



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 23, 2018 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with a prayer said by the Temporary Speaker (Sen. Judith Pareno).

3. **PETITION**

Pursuant to Standing Order 226(1)(b) and 230(2)(a), Sen. (Dr.) Isaac Mwaura, reported to the Senate a Petition on behalf of Mr. Samuel Maina Kariuki and Ms. Felicity Kamaru, concerning clearances required by public service institutions on application for jobs in Kenya.

Pursuant to Standing Order 231, the Temporary Speaker (Sen. Judith Pareno) invited Senators to comment on the Petition and subsequently, committed the Petition to the Standing Committee on Labour and Social Welfare, pursuant to Standing Order 232(1).

4. **PAPERS LAID**

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

- a) The 2018 Budget Review and Outlook Paper for the Financial year 2019/20-2021/22 Medium term Budget;
- b) Report of the Auditor-General on the Financial Statements of the County Assembly of Garissa for the year ended 30 June 2017;
- c) Report of the Auditor-General on the Financial Statements of the County Assembly of Marsabit for the year ended 30 June 2017;
- d) Report of the Auditor-General on the Financial Statements of the County Assembly of Embu for the year ended 30 June 2017;
- e) Report of the Auditor-General on the Financial Statements of the County Assembly of Kitui for the year ended 30 June 2017;
- f) Report of the Auditor-General on the Financial Statements of the County Assembly of Isiolo for the year ended 30 June 2017;

- g) Report of the Auditor-General on the Financial Statements of the County Assembly of Tharaka Nithi for the year ended 30 June 2017;
- h) Report of the Auditor-General on the Financial Statements of the County Assembly of Mandera for the year ended 30 June 2017;
- i) Report of the Auditor-General on the Financial Statements of the County Assembly of Kajiado for the year ended 30 June 2017;
- j) Report of the Auditor-General on the Financial Statements of the County Assembly of Bungoma for the year ended 30 June 2017;
- k) Report of the Auditor-General on the Financial Statements of the County Assembly of Migori for the year ended 30 June 2017;
- l) Report of the Auditor-General on the Financial Statements of the County Assembly of Kakamega for the year ended 30 June 2017;
- m) Report of the Auditor-General on the Financial Statements of the County Assembly of Kisii for the year ended 30 June 2017;
- n) Report of the Auditor-General on the Financial Statements of the County Assembly of Kisumu for the year ended 30 June 2017;
- o) Report of the Auditor-General on the Financial Statements of the County Assembly of Busia for the year ended 30 June 2017; and
- p) Report of the Auditor-General on the Financial Statements of the County Assembly of Siaya for the year ended 30 June 2017.

(The Senate Majority Leader)

5. **NOTICE OF MOTION** – (Sen. Abshiro Halake, MP)

WHEREAS Menstrual Health management among women and girls in Kenya has been a major issue particularly for the low income earners with about 65% of women and girls in the country who can barely afford sanitary towels each month;

AWARE that many girls and women are severely affected during menstrual cycle and are not able to consistently attend and concentrate in class and school work leading to poor performance;

FURTHER AWARE that if not handled appropriately menstruation can cause infections of the urinary tract and pelvic inflammatory diseases as well as bad odour, soiled garments and embarrassment, ultimately leading to infringement on the girls' dignity and other health related complications;

COGNIZANT that Menstrual Health Management (MHeM) is a health as well as an education issue and therefore a critical developmental hindrance in Kenya with statistics indicating that one in ten adolescent girls miss school and eventually drop out of school due to menstruation-related issues;

RECOGNIZING menstrual hygiene and affordable access to menstrual hygiene products is inextricably linked to rights to health, sanitation, education and dignity among other rights;

NOTING that the Basic Education Act, No.14 of 2013 obligates the government to provide free, sufficient and quality sanitary towels to every girl child registered and enrolled in a public basic education institution who has reached puberty;

CONCERNED that the cost of sanitary towels is too high and out of reach for many girls and women who are out of basic education institutions;

FURTHER CONCERNED that classifying and taxing raw materials for locally produced sanitary towels, as luxury items, is counter-productive to the government policies on enhancing the manufacturing sector and distribution of sanitary towels to schools;

NOW THEREFORE, the Senate resolves that the Government-

- a. prioritises gender sensitive budgeting as a way of addressing issues affecting women and girls; specifically menstrual health matters.
- b. initiates measures to ensure zero rating of duty on raw materials used for locally manufactured sanitary towels and zero rating Value Added Tax (VAT) on locally manufactured sanitary towels, to ensure affordability for the many poor households in Kenya; and
- c. advance further tax incentives to manufacturers for cheaper production of sanitary towels.

