



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, FEBRUARY 25, 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 Deputy Speaker.
3. PETITION BY SOME RESIDENTS OF VIHIGA COUNTY CONCERNING THE STATE OF AFFAIRS OF THE COUNTY AND GRIEVANCES AGAINST THE COUNTY EXECUTIVE AND COUNTY ASSEMBLY OF VIHIGA.

Pursuant to Standing Order 220 (1) (b), a the Senator for Vihiga County (Sen. George Khaniri), presented a petition on behalf of some residents of Vihiga County concerning the state of affairs of the County of Vihiga and grievances against the County Executive and County Assembly of Vihiga.

Pursuant to Standing Order 226, the Deputy Speaker invited Senators to comment on the petition;

Pursuant to Standing Order 227, the Deputy Speaker directed that the Petition be committed to the Standing Committee on Finance, Commerce and Budget.

4. PAPERS LAID

The following Papers were laid on the Table of the Senate;

- a) Report of the Standing Committee on Finance, Commerce and Budget on the Medium Term Budget Policy Statement, 2016.

(Sen. Mutahi Kagwe on behalf of the Chairperson, Standing Committee on Finance, Commerce and Budget)

- b) The Report of Standing Committee on Energy on the fact finding visit to Makueni County on the matter of a statement sought on the Kenya Pipeline Company oil spillage into River Thange, Kibwezi, Makueni County;

(Vice-Chairperson, Standing Committee on Energy)

- c) Report of the Standing Committee on Education on the Kenya National Examinations Council (Amendment) Bill (Senate Bill No. 7 of 2015)

(Chairperson, Standing Committee on Education)

- d) Statement regarding the Business of the Senate for the week commencing Tuesday, 1st March, 2016.

(The Senate Majority Leader)

5. **NOTICE OF MOTION** – (Sen. Mutahi Kagwe)

THAT, this House adopts the Report of the Standing Committee on Finance, Commerce and Budget on the Medium Term Budget Policy Statement, 2016 laid on the Table of the House on Thursday, 25th February, 2016.

6. **NOTICE OF MOTION** – (Sen. Fatuma Dullo)

AWARE THAT the Senate on 22nd October, 2015 resolved to establish a Select Committee (Adhoc Committee on prisons and Borstal Institutions) consisting of eleven (11) Senators to enquire into the rights of detained persons, persons held in custody and other imprisoned persons under the law, requiring Parliament to enact legislation to provide for the human treatment of such persons with due regard to the relevant international human rights instruments and report back to the House within three months of its establishment.

REALISING THAT the three months period lapsed today 25th February, 2016 and owing to the magnitude of the work involved, the Committee was not able to complete its work within the stipulated period;

NOTING THE NEED for more time to carry out a thorough inquiry into this matter;

NOW THEREFORE, the Senate resolves to renew the mandate of the Committee for a further period of forty five (45) days to enable the Committee complete its work and report to the House.

7. **NOTICE OF MOTION** - (Sen. George Khaniri)

THAT WHEREAS the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act makes provision for the prevention, protection and provision of assistance to internally displaced persons and affected communities and gives effect to the Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons, and the United Nations Guiding Principles on Internal Displacement;

OBSERVING that the Act establishes the National Consultative Coordination Committee on Internally Displaced persons whose mandate is to inter alia, ensure registration of internally displaced persons and maintain a data base of such persons and advise the Cabinet Secretary for Devolution and National Planning on the exercise of his or her powers and functions under the Act;

CONCERNED that the Statement delivered to the Senate on 30th September, 2015 by the Chairperson of the Standing Committee on Labour and Social Welfare as a response to inquiries on the status of IDPs resettlement points to the fact that the distribution of the Internally Displaced Persons Fund, which was approximately kshs15 billion, was done in a discriminatory manner and the criterion for profiling the IDPs was skewed;

NOW THEREFORE, the Senate resolves to establish a Select Committee to investigate the operations of the Ministry of Devolution and National Planning and the National Consultative Coordination Committee on Internally Displaced Persons as far as resettlement process and criteria used to profile and pay IDPs is concerned and further determine whether the Kshs15 billion was used for the intended purpose and report back to the Senate within three months;

