



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, DECEMBER 05, 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. **COMMUNICATION FROM THE CHAIR**

The Deputy Speaker conveyed the following Communication from the Chair -

“Honourable Senators,

As you are aware, on Friday, 7th December 2018, the Senate will proceed on recess until Monday, 11th February 2019, so as to commence the Third Session on Tuesday, 12th February 2019 as per the Senate Calendar.

Hon. Senators, it has been a long and busy year for all of us and I am very sure every one of us is looking forward to take a well-deserved break during the festive season. The recess at the end of the Session provides an opportunity for us to reflect on our achievements and challenges throughout the year and to re-energize and plan for the new session.

Hon. Senators, the recess will also avail us an opportunity to be with our families, friends and constituents. I therefore direct all Senate Committees to suspend their sittings from 17th December 2018 to 31st January 2019.

This will enable the Senators to take a break from the heavy business of the Senate and to be with their families and constituents. In the same breath, it will provide an opportunity for officers to take their annual leave and join their families and friends during the Christmas season and to reinvigorate and recharge in readiness for the next session in 2019.

Hon. Senators, it is with great pleasure that I wish you all a merry Christmas and a prosperous New Year 2019.

I thank you.”

4. PAPERS

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

The Report of the Meeting of Speakers of National Legislatures of the East African Community Partner States and the East African Legislative Assembly held on Friday, 21st September, 2018 at the Pyramid Continental Hotel in Juba, South Sudan.

(The Senate Majority Whip)

5. STATEMENTS**(i) Statements Pursuant to Standing Order 47 (1)**

- a) The Senator for Bungoma County issued a Statement on a matter of general concern regarding Power Purchase Agreement (PPA) between Lake Turkana Wind Power Company Ltd and Government of Kenya.

In the statement, the Senator stated that, Kenya Power Limited Company (KPLC) entered into a power purchase agreement with Lake Turkana Wind Power Company Ltd. The company was to finance, design, procure, construct, install, test, commission, operate and maintain the generation plant in accordance with the terms and conditions set out in the Power Purchase Agreement (PPA) among other scopes of work.

The Senator further stated that in this case, the Government abandoned its policy referred to as “*Feed-in-Tariffs policy on Wind, Biomass, Small-Hydro, Geothermal, Biogas and Solar Resource Generated Electricity*” and syndicated a loan from the Spanish Government of Kshs.17 billion plus a Government of Kenya contribution of Kshs.3 billion for a parastatal, KETRACO, to construct the line and that there was no evidence that any arrangement were put in place to recover this construction cost from Lake Turkana Wind Power Company Ltd.

The Senator argued that the Government of Kenya ought to explain the total amount of money it intended to pay to the Lake Turkana Wind Power Company Ltd and how much power will be fed in the grid by the company, and how the same will impact on the cost of electricity to the consumer. In addition to this, the government should equally explain why it abandoned its own policy on connectivity construction and burdened Kenyans with yet another loan from Spain for constructing the connectivity line. He requested the Standing Committee on Energy to investigate this case and table a report in the Senate.

Arising from the concerns of Senators, the Deputy Speaker referred the matter to the Standing Committee on Energy pursuant to Standing Order 47 (3).

- b) The Senator for Nairobi City County issued a statement on the banning of public service vehicles from entering the Central Business District (CBD) on 3rd December, 2018.

In the statement, the Senator informed the House that via a gazette notice No. 4479 dated 12th May, 2017, the County Government of Nairobi directed that all public service vehicles would no longer be allowed to drop or pick passengers within the CBD. This directive was meant to decongest the citycentre and improve the flow of traffic in and out of the City.

The Senator observed that the directive had resulted in residents of Nairobi suffering as many are forced to walk for long distances from the various omnibus termini on the outskirts of the CBD, an indication that the county government had erred in operationalising the gazette notice without putting in place mechanisms to facilitate public transit from one terminus to another.

The Senator requested the intervention of the Standing Committee on Roads and Transportation to look further into the matter and the progress made in the implementation of these plans and recommend the harmonization of the different initiatives by the various government agencies.

Owing to the seriousness of the matter, the Deputy Speaker referred the matter to the Standing Committee on Roads and Transportation pursuant to Standing Order 47 (3).

