



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 10, 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. COMMUNICATIONS FROM THE CHAIR

(a) Consultative Meeting between the Intergovernmental Relations Technical Committee and the Senate

"Honourable Senators,

I wish to inform you that the Intergovernmental Relations Technical Committee, a body established by the Intergovernmental Relations Act and which is responsible for the co-ordination of activities and functions of the Summit and Council of Governors, among other functions, has organized and invited the Senate to a consultative meeting to deliberate on issues geared to improve service delivery in devolved units.

Honourable Senators,

The objectives of the meeting are-

- i) To update the participants on the experiences and achievements of the Intergovernmental Relations Technical Committee;
- ii) To analyse, discuss and understand the legal provisions relating to the mandate of Intergovernmental Relations Technical Committee and institutional challenges thereof;
- iii) To review and identify challenges emerging from taking over of the residual functions from the defunct Transition Authority;
- iv) To discuss and appreciate the constraints and implications of inadequate budgetary resources for the Intergovernmental Relations Technical Committee; and

- v) To review and propose amendments to the Intergovernmental Relations Act, 2012.

Honourable Senators,

The meeting is scheduled to take place from 17th to 20th November, 2016 in Mombasa County. Senators should depart for Mombasa on the evening of Thursday, 17th November, 2016.

This is, therefore, to invite you all to this important meeting and urge you plan to attend. You are requested to forward your preferred travel times to the Office of the Clerk of Senate for planning purposes.

I thank you."

(b) Visiting staff from Kilifi and West Pokot County Assemblies

"Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting staff from Kilifi and West Pokot County Assemblies who are on attachment in the Senate.

I request each member of the delegation to stand when called out so that they may be acknowledged in the usual Senate tradition.

They are:-

- 1) Mr. George M. Kumbatha
- 2) Ms. Martha N. Ngugi
- 3) Ms. Sally K. Kadzo
- 4) Mr. Sammie M. Mwadziwe
- 5) Ms. Angeline Loporna
- 6) Mr. Daniel Micha

On behalf of the Senate, and on my own behalf, I welcome them to the Senate and I wish them well for the remainder of their stay.

I thank you.

(c) Visiting pupils and teachers from Muthurwa Islamic Academy, Nairobi County

"Honourable Senators,

I wish to recognize the presence of visiting pupils and teachers from Muthurwa Islamic Academy, Nairobi County. They are seated at the Public Gallery.

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."

(d) Visiting pupils and teachers from St. Mary's Mixed Day Primary School and St. Mary's Girls Boarding School, Bomet County

"Honourable Senators,

I wish to recognize the presence of visiting pupils and teachers from St. Mary's Mixed Day Primary School and St. Mary's Girls Boarding School, Bomet County. They are seated at the Public Gallery.

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:-

- (a) Report of the Auditor-General on the financial operations of Bungoma County Assembly for the period 1st July, 2014 to 30th June, 2015;
- (b) Report of the Auditor-General on the financial operations of Wajir County Assembly for the period 1st July, 2014 to 30th June, 2015;
- (c) Report of the Auditor-General on the financial statements of the County Government of Wajir for the year ended 30th June, 2015;
- (d) Report of the Auditor-General on the financial operations of Busia County Assembly for the period 1st July, 2014 to 30th June, 2015;
- (e) Report of the Auditor-General on the financial operations of Busia County Government for the period 1st July, 2014 to 30th June, 2015;

- (f) Report of the Auditor-General on the financial operations of Garissa County Assembly for the period 1st July, 2014 to 30th June, 2015;
- (g) Report of the Auditor-General on the financial statements of the County Government of Bomet for the year ended 30th June, 2015;
(Chairperson, Sessional Committee on County Public Accounts and Investments)
- (h) Statement on the business of the Senate for the week commencing 15th November, 2016.
(The Senate Majority Leader)

5. STATEMENTS

(a) Statements Pursuant To Standing Order 45(2) (a)

The Senator of Kirinyaga County, (Sen. Daniel Karaba), issued a Statement on an issue of general topical concern regarding the unlawful issuance of Title Deeds by the Embu County Government in the area known as “*Mwea Trust Lands*”.

