



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, FEBRUARY 23, 2017 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. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following communications from the Chair:-

a) Election of Chairpersons to Sessional committees

“Hon. Senators,

As you are aware, in accordance with Standing Order 181, the following Sessional Committees are fully constituted and ready for Business-

- 1) The Committee on Devolved Government;
- 2) The County Public Accounts and Investments Committee;
- 3) The Committee on Implementation; and
- 4) The Committee on delegated Legislation.

Hon Senators, pursuant to Standing Order 183 (on conduct of elections), this is to inform you, Hon. Senators that the Clerk of Senate has appointed Tuesday, 28th February, 2017 as the date for the conduct of elections for the 4 committees.

Further information as to the venue and time shall be communicated to the members of the said committees to ensure that they attend these critical meetings so as to ensure the committees commence the discharge of their mandate in this Session.

Hon. Senators, I also urge the committees to prioritize processing of petitions before them so as the reports can be tabled as soon as possible.

I thank you.”

b) Visiting students from Nzeeni Primary School, Kisau, Makueni County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery, this afternoon, of visiting students from Nzeeni Primary School, Kisau, Makueni County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

4. PAPERS LAID

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

- 1) Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the financial operations of Kiambu, Busia, Tana River, Trans Nzoia, Nyandarua, Migori, Kwale, Kisumu, Samburu and Kericho County Executives for the Financial year 2013/2014 (1st July, 2013 to 30th June, 2014) laid on the Table of the Senate on Thursday, 23rd February, 2017.

(Chairperson, Sessional Committee on County Public Accounts and Investments)

- 2) Statement of the Business of the Senate for the week commencing 28th February, 2017.

(The Senate Majority Leader)

5. NOTICE OF MOTION

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the financial operations of Kiambu, Busia, Tana River, Trans Nzoia, Nyandarua, Migori, Kwale, Kisumu, Samburu and Kericho County Executives for the Financial year 2013/2014 (1st July, 2013 to 30th June, 2014) laid on the Table of the Senate on Thursday, 23rd February, 2017.

(Chairperson, Sessional Committee on County Public Accounts and Investments)

6. NOTICE OF MOTION

THAT, pursuant to Standing Order Nos. 177, 179 and 210, the Senate approves the following Senators nominated by the Senate Business Committee to serve in the Sessional Committee on County Public Accounts and Investments-

- 1) Sen. Wamatangi Kimani
- 2) Sen. Stephen Ole Ntutu

- 3) Sen. (Eng.) Karue Muriuki
- 4) Sen. (Prof.) John Lonyangapuo
- 5) Sen. Wangari Martha
- 6) Sen. Chelule Liza
- 7) Sen. Njoroge Paul Ben
- 8) Sen. (Dr.) Khalwale Boni
- 9) Sen. Omar Hassan
- 10) Sen. Sitswila Wako Amos
- 11) Sen. Nyong'o Anyang' Peter
- 12) Sen. Ndiema Henry Tiolo

(Sen. Stephen Sang, on behalf of the Senate Majority Leader)

7. **NOTICE OF MOTION**

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the study visit to Russia laid on the Table of the House on Tuesday, 15th March, 2016.

(Chairperson, Standing Committee on National Security and Foreign Relations)

8. **STATEMENTS**

(a) Statement Pursuant to Standing Order 45(2)(b)

- i) The Senator for Nandi County (Sen. Stephen Sang) sought a statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget on tracking of development expenditure in County Governments through IFMIS.
- ii) The Senator for Kirinyaga County (Sen. Daniel Karaba) sought a statement from the Chairperson of the Standing Committee on Health Regarding the Kenya Medical training College (KMTC) campuses in the country.

(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 28th February, 2017.

9. **THE COUNTY PENSION SCHEME BILL (SENATE BILL NO. 20 OF 2016)**

(Chairperson, Standing Committee on Labour and Social Welfare)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Labour and Social Welfare pursuant to the Standing Orders.

10. **MOTION – APPROVAL OF MEMBERS OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS**

Motion made and question proposed;

THAT, pursuant to Standing Order Nos. 177, 179 and 210, the Senate approves the following Senators nominated by the Senate Business Committee to serve in the Sessional Committee on County Public Accounts and Investments:-

- 1) Sen. Wamatangi Kimani
- 2) Sen. Stephen Ole Ntutu
- 3) Sen. (Eng.) Karue Muriuki
- 4) Sen. (Prof.) John Lonyangapuo
- 5) Sen. Wangari Martha
- 6) Sen. Chelule Liza
- 7) Sen. Njoroge Paul Ben
- 8) Sen. (Dr.) Khalwale Boni
- 9) Sen. Omar Hassan
- 10) Sen. Sitswila Wako Amos
- 11) Sen. Nyong'o Anyang' Peter
- 12) Sen. Ndiema Henry Tiole

(Sen. Stephen Sang, on behalf of the Senate Majority Leader)

Debate arising;

Raising a point of order pursuant to standing order 98 (2), a Nominated Senator (Sen. Judith Sijeny) claimed to move “**THAT**, the question be now put”;

And the Speaker acceding to the claim;

Question put and agreed to.