(ii) Statements Pursuant to Standing Order 48(1)

- a) The Senator for Nakuru County (Sen. Susan Kihika) sought a Statement from the Standing Committee on Education on the status of implementation of the new school curriculum in the country.
- b) The Senator for Nakuru County (Sen. Susan Kihika) sought a Statement from the Standing Committee on Land, Environment and Natural Resources on the use of asbestos in construction of buildings.
- c) The Senator for Nandi County (Sen. Samson Cherarkey) sought a Statement from the Standing Committee on Education on the use of Kenya Sign Language in Schools on behalf of Sen. (Dr) Gertrude Musuruve.

(iii) Statements Pursuant to Standing Order 51 (1) (b)

The Chairperson, Standing Committee on Health presented an interim report on the Universal Healthcare Programme, following a Statement sought by the Senator for Isiolo County (Sen. Fatuma Dullo).

The Deputy Speaker ordered that a comprehensive report be presented to the House on Thursday, 6th December, 2018.

6. **THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 32 OF 2018)**

(Sen. (Arch.) Sylvia Kasanga, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Health.

7. **THE ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2018)**

(Sen. Ledama Olekina, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Justice, Legal Affairs and Human Rights.

8. **THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL (SENATE BILLS NO. 34 OF 2018)**

(Chairperson, Standing Committee on Finance and Budget)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Finance and Budget.

9. **THE TEA BILL (SENATE BILLS NO. 36 OF 2018)**

(Sen. Aaron Cheruiyot, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Agriculture, Livestock and Fisheries.

10. **THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed;

That, the Treaty Making and Ratification (Amendment) Bill (Senate Bills No. 23 of 2018) be now read a Second Time.

(Sen. Fatuma Dullo-20.11.2018)

Debate interrupted on Tuesday, 27th November, 2018;

(Division)

Order deferred.

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

Order for Second Reading read;

Motion made and Question proposed;

That, the Local Content Bill (Senate Bills No. 10 of 2018) be now read a Second Time.

(Sen. Gideon Moi, MP – 27.11.2018)

Debate interrupted on Wednesday, 28th November, 2018;

(Division)

Order deferred.

12. **THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed;

That, the Statutory Instruments (Amendment) Bill (Senate Bills No. 24 of 2018) be now read a Second Time.

(Chairperson, Sessional Committee on Delegated Legislation – 27.11.2018)

Debate interrupted on Wednesday, 28th November, 2018;

(Division)

Order deferred.

13. **THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL (SENATE BILLS NO. 25 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed;

That, the County Law Compliance and Enforcement Bill (Senate Bills No. 25 of 2018) be now read a Second Time.

(Sen. George Khaniri – 28.11.2018)

Debate interrupted on Wednesday, 28th November, 2018;

(Division)

Order deferred.

14. **THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed;

That, the County Early Childhood Education Bill (Senate Bills No. 26 f 2018) be now read a Second Time.

(Chairperson, Standing Committee on Education – 28.11.2018)

Resumption of debate interrupted on Thursday, 29th November, 2018;

(Division)

Order deferred.

15. **COMMITTEE OF THE WHOLE
THE COUNTY GOVERNMENTS (AMENDMENT)BILL (SENATE BILLS NO. 13 OF 2018)**

(Sen. Aaron Cheruiyot, MP)

Debate interrupted on Wednesday, 21st November, 2018;

(Division)

Order deferred.

16. **COMMITTEE OF THE WHOLE
THE URBAN AREAS AND CITIES (AMENDMENT) BILL (SENATE BILLS NO. 4 OF 2017)**

(The Senate Majority Leader)

(Consideration of the National Assembly Amendments)

Order deferred.

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

(Sen. Aaron Cheruiyot, MP)

Order deferred.

18. **COMMITTEE OF THE WHOLE**
THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)
(Sen. Ledama Olekina, MP)

Order deferred.

19. **THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (NATIONAL ASSEMBLY BILLS NO. 10 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed;

That, the County Governments Retirement Scheme Bill (National Assembly Bills No. 10 of 2018) be now read a Second time.

(The Senate Majority Leader – 29.11.2018)

Debate interrupted on Tuesday, 4th December, 2018 resumed;

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

20. **SENATE ROSE** – at thirty minutes past Six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Thursday, December 06, 2018 at 2.30 p.m.*

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