



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – THIRD SESSION

VOTES AND PROCEEDINGS

TUESDAY, SEPTEMBER 15, 2015 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PETITION BY RESIDENTS OF BOMET COUNTY ON THE NEED FOR A QUICK RESOLUTION TO THE BUDGET CRISIS IN THE COUNTY**

Pursuant to Standing Order 225 (2) (a), the Senator for Bomet County (Sen. (Prof.) Wilfred Lesan) presented a Petition by residents of Bomet County on the need for a quick resolution to the budget crisis currently obtaining in Bomet County.

4. **PAPERS**

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

1. Report of the Auditor-General on the Financial Statements of the County Government of Marsabit for the Sixteen (16) Months period ended 30th June 2014;
2. Report of the Auditor-General on the Financial Statements of the County Government of Turkana for the Sixteen (16) Months period ended 30th June 2014;
3. Report of the Auditor-General on the Financial Statements of the County Government of Baringo for the Sixteen (16) Months period ended 30th June 2014;
4. Report of the Auditor-General on the Financial Statements of the County Government of Tharaka-Nithi for the Sixteen (16) Months period ended 30th June 2014;
5. Reports of the Auditor-General on the Financial operations of Nakuru County Assembly for the period 1 July 2013 to 30th July 2014
6. Reports of the Auditor-General on the Financial operations of Narok County Executive for the period 1 July 2013 to 30th July 2014
7. Reports of the Auditor-General on the Financial operations of Kericho County Executive for the period 1 July 2013 to 30th July 2014

8. Reports of the Auditor-General on the Financial Statements of the County Government of Trans Nzoia for the Sixteen (16) Months period ended 30th June 2014; and
9. Reports of the Auditor-General on the Financial operations of Nyandarua County Assembly for the period 1 July 2013 to 30th July 2014.

(Chairperson, Sessional Committee on Public Accounts and Investments)

10. Report of the Standing Committee on Health on the Statement sought by Senator Beth Mugo on the circumstances that led to the disappearance of twin babies who were delivered at the Pumwani Maternity Hospital on January, 6, 2015.

(Vice-Chairperson, Standing Committee on Health)

5. NOTICE OF MOTION

WHEREAS Article 51 of the Constitution of Kenya protects the rights of detained persons, persons held in custody and other imprisoned persons under the law, and requires Parliament to enact legislation to provide for the humane treatment of such persons with due regard to the relevant international human rights instruments;

OBSERVING that international instruments, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the United Nations Basic Principles for the Treatment of Prisoners set standards on the treatment of persons, including the right to be treated with respect; protection from discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth of other status;

AWARE of the deplorable state of correctional services throughout the country including poor living conditions in the institutions of both officers and prisoners, the poor state of sanitation and nutrition, overcrowding, lack of proper medical attention, frequent outbreak of communicable diseases and frequent reports of deaths of inmates leading to a high rate of recidivism and the inability of former inmates to reintegrate into society;

APPRECIATING the urgent need to align the Prisons Act and Borstal Institutions Act with the Constitution of Kenya and the international instruments on the rights of detained persons;

NOW THEREFORE, the Senate resolves to establish a Select Committee to undertake an inquiry into the policy and legislation pertaining to the treatment of detained persons as well as the state of correctional institutions in Kenya, including prisons and Borstal institutions, and to submit a Report to the Senate within three months, with recommendations on such policy and legislative interventions as may be necessary to align the existing legislation on correctional services with the Constitution of Kenya and in compliance with international standards on the rights of detained persons and such other recommendations as may be necessary;

AND FURTHER that the Members of the Select Committee are-

1. Sen. Fatuma Dullo
2. Sen. (Dr.) Zipporah Kittony
3. Sen. (Dr.) Boni Khalwale
4. Sen. (Prof.) John Lonyangapuo
5. Sen. Stewart Madzayo
6. Sen. Liza Chelule
7. Sen. Judith Sijeny
8. Sen. Mutula Kilonzo Jr.
9. Sen. Stephen Sang'
10. Sen. Joy Gwendu
11. Sen. Moses Kajwang'

(Sen. Fatuma Dullo)

6. STATEMENTS PURSUANT TO STANDING ORDER 45 (2) (B)

- (i) The Senator for Wajir County (Sen. Abdirahman Hassan) sought a statement from the Chairperson of the Standing Committee on Education on the status of the ongoing teachers strike;
- (ii) The Chairperson of the Standing Committee on National Security and Foreign Relations issued a statement sought by the Senator for Homa Bay County (Sen. Moses Kajwang') on the status of registration of persons and issuance of national identity cards.

The Chairperson informed the House that the processing of National Identity Card applications is decentralized up to Division/Ward level but the processing of the Card is centralized in Nairobi for security reasons. The budgetary allocations for registration and issuance of the cards in 2014/15 and 2015/16 financial years are Kshs. 143,391,115 and Kshs. 132,343,000 respectively and that the total target of the cards registration in 2014/15 and 2015/16 financial years were 963,857 and 1,029,060 respectively.

The Chairperson also informed the House that a total of 284,450 cards have not been collected countrywide and that the National Registration Bureau is currently giving uncollected Identity Cards to chiefs and Assistant Chiefs to trace the owners for collection. He reported that applicants can send their serial numbers to 20031 or use the department's website (www.identity.go.ke) to find out the status of the applications.

The Chairperson further informed the Senate that the National Registration Bureau had not been allocated funds for the implementation of the digital national identity card during the current financial year 2015/2016.

7. THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) (NO.2) BILL, (SENATE BILL NO. 14 OF 2015)

(Sen. Christopher Obure)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Education pursuant to Standing Order 130 (1).

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

(Sen. Zipporah Kittony)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Agriculture, Livestock and Fisheries pursuant to Standing Order 130 (1).

9. **THE CONSTITUTION OF KENYA (AMENDMENT) BILL, (SENATE BILL NO.16 OF 2015)**

(Sen. Judith Sijeny)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Legal Affairs and Human Rights pursuant to Standing Order 130 (1).

10. **COMMITTEE OF THE WHOLE**
The Community Land Bill (Senate Bill No. 38 of 2014)

Order deferred.

11. **COMMITTEE OF THE WHOLE**
The Mining Bill (National Assembly Bill No. 8 of 2014)

Order deferred.

12. **COMMITTEE OF THE WHOLE**
The Food Security Bill (Senate Bill No. 23 of 2014)

Order deferred.

13. **COMMITTEE OF THE WHOLE**
The Climate Change Bill (National Assembly Bill No. 1 of 2014)

Order deferred.

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

Order for Second Reading read;

Motion made and Question proposed-

THAT, the County Industrial Development Bill (Senate Bill No. 7 of 2014) be now read a Second Time.

(Sen. Eng. Muriuki Karue)

Debate arising;

And there being no other Senator willing to contribute;

The Mover replied.

Raising a point of order, the Senator for Nyandarua County (Sen. (Eng.) Muriuki Karue) requested for deferment of putting of the Question to the following day pursuant to Standing Order 54 (3);

And the Temporary Speaker (Sen. (Dr.) Machage) acceding to the request, deferred putting the question to Wednesday, 16th September, 2015.

15. **THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILL NO. 35 OF 2014)**

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

(Second Reading)

Order deferred

And there being no other business, the Temporary Speaker (Sen. (Dr.) Machage) adjourned the Senate at seven minutes past Six O'clock without Question put pursuant to the Standing Orders.

16. **SENATE ROSE** - at seven minutes past six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, September 16, 2015 at 2.30 p.m.*

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