



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – THIRD SESSION

VOTES AND PROCEEDINGS

TUESDAY, JULY 28, 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. **STATEMENTS PURSUANT TO STANDING ORDER 45(2) (B)**
 - i) The Senator for West Pokot County (Sen. (Prof.) John Lonyangapuo) sought a Statement from the Chairperson of the Standing Committee on Energy regarding the frequent power blackouts in West Pokot County.
 - ii) A nominated Senator (Sen. Ben Njoroge) sought a Statement from the Chairperson of the Standing Committee on Information and Technology on malfunctioning of Samsung android mobile phones.
 - iii) The Senator for Nyandarua County (Sen. (Eng.) Muriuki Karue) sought a Statement from the Chairperson of the Joint Committee on Cohesion and Equal Opportunity regarding the appointment of directors to parastatals.
 - iv) The Chairperson of the Standing Committee on National Security and Foreign Relations issued a Statement regarding the death of Mr. Bernard Okindo Mageto. The Chairperson informed the House that on 19th June, 2015, at 2.00am, the Marani Sub County DAPC Sp. John Manyara reported to the DCIO of a shooting incident at Kegogi AP Camp involving AP Corporal Bernard Okindo Mageto of No. 2008108218. The DCIO visited the scene and found the body of the officer, a loaded G3 rifle s/no.388027 and a magazine with fourteen rounds of 7.62mm ammunition. The body had visible external injuries between the left eye and the nasal ridge, a gunshot exit wound through the floor of the mouth, a gunshot entry wound on the chest and a gunshot exit wound on the chest. The body was taken to Tam Hospital Mortuary for preservation and postmortem. Investigations were commenced vide inquest file no. 2/2015.

At the time of the burial of the body of Mr. Okindo, it was believed that he committed suicide and in such circumstances and in keeping with disciplined services, the officer could not be accorded ceremonial burial and neither was an officer representative sent to the burial.

The family of Mr. Okindo is entitled to several benefits including death gratuity, eight times the annual basic salary and Kshs150,000 for funeral expenses.

- v) The Chairperson of the Standing Committee on Land and Natural Resources issued a Statement regarding Block 90/599, Parcel No.596 in Loresho Pumping Station and Water Reservoir. The Chairperson informed the Committee that the land is carved out of Plot No.Block90/229 which is a site for Nairobi-Loresho Reservoir, a major water distribution system. The subject land is a property surveyed, but untitled and measures approximately 1.939 hectares in land area. The said land has been the subject of illegal alienation resulting in the creation of the Parcels Block 90/596 and 90/599 after consolidation of several parcels initially excised from it.

Further, the Loresho Water Reservoir has 11,000 cubic metres water reservoir which is distributed to various estates including Kyuna, Loresho, Gigiri, United Nations Environment Programme (UNEP), Whispers Estates, Rosslyn, Muthaiga North, Lower Runda, Kitusuru, Spring Valley, Lower Kabete and adjoining areas. These areas have no alternative source of supply apart from the Loresho Reservoir. The Nairobi County Government has a programme of building another 11,000 cubic metres reservoir together with a pumping station facility on the said land to ensure adequate supply to the areas.

The Chairperson stated that the excision and alienation of the said land resulting from parcels No. 90/596 and 90/599 presents a threat to the water supply security in the Nairobi City County. It is noted that the Sasumua Pipeline which feeds into the reservoir is located on a specific path and the location of the reservoir fits in with the current and future water distribution plans. Relocation of the reservoir will not be a viable option to the Government at all due to the requirement of the new construction of long lengths of pipelines and acquisition of weigh leaves for the same. In view of the above, the title to this property stands revoked.

4. ADJOURNMENT OF THE SENATE UNDER THE PROVISIONS OF STANDING ORDER 33 TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE – APPRECIATION FOR THE HISTORIC VISIT TO KENYA BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Raising a point of order, the Senator for Elgeyo-Marakwet County (Sen. Kipchumba) sought leave to move a Motion for the adjournment of the Senate to discuss the historic visit to Kenya by the President of the United States of America.

And the Speaker having considered the claim;

And there being the requisite number of Senators rising in support of the claim;

Thereupon, the Speaker directed that the Motion be moved today at 5.30 p.m.

5. THE COUNTY ASSEMBLIES SERVICES BILL, (SENATE BILL NO. 27 OF 2014)

Order for Second Reading read;

Motion made and Question proposed-

THAT, the County Assemblies Services Bill, (Senate Bill No. 27 of 2014) be now read a Second Time.

