



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, JUNE 07, 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 Temporary Speaker (Sen. Rose Nyamunga).

3. **COMMUNICATIONS FROM THE CHAIR**

The Temporary Speaker (Sen. Rose Nyamunga) issued the following communications from the Chair:-

**a) Visiting Students from Gikurune Girls High School, Meru County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Gikurune Girls High School, Meru 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 Silibwet Secondary School, Nyandarua County**

“Honourable Senators,

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

4. **NOTICE OF MOTION**–(Sen. (Arch.) Sylvia Kasanga)

**AWARE** that Section 15 of the National Construction Authority (NCA) Act prescribes the requirements for registration as a contractor;

**ALSO AWARE** that Section 18 of the Act mandates the NCA Board to accredit firms incorporated outside Kenya to carry out construction works in Kenya for a prescribed period;

**CONCERNED** that a large number of registered local contractors cannot perform up to the expected standard leading to collapsed buildings, poor county roads and infrastructure and incomplete contracts;

**APPRECIATING** that there is still a good number of local contractors that has demonstrated capacity to perform and deliver projects as required;

**DEEPLY CONCERNED** that foreign contractors are now engaging in projects that local contractors have equal capacity and skill to perform, especially in the counties;

**RECOGNIZING THAT** there is need to grow our local industries by giving job opportunities to Kenyan citizens and building their technical capacities;

**NOW THEREFORE**, the Senate calls upon the Government through the NCA to-

- 1) conduct a fresh registration drive of all building and infrastructure contractors in order to weed out all non-performing ones and to identify those who demonstrate compliance;
- 2) enforce strict oversight on foreign contractors and institute a mechanism to handle complaints raised against contractors;
- 3) ensure that foreign contractors are only awarded contracts that local contractors cannot handle and require them to include technology transfer to locals; and
- 4) require both local and foreign contractors to undertake corporate social responsibility activities in the counties where they operate.

5. **STATEMENTS****a) Statements pursuant to Standing Order 46 (2) (a)**

- (i) The Senator for Vihiga County (Sen. George Khaniri) made a statement on the recent accidents at Lunyerere black spot on the Kisumu- Kakamega Road.

In the statement, the Senator recalled that the Senate had, in December 2017, debated and resolved in the House that the government should publicize and clearly demarcate black spots across the country, which was yet to be done. The Senator therefore called upon the Cabinet Secretary for Interior and Coordination of National Government to strictly enforce traffic rules and bring

Regarding the most recent accident at Lunyerere black spot, Sen. Khaniri brought to the attention of the House a number of factors that, if avoided, would have helped prevent the accident in totality or even reduce the number of fatalities. First, eye witnesses confirmed that the 14-seater matatu was extremely overloaded (with 28 passengers). Secondly, the driver of the matatu at the time of the accident was not the rightful driver but the conductor. Thirdly, the vehicle passed through county revenue collection office and left the Mbale stage dangerously overloaded. And lastly, the Lunyerere black spot had inadequate road signage and speed bumps.

He therefore requested that the Inspector General of Police do provide details on what action had been taken against the driver of the vehicle at the time of the accident, the SACCO in which the specific vehicle was registered and operated under, the traffic police in Vihiga County who perpetuated corruption and ignorance of traffic rules, and the responsible individuals who should have provided proper road signage and adequate speed bumps.

- (ii) A Nominated Senator (Sen. Mercy Chebeni) made a statement regarding the rise of sex crimes in schools.

In the statement, the Senator expressed concern at the worrying trend, where persons who were entrusted with protecting school children become the perpetrators of sex crimes. She further recalled that several teachers had been deregistered by the Teachers Service Commission in the past years for sexually harassing students.

Consequently, Sen. Chebeni recommended that a national conversation be convened on the safety of learners in schools. Furthermore, the Ministry of Education needed to be more proactive than reactive to this issue and ought to come up with effective and sustainable solutions to curb this menace. Likewise, more should be demanded from the courts of law and law enforcers. The Senator stated her intention to relook at the Sexual Offences Act and other related laws with a view of amending them to provide more stringent punishment for sex crime offenders.

In conclusion, the Senator quoted Article 53 of the Constitution which provided that every child has a right to be protected from all forms of violence, abuse and neglect and inhumane treatment. She stressed the need to stand up for our children, and urged all the relevant authorities including the Standing Committee on Education, the Ministry of Education, all school administrators and all institutions in the justice system to play their rightful role to bring to an end the sex crimes in and out of our schools.

**b) Statement pursuant to Standing Order 46 (2) (c)**

The Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 12<sup>th</sup> June, 2018.

6. THE DIVISION OF REVENUE (AMENDMENT) BILL (SENATE BILL NO. 14 OF 2018)

Order for Second Reading read;

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 – 6.6.2018)*

Debate interrupted on Wednesday, 6<sup>th</sup> June, 2018 resumed;

There being no any other Senator wishing to contribute;

Mover replied;

The House proceeded to a Division;

The Temporary Speaker (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 75 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Temporary Speaker (Sen. Rose Nyamunga) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Temporary Speaker (Sen. Rose Nyamunga) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to the provisions of Standing Order 75 (5), the Temporary Speaker (Sen. Rose Nyamunga) allowed one (1) Senator to record her vote verbally.