AND FURTHER that the Members of the Select Committee are-

1. Sen. Boy Juma Boy
2. Sen. Stephen Sang'
3. Sen. Muriuki Karue
4. Sen. Anyang' Nyong'o
5. Sen. Peter Mositet
6. Sen. George Khaniri
7. Sen. Naisula Lesuuda
8. Sen. Janet Ong'era
9. Sen. Emma Mbura

8. STATEMENTS**i) Statements pursuant to standing order 45 (2) (b)**

- a) The Senator for Turkana County (Sen. John Munyes) sought a statement from the Chairperson of the Standing Committee on Roads and Transportation regarding the status of the renovation of the Lokichoggio International Airport (HKLK)
- b) The Vice-Chairperson of the Standing Committee on Roads and Transportation issued a statement regarding the status of the renovation of the Lokichoggio International Airport (HKLK).

In the statement, the Vice-Chairperson informed the House that the runway renovations had commenced on 15th November, 2014 and that it had not taken two years as claimed.

The Vice-Chairperson further informed the House that the project had experienced delays occasioned by unforeseen ground conditions that resulted to an increase of the scope of work, unexpected heavy rains affecting the work progress, lack of suitable gravel material and resistance by the locals in accessing gravel material.

The Vice-Chairperson assured the House that the Contractor had been tasked by the Government to increase the equipment holding on site and work expeditiously to complete the work within the budgeted cost of completion of the project of Ksh. 550,365,100.46.

ii) Statement pursuant to Standing Order 45 (2) (c)

The Senate Majority Leader issued a Statement on the Business of the Senate for the week commencing Tuesday, March 1st, 2016.

9. THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLY APPROVAL) BILL (SENATE BILL NO.20 OF 2014)

Order for Third reading read;

Order deferred.

10. THE HIV AND AIDS PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILL NO.4 OF 2015)

Order for Third Reading read;

Order deferred.

11. THE COUNTY INDUSTRIAL DEVELOPMENT BILL (SENATE BILL NO. 7 OF 2014)

Order for Third Reading read;

Order deferred.

12. MOTION - ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2013)

Motion made and Question proposed:-

THAT, the Senate adopts the Report of the Mediation Committee on the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013) laid on the table of the House on Thursday, 3rd December, 2015.

(Vice – Chairperson, Mediation Committee-24.02.2016)

Order deferred.

13. MOTION - ADOPTION OF THE REPORT OF THE AD-HOC COMMITTEE ON THE COUNTY HEADQUARTERS

Motion made and Question proposed:-

THAT, this House adopts the Report of the Ad-Hoc Select Committee on County Headquarters laid on the Table of the Senate on Thursday, 3rd December, 2015;

(Chairperson of the Ad-Hoc Select Committee-24.02.2016)

Order deferred.

14. COMMITTEE OF THE WHOLE
THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT)
BILL (SENATE BILL NO. 7 OF 2015)

Order deferred.

15. THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILL NO. 13 OF 2015)

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Persons with disabilities (Amendment) Bill (Senate Bill No. 13 of 2015) be now read a Second time.

(Sen. Godliver Omondi)

Debate arising;

There being no other Senator wishing to contribute

Mover replied;

Raising a Point of Order, the Nominated Senator (Sen. Godliver Omondi) requested the Temporary Speaker (Sen. Ongoro) to defer putting of the question to another day pursuant to Standing Order 54 (3).

The Temporary Speaker in acceding to the request directed that the Question be put on Tuesday, 1st March 2016.

16. **THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2015)**

(Sen. Kimani Wamatangi)

(Second Reading)

Order deferred.

17. **THE NATIONAL CEREALS AND PRODUCE BOARD (AMENDMENT) BILL (SENATE BILL NO. 15 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the National Cereals and Produce Board (Amendment) Bill (Senate Bill No. 15 of 2015) be now read a Second time.

(Sen.(Dr.) Zipporah Kittony)

Debate arising;

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

18. **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, March 01, 2016 at 2.30 p.m.*

---X--