(Chairperson, Standing Committee on Legal Affairs and Human Rights -15.07.2015)

Debate interrupted on Wednesday, 15th July, 2015 resumed on a Division;

The Deputy Speaker directed that a Roll Call vote be taken pursuant to Standing Order No. 76 (2) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Deputy Speaker and after the expiry of two minutes; the Deputy Speaker directed that the doors be locked;

The names of the Tellers were announced and directed to take seats at their designated place;

The Deputy Speaker put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:

AYES - 26

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Adan Dullo Fatuma – On behalf of the Isiolo County Delegation
2. Sen. Boy Juma Boy
3. Sen. Chelule Liza – On behalf of the Nakuru County Delegation
4. Sen. Chiaba Abu Mohamed
5. Sen. Hassan Abdirahman Ali
6. Sen. Hassan Omar Hassan
7. Sen. Kajwang' Moses Otieno
8. Sen. Karaba Dickson Daniel
9. Sen. Kembu Gitura James
10. Sen. Kanainza Nyongesa Daisy – On behalf of Kakamega County Delegation

11. Sen. Kindiki Kithure
12. Sen. Lesan Wilfred Rottich
13. Sen. Machage Wilfred Gisuka
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Melly Isaac Kipkemboi
16. Sen. Muriuki Karue Muriuki
17. Sen. Murkomen Kipchumba Onesmus
18. Sen. Murungi Kiraitu
19. Sen. Mutula Kilonzo Junior
20. Sen. Ndiema Henry Tiole
21. Sen. Ntutu Stephen Kanyinke
22. Sen. Nyong'o Peter Anyang'
23. Sen. Onge'ra Janet – On behalf of Kisii County Delegation
24. Sen. Okong'o Kennedy Mong'are
25. Sen. Orengo James
26. Sen. Sang Stephen Kipyego

Bill Read a Second Time and committed to the Committee of the Whole tomorrow.

6. **THE COUNTY RETIREMENT SCHEME BILL (SENATE BILL NO. 25 OF 2014)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the County Retirement Scheme Bill (Senate Bill No. 25 of 2014) be now read a Second Time.

(Sen. (Prof.) Kindiki Kithure – 08.07.2015)

Debate interrupted on Wednesday, 8th of July, 2015 resumed on a Division.

The Deputy Speaker directed that a Roll Call vote be taken pursuant to Standing Order No. 76 (2) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Deputy Speaker and after the expiry of two minutes; the Deputy Speaker directed that the doors be locked;

The names of the Tellers were announced and directed to take seats at their designated place;

The Deputy Speaker put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following Division, Question **negatived**.

The results of the Roll Call Division were as follows:

AYES - 10NOES - 15ABSTENTIONS - 1AYES

1. Sen. Adan Dullo Fatuma – On behalf of the Isiolo County Delegation
2. Sen. Chelule Liza – On behalf of the Nakuru County Delegation
3. Sen. Chiaba Abu Mohamed
4. Sen. Kembi Gitura
5. Sen. Kindiki Kithure
6. Sen. Lesan Wilfred Rottich
7. Sen. Madzayo Stewart Mwachiru
8. Sen. Muriuki Karue Muriuki
9. Sen. Murkomen Onesmus Kipchumba
10. Sen. Murungi Kiraitu

NOES

1. Sen. Boy Juma Boy
2. Sen. Hassan Abdirahman Ali
3. Sen. Hassan Omar Hassan
4. Sen. Kajwang' Moses Otieno
5. Sen. Karaba Dickson Daniel
6. Sen. Kanainza Nyongesa Daisy – On behalf of Kakamega County Delegation
7. Sen. Machage Wilfred Gisuka
8. Sen. Melly Isaac Kipkemboi
9. Sen. Mutula Kilonzo Junior
10. Sen. Ntutu Stephen Kanyinke
11. Sen. Nyongo' Peter Anyang'
12. Sen. Onge'ra Janet – On behalf of Kisii County Delegation
13. Sen. Okong'o Kennedy Mong'are
14. Sen. Orengo James
15. Sen. Sang Stephen Kipyego

ABSTENTIONS

Sen. Ndiema Henry Tiole

7. THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2014)

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Universities (Amendment) Bill (Senate Bill No. 31 of 2014) be now read a Second Time.

(Sen. Halima Abdille) – 15.07.2015

Debate interrupted on Wednesday, 22nd July, 2015 resumed on a Division;

The Deputy Speaker directed that a Roll Call vote be taken pursuant to Standing Order No. 76 (2) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Deputy Speaker and after the expiry of two minutes; the Deputy Speaker directed that the doors be locked;

The names of the Tellers were announced and directed to take seats at their designated place;

The Deputy Speaker put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question **agreed to**.