Thereupon, the following Senator recorded her vote as **“Yes”**-

- 1) Sen. Nyamunga Rose – on behalf of Kisumu County Delegation

The results of the Division were as follows:-

AYES – 24

NOES – 0

ABSTENTION – 0

**AYES**

- 1. Sen. Cherarkey Samson Kiprotich
- 2. Sen. Cheruiyot Aaron Kipkirui

3. Sen. Haji Mohamed Yusuf
4. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
5. Sen. Imana Malachy Charles Ekal
6. Sen. Kabaka Boniface Mutinda
7. Sen. Kajwang’ Moses Otieno
8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
10. Sen. Kihika Susan Wakarura
11. Sen. Kilonzo Mutula Junior
12. Sen. Malalah Cleophas Wakhungu
13. Sen. Mbito Michael Maling’a
14. Sen. Mogeni Erick Okong’o
15. Sen. Mugo Beth Wambui – voted on behalf of Nairobi City County Delegation
16. Sen. Murkomen Onesimus Kipchumba
17. Sen. Mwangi Paul Githiomi
18. Sen. Mwaruma Johnes Mwashushe
19. Sen. Mwinyihaji Mohamed Faki
20. Sen. Nderitu John Kinyua
21. Sen. Nyamunga Rose – voted verbally on behalf of Kisumu County Delegation
22. Sen. Ongeru Samson Kegengo
23. Sen. Wambua Enoch Kiio
24. Sen. Wario Golich Juma

Question, agreed to.

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

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

Order for Second Reading read;

Motion made and Question proposed;

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

*(Sen. Mutula Kilonzo Jnr – 1.3.2018)*

Debate interrupted on Wednesday, 6<sup>th</sup> June, 2018 resumed on a Division;

The House proceeded to a Division;

The Temporary Speaker (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 75 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Temporary Speaker (Sen. Rose Nyamunga) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Temporary Speaker (Sen. Rose Nyamunga) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to the provisions of Standing Order 75 (5), the Temporary Speaker (Sen. Rose Nyamunga) allowed two (2) Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as **“Yes”**-

- 1) Sen. Mwangi Paul Githiomi
- 2) Sen. Nyamunga Rose - on behalf of Kisumu County Delegation

The results of the Division were as follows:-

AYES – 24

NOES – 0

ABSTENTION– 0

**AYES**

1. Sen. Cherarkey Samson Kiprotich
2. Sen. Cheruiyot Aaron Kipkirui
3. Sen. Haji Mohamed Yusuf
4. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
5. Sen. Imana Malachy Charles Ekal
6. Sen. Kabaka Boniface Mutinda
7. Sen. Kajwang’ Moses Otieno
8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
10. Sen. Kihika Susan Wakarura
11. Sen. Kilonzo Mutula Junior
12. Sen. Malalah Cleophas Wakhungu
13. Sen. Mbito Michael Maling’a
14. Sen. Mogeni Erick Okong’o
15. Sen. Mugo Beth Wambui – voted on behalf of Nairobi City County Delegation
16. Sen. Murkomen Onesimus Kipchumba
17. Sen. Mwangi Paul Githiomi – voted verbally
18. Sen. Mwaruma Johnes Mwashushe
19. Sen. Mwinyihaji Mohamed Faki
20. Sen. Nderitu John Kinyua
21. Sen. Nyamunga Rose – voted verbally on behalf of Kisumu County Delegation
22. Sen. Ongeru Samson Kegengo
23. Sen. Wambua Enoch Kiio
24. Sen. Wario Golich Juma

Question, agreed to.

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

8. **MOTION - REPORT OF THE SENATE DELEGATION TO THE INTER-PARLIAMENTARY UNION (IPU) HEARINGS AT THE UNITED NATIONS**

Motion made and Question proposed: -

**THAT**, this House notes the Report of the proceedings of the Inter-Parliamentary Union hearings at the United Nations, New York, USA from 22<sup>nd</sup> – 23<sup>rd</sup> February 2018 laid on the Table of the House on Tuesday, 15<sup>th</sup> May, 2018.

*(Sen. Naomi Shiyonga Masitsa, MP)*

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Before the Question was put and pursuant to Standing Order 73, the Temporary Speaker (Sen. Rose Nyamunga) informed the House that the Motion did not affect Counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY-**

**THAT**, this House notes the Report of the proceedings of the Inter-Parliamentary Union hearings at the United Nations, New York, USA from 22<sup>nd</sup> – 23<sup>rd</sup> February 2018 laid on the Table of the House on Tuesday, 15<sup>th</sup> May, 2018.

9. **MOTION - REGISTRATION OF PERSONS WITH DISABILITIES (PWDS)**

Motion made and Question proposed:-

**THAT, AWARE** that the National Council for Persons with Disabilities was established through the Persons with Disabilities Act, 2003;

**FURTHER AWARE** that registration of persons living with disabilities is a function of the National Council for Persons with Disabilities;

**ALSO AWARE** that persons living with disabilities are estimated to be about 10% of any given population;

**COGNIZANT** that for purposes of registration of persons living with disability, it is a mandatory requirement for one to undergo medical examination by a registered medical officer in a registered and certified health facility;

**CONCERNED** that of the nearly 4 million Kenyans living with disabilities who reside in Kenya, there is a very small fraction of the number which is duly registered.

**AWARE** that medical services are now a devolved function;

**FURTHER CONCERNED** that without proper registration, many persons living with disabilities are denied services because they lack the necessary proof of disability;

**ALSO CONCERNED** that owing to lack of accurate data on persons living with disabilities, the government at both levels cannot plan properly for this category of people;

**NOW THEREFORE**, the Senate calls upon the National Council for Persons with Disabilities in collaboration with Ministry of East African Community, Labour and Social Protection and county governments, to carry out a nationwide registration of all persons living with disabilities in order to determine their exact population to facilitate effective service for this marginalized group of our society.

*(Sen. George Khaniri, MP)*

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Rose Nyamunga) 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  
Tuesday, June 12, 2018 at 2.30 p.m.*

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