Thereupon, the Senator informed the House that he had presented a petition, which has since been reported to the House on behalf of the Kirinyaga “*Mihiriga kenda*” (Nine Clans) concerning the boundary dispute between Kirinyaga and Embu Counties in respect of the 54,000 acres area known as “*Mwea Trust Lands*” wherein one of the prayers was for the Senate, pending determination of the boundary issue between Kirinyaga and Embu Counties, to intervene to have the process of adjudication and demarcation of the *Mwea Trust Lands* by the Embu County Government immediately halted or jointly undertaken by the Kirinyaga and Embu County Governments.

The Senator also informed the House that the substance of the Petition was about the process by which the Embu County Government was unilaterally demarcating the Trust land and issuing Title Deeds to people from Embu County, despite pronouncement by the Senate that the process be suspended pending resolution of the boundary issue.

The Senator further informed the House that there existed a valid court order stopping the process, which had been filed by the Kirinyaga County Government.

The Senator sought the Speaker’s intervention in the matter, stating that tension was high in the area.

The Speaker directed that the following Committees undertake a fact-finding mission to the affected counties and report back to the Senate within two weeks:-

- i) Sessional Committee on Implementation – to lead the process
- ii) Standing Committee on Land and Natural Resources
- iii) Standing Committee on National Security and Foreign Relations; and
- iv) Standing Committee on Legal Affairs and Human Rights

(b) Statements Pursuant To Standing Order 45(2) (b)

The Chairperson, Standing Committee on Land and Natural Resources issued a statement regarding the impact of the Northern Water Collector Tunnel Phase 1 Project.

Thereupon, the Chairperson informed the House that the Master Plan and feasibility study for developing the new water sources for Nairobi City, which included the implementation of the Northern Water Collector Tunnel Phase 1 between the years 2012 and 2017, was launched for implementation on 18th September, 2012 and the construction of the Northern Water Collector Tunnel Phase 1 Project commenced on 24th February, 2015 and was expected to be completed by 24th June, 2018.

The Chairperson also informed the House that, as a result of the public consultation process for the project, Murang'a County published a report known as "Murang'a County Government Report of the Technical Committee on Northern Collector Tunnel (NCT) Project of April 2015, which led to engagements with the project proponents, Athi Water Services Board (AWSB) as a result of which a joint memorandum was prepared, debated and endorsed by the Murang'a County Assembly on 14th April, 2016.

The Chairperson further informed the House that an Environmental Impact Assessment was undertaken before commencement of the project and a further Environmental and Social Impact Assessment (ESIA) for the NCT Phase 1 had been undertaken, including the necessary public participation and public disclosures.

(c) Statements Pursuant To Standing Order 45(2) (c)

The Senate Majority Leader issued a Statement of the business of the Senate for the week commencing 15th November, 2016.

6. COMMITTEE OF THE WHOLE

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. (Dr.) Machage).

The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No. 8 of 2015)

Progress report

Motion made;

That the Committee of the Whole reports progress on its consideration of the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No. 8 of 2015) and seek leave to sit again tomorrow.

(Sen. Mutula Kilonzo Junior)

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

Question put and agreed to.

7. **HOUSE RESUMED**- Temporary Speaker (Sen. Sang) in the Chair.
8. **THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 8 OF 2015)**

Progress reported.

Motion made and Question proposed-

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

(Sen. Mutula Kilonzo Junior)

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

Question put and agreed to.

9. **COMMITTEE OF THE WHOLE**
THE NATIONAL CEREALS AND PRODUCE BOARD (AMENDMENT) BILL
(SENATE BILLS NO. 15 OF 2015)

(Sen. (Dr.) Zipporah Kittony)

Order deferred.

10. **COMMITTEE OF THE WHOLE**
THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILL NO. 15 OF 2015)

(Sen. Godliver Omondi)

Order deferred.

11. THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILL NO. 5 OF 2016)

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

Order deferred.

12. THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 8 OF 2016)

(Sen. (Eng.) Muriuki Karue)

Order deferred.

13. THE COUNTY STATISTICS BILL (SENATE BILL NO. 11 OF 2016)

Order for Second Reading read;

Motion made and Question proposed:-

THAT, the County Statistics Bill (Senate Bill No. 11 of 2016) be now read a Second Time.

(Sen. Naisula Lesuuda)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order the Mover (Sen. Naisula Lesuuda) requested that the putting of the Question be deferred to a later date, pursuant to Standing Order 54 (3);

And the Temporary Speaker (Sen. Sang') acceding to the request, nominated Tuesday, 15th November, 2016 as the day when the Question shall be put..

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

14. 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, November 15, 2016 at 2:30 p.m.*

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