6. **STATEMENTS PURSUANT TO STANDING ORDER 47 (1)**

The nominated Senator, (Sen. (Dr.) Agnes Zani) made a statement on the election of Sen. Susan Kihika to the position of President of the Inter-Parliamentary Union (IPU) Forum of Women Parliamentarians during the 139th Inter-Parliamentary Union General Assembly and related meetings that took place in Geneva, Switzerland, from the 12th to 18th October, 2018.

Thereupon, Sen. (Dr.) Agnes Zani informed the Senate that Sen. Susan Kihika had been earlier elected as the First Vice-President of the Forum of the Women Parliamentarians during the 138th General Assembly of the IPU that took place at the same venue in March, 2018. The Senator noted that the election of Sen. Kihika to the Presidency of the IPU Forum for Women Parliamentarians was a big win for the Parliament of Kenya and for the Women of Kenya. The Senator urged the House to support Sen. Kihika in her new role.

7. **THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILLS NO. 17 OF 2018)**

Motion made and Question proposed-

THAT, the Care and Protection of Older Members of Society Bill (Senate Bills No. 17 of 2018) be now read a Second Time.

(Sen. Aaron Cheruiyot, MP)

Debate interrupted on Tuesday, 9th October, 2018 resumed on a Division;

The House proceeded to a Division;

The Temporary Speaker (Sen. Judith Pareno) directed that electronic voting be taken pursuant to Standing Order 81 (1) and that the Division Bell be rung for five minutes;

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

The Temporary Speaker (Sen. Judith Pareno) 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 Standing Order 81 (5), the Temporary Speaker (Sen. Judith Pareno) allowed two (2) Senators to record their vote verbally.

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

1. Sen. Waqo Naomi Jilo – on behalf of Marsabit County Delegation
2. Sen. Seneta Mary Yiane – on behalf of Kajiado County Delegation

The results of the Division were as follows:

AYES – 24

NOES – 0

ABSTENTION – 0

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Ayacko George Ochilo
3. Sen. Zani Agnes Philomena - on behalf of Kwale County Delegation
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Waqo Naomi Jilo - Voted verbally on behalf of Marsabit County Delegation
6. Sen. Iman Falhada Dekow - on behalf of Garissa County Delegation
7. Sen. Kajwang' Moses Otieno
8. Sen. Kibiru Charles Reubenson
9. Sen. Kihika Susan Wakarura
10. Sen. Kirinyaga Ephraim Maina
11. Sen. Langat Christopher Andrew
12. Sen. Malalah Cleophas Wakhungu
13. Sen. Mbito Michael Maling'a
14. Sen. Murkomen Onesimus Kipchumba
15. Sen. Seneta Mary Yiane – Voted Verbally on behalf of Kajiado County Assembly
16. Sen. Mwinyihaji Mohamed Faki
17. Sen. Nderitu John Kinyua

18. Sen. Ndwiga Peter Njeru
19. Sen. Olekina Ledama
20. Sen. Ongeru Samson Kegengo
21. Sen. Outa Fredrick Otieno
22. Sen. Poghio Samuel Losuron
23. Sen. Sakaja Johnson Arthur
24. Sen. Wako Sitswila Amos

Question put and agreed to;

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

8. **THE PREVENTION OF TERRORISM (AMENDMENT) BILL (SENATE BILLS NO. 20 OF 2018)**

Motion made and Question proposed-

THAT, the Prevention of Terrorism (Amendment) Bill (Senate Bills No. 20 of 2018) be now read a Second Time.

(Sen. (Canon) Naomi Waqo Jilo, MP)

Debate interrupted on Tuesday, 16th October, 2018 resumed on a Division;

The House proceeded to a Division;

The Temporary Speaker (Sen. Judith Pareno) directed that electronic voting be taken pursuant to Standing Order 81 (1) and that the Division Bell be rung for five minutes;

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

The Temporary Speaker (Sen. Judith Pareno) 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 Standing Order 81 (5), the Temporary Speaker (Sen. Judith Pareno) allowed two (2) Senators to record their vote verbally.

