



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – THIRD SESSION

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 24, 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. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE APPROVAL OF THE PARLIAMENTARY POWERS AND PRIVILEGES BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)**

The Speaker conveyed the following Message from the National Assembly-

"Honourable Senators,

I wish to inform this House, that on 19th June, 2014, I wrote to the Speaker of the National Assembly pursuant to Article 110 of the Constitution seeking concurrence on several Bills that were published by the Senate including the Parliamentary Powers and Privileges Bill, 2014. In response, in a letter dated 11th July, 2014, the Speaker of the National Assembly indicated that the Bill did not concern county governments and cannot originate from the Senate because the Bill did not affect the powers and functions of county governments as set out in the Fourth Schedule of the Constitution.

In replying, by way of a letter dated 30th July, 2014, I indicated that the Bill concerns county governments. On the 7th of August, 2014, the Speaker of the National Assembly responded to my letter reiterating his position that the Bill did not affect counties.

On the 27th of August, 2014, the Speaker of the National Assembly wrote a letter, bringing to the attention of the Speaker of the Senate the publishing of two Bills by the National Assembly, among them the Parliamentary Powers and Privileges Bill, 2014 and indicated that in his view, the Bill did not affect county governments. I did not concur with the Speaker of the

National Assembly and on 10th September, 2014, I responded by way of a letter stating my position that the Bill concerned County Governments.

Honourable Senators,

I am now in receipt of a Message from the National Assembly on the said Bill and in the Message, the Speaker of the National Assembly has indicated that the Bill passed by the National Assembly now affects County Governments in terms of Article 110 of the Constitution.

Honourable Senators,

I now wish to report to the Senate that, pursuant to Standing Order 40 (3) and (4), the Clerk has delivered to me a message from the National Assembly regarding the approval of the Parliamentary Powers and Privileges Bill (National Assembly Bill No. 35 of 2014) by the National Assembly. The Message states as follows-

"PURSUANT to the provisions of standing orders 41 and 142 of the National Assembly Standing Orders, I hereby convey the following message from the National Assembly-

WHEREAS the Parliamentary Powers and Privileges Bill (National Assembly Bill No. 35 of 2014), which was published in the Kenya Gazette Supplement No. 125 of August 11, 2014 as a Bill originating in the National Assembly to provide inter alia, for the powers, privileges and immunities of Parliament, its committees, the Leaders of the Majority Party, the Leader of the Minority Party, the Chairpersons of Committees and Members and to make provision regulating admittance to and conduct within the precincts of Parliament, was passed on October 22, 2015;

WHEREAS, the Bill passed by the National Assembly now affects County Governments in terms of Article 110 of the Constitution;

NOW THEREFORE, the National Assembly seeks the concurrence of the Senate in the said Bill in accordance with the provisions of Article 110 (4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders."

Honourable Senators,

Without prejudice to my position that Article 110 (3) of the Constitution was contravened in respect of the Parliamentary Powers and Privileges Bill (National Assembly Bill No. 35 of 2014), I now direct that the Bill be read a First Time today Tuesday, 24th November, 2015 after which it shall stand committed to the relevant Standing Committee, in this case, the Standing Committee on Legal Affairs and Human Rights.

I thank you."

4. **NOTICE OF MOTION** - (Chairperson of the Mediation Committee)

THAT, this House adopts the Report of the Mediation Committee on the County Governments (Amendment) Bill (Senate Bill No. 1 of 2014) laid on the Table of the House on Wednesday, 18th November, 2015.

5. **NOTICE OF MOTION** – (The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health on the circumstances that led to the disappearance of twin babies who were delivered at Pumwani Maternity Hospital on 6th January, 2015 laid on the Table of the Senate on Tuesday, 15th September, 2015.

6. **STATEMENTS**

Pursuant to Standing Order 45 (2) (b) -

- i. The Senator for Mombasa County (Sen. Hassan Omar Hassan) sought a Statement from the Chairperson of the Standing Committee on Labour and Social Welfare regarding the travel of the National Soccer Team to Cape Verde;
- ii. The Senator for Murang'a County (Sen. Kembi-Gitura) sought a Statement from the Chairperson of the Sessional Committee on County Public Accounts and Investments on recommendations contained in the Report of the Special Committee on the proposed removal from office, by impeachment, of Murang'a County Governor, Hon. Mwangi Wa Iria;
- iii. The Vice-Chairperson of the Standing Committee on National Security and Foreign Relations issued a Statement regarding the break-in at Kapenguria CDF Building. Thereupon, she informed the Senate that on the night of 11th/12th October, 2015 there was a break-in at the CDF Building in Kapenguria and a report of the same was made at Kapenguria Police Station vide OB. No. 11 of 12th October, 2015. The police visited the scene and established that there was no external damage to any part of the building, but a number of offices within the building had been broken into and various items including computers stolen. One suspect, a watchman at the premises was arrested and charged before a court for failing to prevent the commission of a felony and that so far, no recoveries have been made but investigations are ongoing.