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 72, the Speaker informed the House that the Motion did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, pursuant to Standing Order Nos. 177, 179 and 210, the Senate approves the following Senators nominated by the Senate Business Committee to serve in the Sessional Committee on County Public Accounts and Investments-

1. Sen. Wamatangi Kimani
2. Sen. Stephen Ole Ntutu
3. Sen. (Eng.) Karue Muriuki
4. Sen. (Prof.) John Lonyangapuo
5. Sen. Wangari Martha

6. Sen. Chelule Liza
7. Sen. Njoroge Paul Ben
8. Sen. (Dr.) Khalwale Boni
9. Sen. Omar Hassan
10. Sen. Sitswila Wako Amos
11. Sen. Nyong'o Anyang' Peter
12. Sen. Ndiema Henry Tiolo

11. **THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2017)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Division of Revenue Bill (National Assembly Bill No. 2 of 2017) be now read a Second time.

(Sen. Peter Mositet on behalf of the Senate Majority Leader)

Debate arising;

There being no any other Senator wishing to contribute;

Mover replied;

Raising a point of order, pursuant to Standing Order 54 (3), the Senate Majority Leader requested the Temporary Speaker (Sen. Sang) to defer putting of the question to a later date;

And the Temporary Speaker (Sen. Sang) acceding to the request, nominated Tuesday, 28th February as the day when the question shall be put.

12. **THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)**
(The Senate Majority Leader)

(Resumption of Debate Interrupted on Wednesday, 15th February, 2017)
(Division)

Order deferred.

13. **COMMITTEE OF THE WHOLE**
THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILLS NO. 27 OF 2014)

(Chairperson, Standing Committee on Legal Affairs and Human Rights)

(Consideration of National Assembly Amendments)
(Resumption of Debate interrupted on Thursday, 16th February, 2017)
(Division)

Order deferred.

14. **COMMITTEE OF THE WHOLE**
THE NATIONAL CEREALS AND PRODUCE BOARD (AMENDMENT) BILL
(SENATE BILL NO. 15 OF 2015)
(Sen. Zipporah Kittony)

(Resumption of Debate interrupted on Wednesday, 16th November, 2016)
(Division)

Order deferred.

15. **COMMITTEE OF THE WHOLE**
THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 10 OF
2015)
(Sen. Stephen Sang)

(Resumption of Debate interrupted on Thursday, 16th February, 2017)
(Division)

Order deferred.

16. **COMMITTEE OF THE WHOLE**
THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF THE
ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 8 OF 2015)
(Sen. Omar Hassan)

(Resumption of Debate interrupted on Tuesday, 15th November, 2016)
(Division)

Order deferred.

17. **COMMITTEE OF THE WHOLE**
THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL
NO. 35 OF 2014)
(The Senate Majority Leader)

(Resumption of Debate interrupted on Tuesday, 15th November, 2016)
(Division)

Order deferred.

18. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE**
ON NATIONAL SECURITY AND FOREIGN RELATIONS ON THE
ASSESSMENT OF THE SECURITY SITUATION IN MANDERA COUNTY,
LAIKIPIA COUNTY AND KAPEDO CONDUCTED BETWEEN 19TH JANUARY
AND 5TH FEBRUARY, 2015

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the assessment of the security situation in Mandera County, Laikipia county and Kapedo (Border town of Turkana and Baringo Counties) conducted between 19th January and 5th February, 2015 and laid on the Table of the House on Wednesday, 29th July, 2015.

(Chairperson, Standing Committee on National Security and Foreign Relations)

(Resumption of Debate interrupted on Wednesday, 22nd February, 2017)

Order deferred.

19. **MOTION – NOTING OF THE REPORT OF THE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS ON THE EALA REPORTS AND RESOLUTIONS PURSUANT TO STANDING ORDER 235**

THAT, the Senate notes the Report of the Standing Committee on National Security and Foreign Relations on the EALA Reports and Resolutions pursuant to standing order 235 laid on the Table of the House on Tuesday, 19th April, 2016.

(Chairperson, Standing Committee on National Security and Foreign Relations)

Order deferred.

20. **MOTION – ESTABLISHMENT OF A SPECIAL FUND FOR REMITTANCE OF CONTRIBUTIONS TO NHIF FOR PERSONS LIVING WITH DISABILITIES**
(Department of Health)

AWARE that about 15% of the Kenyan population are persons living with disabilities;

APPRECIATING that the Government has taken several measures to avail certain privileges through the National Council for Persons with Disabilities to registered persons living with disabilities;

NOTING that the National Hospital Insurance Fund (NHIF) is a contributory health insurance cover and the remittance of contributions for persons living with disabilities by government for the cover, is not among the privileges extended to persons living with disabilities;

CONCERNED that most persons living with disabilities have difficulties engaging in gainful income generating activities that would enable them pay the contributions to NHIF, hence are without any medical cover;

FURTHER CONCERNED that many persons with disabilities are unable to access medical services leading to high mortality rate;

NOW THEREFORE, the Senate recommends to the National Government to put in place the following measures through the Ministries of Health and East African Community, Labour and Social Protection-

- i) Undertake vetting of all persons living with disabilities in Kenya to ascertain those who are unable to afford payment of contributions to the NHIF; and

- ii) Set aside a special fund for remittance of contributions to NHIF for those persons who are living with disabilities and cannot afford to pay the contributions.

(Sen. Godliver Omondi)

Order deferred.

And there being no other Business, the Temporary Speaker (Sen. Sang) adjourned the Senate at Twenty Minutes past Six O'clock without question put, pursuant to the Standing Orders.

- 21. **SENATE ROSE** – at Twenty Minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, February 28, 2017 at 2.30 p.m.*

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