The results of the Division were as follows:

AYES - 26

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Adan Dullo Fatuma – On behalf of the Isiolo County Delegation
2. Sen. Boy Juma Boy
3. Sen. Chelule Liza – On behalf of the Nakuru County Delegation
4. Sen. Chiaba Abu Mohamed
5. Sen. Hassan Abdirahman Ali
6. Sen. Hassan Omar Hassan
7. Sen. Kajwang' Moses Otieno
8. Sen. Karaba Dickson Daniel
9. Sen. Kembi Gitura James
10. Sen. Kanainza Nyongesa Daisy – On behalf of Kakamega County Delegation
11. Sen. Kindiki Kithure
12. Sen. Lesan Wilfred Rottich
13. Sen. Machage Wilfred Gisuka
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Melly Isaac Kipkemboi
16. Sen. Muriuki Karue Muriuki
17. Sen. Murkomen Kipchumba Onesmus
18. Sen. Murungi Kiraitu
19. Sen. Mutula Kilonzo Junior
20. Sen. Ndiema Henry Tiole
21. Sen. Ntutu Stephen Kanyinke
22. Sen. Nyong'o Peter Anyang'
23. Sen. Onge'ra Janet – On behalf of Kisii County Delegation
24. Sen. Okong'o Kennedy Mong'are
25. Sen. Orengo James
26. Sen. Sang Stephen Kipyego

Bill Read a Second Time and committed to the Committee of the Whole tomorrow.

8. THE PARLIAMENTARY POWERS AND PRIVILEGES BILL (SENATE BILL NO. 15 OF 2014)

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Parliamentary Powers and Privileges Bill (Senate Bill No. 15 of 2014) be now read a Second Time.

(Sen. (Prof.) Kindiki Kithure – 22.07.2015)

Debate interrupted on Wednesday, 22nd July, 2015 resumed on a Division.

The Deputy Speaker directed that a Roll Call vote be taken pursuant to Standing Order No. 76 (2) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Deputy Speaker and after the expiry of two minutes; the Deputy Speaker directed that the doors be locked;

The names of the Tellers were announced and directed to take seats at their designated place;

The Deputy Speaker put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question **agreed to**.

The results of the Division were as follows:

AYES - 26

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Adan Dullo Fatuma – On behalf of the Isiolo County Delegation
2. Sen. Boy Juma Boy
3. Sen. Chiaba Abu Mohamed
4. Sen. Chelule Liza – On behalf of the Nakuru County Delegation
5. Sen. Hassan Abdirahman Ali
6. Sen. Hassan Omar Hassan
7. Sen. Kajwang' Moses Otieno
8. Sen. Karaba Dickson Daniel
9. Sen. Kembi Gitura James
10. Sen. Kanainza Nyongesa Daisy – On behalf of Kakamega County Delegation
11. Sen. Kindiki Kithure
12. Sen. Lesan Wilfred Rottich
13. Sen. Machage Wilfred Gisuka
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Melly Isaac Kipkemboi

16. Sen. Muriuki Karue Muriuki
17. Sen. Murkomen Kipchumba Onesmus
18. Sen. Murungi Kiraitu
19. Sen. Mutula Kilonzo Junior
20. Sen. Ndiema Henry Tiole
21. Sen. Ntutu Stephen Kanyinke
22. Sen. Nyong'o Peter Anyang'
23. Sen. Onge'ra Janet – On behalf of Kisii County Delegation
24. Sen. Okong'o Kennedy Mong'are
25. Sen. Orengo James
26. Sen. Sang Stephen Kipyego

Bill Read a Second Time and committed to the Committee of the Whole tomorrow.

9. **THE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2014)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Climate Change Bill (National Assembly Bill No. 1 of 2014) be now read a second time.

(The Senate Majority Leader)

Debate arising;

10. **MOTION- ADJOURNMENT OF THE HOUSE UNDER THE PROVISIONS OF STANDING ORDER NO. 33 TO APPRECIATE THE HISTORIC VISIT TO KENYA BY THE PRESIDENT OF THE UNITED STATES OF AMERICA**

Motion made and Question proposed-

THAT, the Senate do now adjourn.

(Sen. Kipchumba Murkomen)

Debate arising;

Pursuant to Standing Order 30 (2), the Temporary Speaker (Sen.(Dr.) Machage) interrupted the proceedings and adjourned the Senate at forty five minutes past Six O'clock without Question put.

11. **SENATE ROSE** - at forty five minutes past Six O'clock

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, July 29, 2015 at 2.30 p.m.*

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