She further informed the Senate that the following security arrangements have been put in place to avoid similar incidents in future: the fencing of the premises for access control; deployment of armed National Police Reservists to guard the premises; and day and night police patrols have been enhanced. The Vice-Chairperson undertook to issue further information.

- iv. The Vice-Chairperson of the Standing Committee on National Security and Foreign Relations issued a Statement regarding the facilitation of Peace Committees (Kraal Leaders) in West Pokot and Turkana Counties.

She informed the Senate that the Government is aware of a Special Peace Committee comprising sixty (60) reformed warriors from various communities along the Turkana/Pokot border. The Committee has been working closely with the two County Security Committees; Council of Elders; and elected community leaders in ensuring that there is peace amongst the communities in the region.

She further informed the House that the Government, through the two County Security Committees has been facilitating the Peace Committee by use of Government vehicles but that the funding has been limited and irregular.

She further stated that the Special Assistant County Commissioner stationed at Turkwel serves both Turkana and West Pokot Counties, provides liaison between the two counties and his operations are facilitated through the office of West Pokot County Commissioner.

7. **CONSIDERATION OF THE PRESIDENTIAL MEMORANDUM ON THE PUBLIC PROCUREMENT AND ASSET DISPOSAL BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2014)**

(The Senate Majority Leader)

(Resumption of Debate interrupted on Tuesday, 17th November, 2015)

Order deferred.

8. **COMMITTEE OF THE WHOLE**
Consideration of the Presidential Memorandum on the Public Audit Bill (National Assembly Bill No. 38 of 2014)

(The Senate Majority Leader)

(Resumption of Debate interrupted on Thursday, 29th October, 2015)

Order deferred.

9. **THE OFFICE OF THE COUNTY ATTORNEY BILL, (SENATE BILL NO. 37 OF 2014)**

THAT, the Office of the County Attorney Bill, (Senate Bill No. 37 of 2014) be now read a Second time (Division).

(Chairperson, Committee on Legal Affairs and Human Rights – 27.10.15)

Order deferred.

10. **THE COUNTY GOVERNMENTS DISASTER MANAGEMENT BILL,
(SENATE BILL NO. 40 OF 2014)**

THAT, the County Governments Disaster Management Bill, (Senate Bill No. 40 of 2014) be now read a Second time (Division).

*(Chairperson, Committee on National Security and Foreign Relations –
4.11.15)*

Order deferred.

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

THAT, the Kenya National Examinations Council (Amendment) Bill, (Senate Bill No. 7 of 2015) be now read a Second Time (Division).

(Sen. David Musila – 10.11.15)

Order deferred.

12. **THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF
ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 8 OF 2015)**

THAT, the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No. 8 of 2015) be now read a Second Time (Division).

(Sen. Hassan Omar – 19.11.15)

Order deferred.

13. **COMMITTEE OF THE WHOLE
The Climate Change Bill (National Assembly Bill No. 1 Of 2014)**
(The Senate Majority Leader)

*(Resumption of Debate interrupted on Wednesday, 18th November, 2015 –
Division)*

Order deferred.

14. **COMMITTEE OF THE WHOLE
The County Early Childhood Education Bill, (Senate Bill No. 32 Of
2014)**

(Chairperson, Standing Committee on Education)

*(Resumption of debate interrupted on Wednesday, 11th November, 2015 –
Division)*

Order deferred.

15. COMMITTEE OF THE WHOLEThe Public Appointments (County Assembly Approval) Bill (Senate Bill No. 20 Of 2014)

(Chairperson of the Standing Committee on Labour and Social Welfare)

(Resumption of Debate interrupted on Wednesday, 7th October, 2015 – Division)

Order deferred.

16. THE WATER BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2014)

(The Senate Majority Leader)

Order for Second Reading read;

Order deferred.

17. THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILL NO. 36 OF 2014)

(Sen. Chris Obure)

Order for Second Reading read;

Order deferred.

18. THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILL NO. 1 OF 2015)

(Sen. Martha Wangari)

Order for Second Reading read;

Order deferred.

19. THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2013)

(The Senate Majority Leader)

Order for Second Reading read;

Order deferred.

20. THE COUNTY LIBRARY SERVICES BILL (SENATE BILL NO. 6 OF 2015)

(Sen. Joy Gwendo)

Order for Second Reading read;

Order deferred.

And the time being two minutes past Four O'clock, a Temporary Speaker (Sen. (Dr.) Wilfred Machage) adjourned the Senate without Question put, pursuant to the Standing Orders.

21. SENATE ROSE - at two minutes past Four O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, November 25, 2015 at 2.30 p.m.*

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