



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, JUNE 02, 2016 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. **PAPER LAID**

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

Statement regarding the Business of the Senate for the week commencing Tuesday, 7<sup>th</sup> June, 2016.

*(The Senate Majority Leader)*

4. **NOTICE OF MOTION**-(Sen. George Khaniri)  
(Ministry of Education, Science and Technology)

**WHEREAS** Article 43(1)(f) and 53(1)(b) of the Constitution guarantees every citizen a right to education and every child a right to free and compulsory basic education, respectively;

**NOTING** that the Teachers Service Commission is mandated to handle employment, deployment, remuneration and discipline of teachers in public schools in Kenya;

**CONCERNED** that there are great disparities in the distribution of teachers in public schools across the country leading to oversupply in some schools and undersupply in others and ultimately leading to major teacher shortage especially in rural and marginalized areas;

**APPRECIATING** efforts made by the national government to improve the teacher pupil ratio to international standards in all public schools through yearly employment of teachers;

**FURTHER CONCERNED** that the statistics on the number and distribution of teachers in public schools is not readily available;

**NOW THEREFORE**, the Senate directs the Ministry of Education, Science and Technology to conduct a countrywide audit on the distribution of teachers in all public schools indicating the requisite establishment per school and the corresponding number of teachers who are in-post and further that the Ministry submits a report to the House on the matter within ninety (90) days.

## 5. STATEMENTS

### a) Statements pursuant to Standing Order 45(2) (b)

- i) The Senator for Vihiga County (Sen. George Khaniri) sought a Statement from Chairperson of the Standing Committee on Health regarding increased cases of Pneumonia and resultant mortality especially in children under five years and the elderly.
- ii) The Senator for West Pokot County (Sen. (Prof.) John Lonyangapuo) sought a Statement from the Chairperson of the Standing Committee on Education regarding the funding of low cost public boarding primary schools.
- iii) The Senator for Vihiga County (Sen. George Khaniri) sought a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the campaign against the manufacture and consumption of second generation alcohol in the country.
- iv) The Senator for West Pokot County (Sen. (Prof.) John Lonyangapuo) sought a Statement from the Chairperson of the Standing Committee on Energy regarding the last mile electricity connectivity project.
- v) The Senator for West Pokot County (Sen. (Prof.) John Lonyangapuo) sought a Statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget regarding the utilization of the equalization fund.
- vi) The Chairperson of the Standing Committee on Finance, Commerce and Budget issued a Statement regarding the regulatory and legal procedures for putting a Bank under receivership.

In the Statement, the Chairperson informed the House that once Central Bank of Kenya (CBK) establishes that a bank has violated the law or is facing certain deficiencies, it notifies the concerned bank, followed by an engagement with the CBK and the bank is given an opportunity to address the deficiencies or violations.

He also informed the Senate that notification of the Kenya Deposit Insurance Corporation (KDIC) of the adverse circumstances surrounding the concerned bank is subsequently done, followed by a discussion on the matter between CBK and KDIC, followed by a determination by the CBK in consultation with KDIC to place the bank under receivership. The CBK then considers the circumstances of the concerned bank and determines the best course of action. The chairperson further noted that formal appointment of KDIC by CBK as the receiver of the concerned bank is done,

followed by a press release by CBK on placement of the bank under receivership, whereby stakeholders may also be informed directly and finally a gazettment of the receivership and moratorium is done.

The Chairperson further informed the House that all the regulations were followed in placing Dubai Bank, Imperial Bank and Chase Bank under receivership. In addition, the Chairperson informed the House that placing the banks under receivership was the most appropriate course of action because the banks could no longer operate viably.

**b) Statement pursuant to Standing Order 45(2) (c)**

The Senate Majority Leader issued a Statement of the business of the Senate for the week commencing Tuesday, 7<sup>th</sup> June, 2016.

**6. THE CONSTITUTION OF KENYA (AMENDMENT) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2015)**

(The Senate Majority Leader)

Order for First Reading read;

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

**7. THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)**

(The Senate Majority Leader)

Order for First Reading read;

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

**8. THE ACCESS TO INFORMATION BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2015)**

(The Senate Majority Leader)

Order for First Reading read;

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

**9. THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2015)**

(The Senate Majority Leader)

Order for First Reading read;

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

10. **THE PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2015)**

(The Senate Majority Leader)

Order for First Reading read;

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

11. **THE COMMUNITY LAND BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2015)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Land and Natural Resources.

12. **THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2015)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Land and Natural Resources.

13. **THE ANTI-DOPING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.17 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed;

**THAT**, the Anti-Doping (Amendment) Bill (National Assembly Bill No.17 of 2016) be now read a Second time.

*(Division)*

*(The Senate Majority Leader - 31.05.2016)*

Order deferred.

14. **THE FOREST CONSERVATION AND MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO.49 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed;

**THAT**, the Forest conservation and management Bill (National Assembly Bill No.49 of 2015) be now read a Second time.

*(Division)*

*(The Senate Majority Leader - 31.05.2016)*

Order deferred.

15. COMMITTEE OF THE WHOLE

THE ANTI-DOPING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.17 OF 2016)

(The Senate Majority Leader)

Order Deferred.

16. COMMITTEE OF THE WHOLE

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Mositet) – in the Chair)

The County Allocation of Revenue Bill (Senate Bill No. 3 of 2016)

Progress report

Motion made;

**THAT** the Committee of the Whole reports progress on its consideration of the County Allocation of Revenue Bill (Senate Bill No. 3 of 2016) and seek leave to sit again tomorrow.

*(Chairperson, Standing Committee on Finance, Commerce and Budget)*

Question put and agreed to.

17. HOUSE RESUMED – Temporary Speaker – (Sen. Mositet) – in the Chair.

18. THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO. 3 OF 2016)

Progress Reported.

Motion made and Question proposed-

**THAT** the House do agree with the Committee in the said report.

*(Chairperson, Standing Committee on Finance, Commerce and Budget)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 72, the Temporary Speaker (Sen. Mositet) ruled that the question did not affect counties;

Question put and agreed to.

19. THE PROTECTION OF TRADITIONAL KNOWLEDGE AND CULTURAL EXPRESSIONS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2015)

Order for Second Reading read;

Motion made and Question proposed-

**THAT**, the Protection of Traditional Knowledge and Cultural Expressions Bill (National Assembly Bill No. 48 of 2015) be now read a second time.

*(The Senate Majority Leader)*

Debate arising;

And there being no other Senator wishing to contribute, the Mover replied;

Raising a point of order, the Senate Majority Leader requested for deferment of putting of the Question to the following day, pursuant to Standing Order 54(3).

And the Temporary Speaker (Sen. Mositet) acceding to the request, nominated Tuesday, 7<sup>th</sup> June, 2016 as the day the Question shall be put.

20. THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO 14 OF 2015)

Order for Second Reading read;

Motion made and Question proposed-

**THAT**, the Health Bill (National Assembly Bill No. 14 of 2015) be now read a second time.

*(The Senate Majority Leader)*

Debate arising;

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

21. 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 7, 2016 at 2.30 p.m.*

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