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

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The results of the Division were as follows:

AYES – 24

NOES – 0

ABSTENTION – 0

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Ayacko George Ochilo

3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Waqo Naomi Jilo - voted verbally on behalf of Marsabit County Delegation
6. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation
7. Sen. Kajwang' Moses Otieno
8. Sen. Kibiru Charles Reubenson
9. Sen. Kihika Susan Wakarura
10. Sen. Kirinyaga Ephraim Maina
11. Sen. Langat Christopher Andrew
12. Sen. Malalah Cleophas Wakhungu
13. Sen. Mbito Michael Maling'a
14. Sen. Murkomen Onesimus Kipchumba
15. Sen. Seneta Mary Yiane - voted Verbally on behalf of Kajiado County Assembly
16. Sen. Mwinyihaji Mohamed Faki
17. Sen. Nderitu John Kinyua
18. Sen. Ndwiga Peter Njeru
19. Sen. Olekina Ledama
20. Sen. Ongeru Samson Kegengo
21. Sen. Outa Fredrick Otieno
22. Sen. Poghio Samuel Losuron
23. Sen. Sakaja Johnson Arthur
24. Sen. Wako Sitswila Amos

Question put and agreed to;

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

9. **THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILLS NO. 22 OF 2018)**

Motion made and Question proposed-

THAT, the Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018 be now read a Second Time.

(Sen. Judith Pareno, MP)

Debate interrupted on Wednesday, 17th October, 2018 resumed on a Division;

The House proceeded to a Division;

The Temporary Speaker (Sen. Judith Pareno) directed that electronic voting be taken pursuant to Standing Order 81 (1) and that the Division Bell be rung for five minutes;

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

The Temporary Speaker (Sen. Judith Pareno) 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 Standing Order 81 (5), the Temporary Speaker (Sen. Judith Pareno) allowed two (2) Senators to record their vote verbally.

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

1. Sen. Waqo Naomi Jilo – on behalf of Marsabit County Delegation
2. Sen. Seneta Mary Yiane – on behalf of Kajiado County Delegation

The results of the Division were as follows:

AYES – 24

NOES – 0

ABSTENTION – 0

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ayacko George Ochilo
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4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Waqo Naomi Jilo - voted verbally on behalf of Marsabit County Delegation
6. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kibiru Charles Reubenson
9. Sen. Kihika Susan Wakarura
10. Sen. Kirinyaga Ephraim Maina
11. Sen. Langat Christopher Andrew
12. Sen. Malalah Cleophas Wakhungu
13. Sen. Mbito Michael Maling’a
14. Sen. Murkomen Onesimus Kipchumba
15. Sen. Seneta Mary Yiane – voted Verbally on behalf of Kajiado County Assembly
16. Sen. Mwinyihaji Mohamed Faki
17. Sen. Nderitu John Kinyua
18. Sen. Ndwiga Peter Njeru
19. Sen. Olekina Ledama
20. Sen. Ongeru Samson Kegengo
21. Sen. Outa Fredrick Otieno
22. Sen. Poghio Samuel Losuron
23. Sen. Sakaja Johnson Arthur
24. Sen. Wako Sitswila Amos

Question put and agreed to;

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

10. **COMMITTEE OF THE WHOLE**
THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 7 OF 2018)

(Sen. Petronila Were Lokorio, MP)

Order Read and deferred.

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

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

Order Read and deferred.

12. **THE LOCAL CONTENT BILL (SENATE BILLS NO. 10 OF 2018)**

(Sen. Gideon Moi, MP)

(Second Reading)

Order deferred pursuant to Standing Order 59(3).

13. **THE DATA PROTECTION BILL (SENATE BILLS NO. 16 OF 2018)**

(Chairperson, Standing Committee on Information and Technology)

(Second Reading)

Order deferred.

14. **THE COUNTY PLANNING (ROADS, PAVEMENTS AND PARKING BAYS) BILL (SENATE BILLS NO. 18 OF 2018)**

(Sen. Ledama Olekina, MP)

Order for Second reading read;

Motion made and Question proposed;

That, the County Planning (Roads, Pavements and Parking Bays) Bill (Senate Bills No. 18 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.

15. **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, October 24, 2018 at 2.30 p.m.*