equipment.

**(ii) Statement Pursuant to Standing Order No. 46 (2) (d)**

The Vice-chairperson of the Sessional Committee on Delegated Legislation (Sen. (CPA) Farhiya Haji) made a statement relating to the activities of the Committee.

Thereupon, the Vice-chairperson stated that pursuant to Standing Order 215 and Section 12 of the Statutory Instruments Act (2013), the Sessional Committee on Delegated Legislation was mandated to scrutinize all Statutory Instruments laid before the Senate.

She further stated that on 29<sup>th</sup> March, 2018 the National Assembly had passed an amendment to the said Act directing relevant bodies to submit copies of all statutory instruments for tabling before the National Assembly.

She stated that the Bill had been assented to by the President on 4<sup>th</sup> April, 2018 without referral to the Senate for concurrence, yet numerous statutory instruments affect the functions of counties as stipulated under the Fourth Schedule of the Constitution.

The Senator urged the Senate to take action to protect the interests of counties and their governments, failure to which it would be taken that the Senate had abdicated its mandate.

7. **THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2017)**

Motion made and Question proposed;

**That**, the County Boundaries Bill (Senate Bills No. 6 of 2017) be now read a Second Time.

*(Sen. Mutula Kilonzo Jnr. – 01.03.2018)*

Debate interrupted on 7<sup>th</sup> March, 2018 resumed;

There being no other Senator wishing to contribute;

Mover replied;

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

And the Temporary Speaker (Sen. Judith Pareno) acceding to the request, nominated Thursday, 7<sup>th</sup> June, 2018 as the day when the Question shall be put.

8. **THE DIVISION OF REVENUE (AMENDMENT) BILL (SENATE BILLS NO. 14 OF 2018)**

Motion made and Question proposed-

**THAT**, the Division of Revenue (Amendment) Bill (Senate Bills No.14 of 2018) be now read a Second Time.

*(Sen. Mutula Kilonzo Jnr. on behalf of the Chairperson, Standing Committee on Finance and Budget)*

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

9. 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, June 07, 2018 at 2.30 p.m.*

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