



**REPUBLIC OF KENYA**

**THE SENATE**

**ELEVENTH PARLIAMENT – THIRD SESSION**

**VOTES AND PROCEEDINGS**

**TUESDAY, NOVEMBER 3, 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. **COMMUNICATION FROM THE CHAIR - VISITING DELEGATION FROM HOMABAY COUNTY ASSEMBLY**

The Deputy Speaker conveyed the following communication from the Chair-

"Honourable Senators,

I would like to acknowledge the presence of the delegation of visiting Members and staff from Homabay County Assembly Committee on Social Welfare and Equal Opportunities seated in the Speaker's Gallery this afternoon.

The County Assembly Members and Staff are here on a benchmarking visit with the Senate Committee on Labour and Social Welfare.

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

They are:-

- |                           |   |                  |
|---------------------------|---|------------------|
| 1. Hon. Julius Nyambok    | - | Chairperson      |
| 2. Hon. John Kwanya       | - | Vice-Chairperson |
| 3. Hon. Tom Ometo         | - | Member           |
| 4. Hon. James Oyugi       | - | Member           |
| 5. Hon. Zachariah Olang'o | - | Member           |

- |                        |   |        |
|------------------------|---|--------|
| 6. Hon. Walter Okumu   | - | Member |
| 7. Hon. Ann Akeyo      | - | Member |
| 8. Hon. Caroline Okumu | - | Member |
| 9. Hon. Ruth Abongo    | - | Member |
| 10. Hon. Moses Dieno   | - | Member |

The delegation is accompanied by-

- |                      |   |       |
|----------------------|---|-------|
| 1. Mr. Tobius Opana  | - | Staff |
| 2. Mr. Thomas Opere  | - | Staff |
| 3. Ms. Faith Apuko   | - | Staff |
| 4. Mr. Amos Aluoch   | - | Staff |
| 5. Mr. Stephen Olago | - | Staff |
| 6. Mr. John Oyoko    | - | Staff |

I take this opportunity on behalf of the Senate and on my own behalf, to wish the delegation a happy and fruitful visit in the Senate.

I thank you"

#### 4. **PAPERS LAID**

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

- 1) Report of the Standing Committee on Finance, Commerce and Budget on the Petition by Hon. Vincent Wanyama Obisa, a Member of the Busia County Assembly, on alleged flaws in the Busia County budget-making process;
- 2) Report of the Standing Committee on Finance, Commerce and Budget on the Message from the County Assembly of Kilifi on CRA Circular No. 5/2015 Ref: CRA/CSO/CGM/10/VOL.8/4 dated 19<sup>th</sup> May, 2015 on the financing of non-core capital projects; and
- 3) Report of the Standing Committee on Finance, Commerce and Budget on the Petition by Maj. (Rtd.) Joel Kiprono Rop, a resident of Bomet County on the Kenya Economy.  
(Chairperson, Standing Committee on Finance, Commerce and Budget)

#### 5. **STATEMENTS**

##### **Pursuant to Standing Order 45 (2) (b)**

- i. The Chairperson of the Standing Committee on Energy issued a Statement on the causes of oil spillage into river Thange, Makueni County.

Thereupon, the Chairperson informed the House that a leak on the pipeline in Kibwezi Sub-County area was reported to the Kenya Pipeline Company Limited (KPC) by a third party on 12<sup>th</sup> May, 2015 at about 18.45 hours and the information was thereafter relayed to KPC's Nairobi Control Centre.

The Chairperson also informed the House that KPC mobilized its response team that fixed the damaged section to stem the leak and by 13<sup>th</sup> May, 2015 no more product leakage was noted from the site.

The Senate was also informed that permanent repairs were required and the product supply needs in the country necessitated the building of stocks in Nairobi and, consequently, permanent repairs were successfully done on 19<sup>th</sup> May, 2015 but that another report of petroleum product in River Thange was received on 15<sup>th</sup> June, 2015 and recovery of the products from the river started on the same day. It was established that the product in River Thange was a result of the pipeline damage repaired on 13<sup>th</sup> May, 2015 and that the National Environment Management Authority (NEMA) was notified of the incident and has since been updated on a regular basis.

The Chairperson further informed the House that KPC had taken remedial actions, including isolating the water that was contaminated from the main river flow, providing alternative clean water for use in two schools and the affected community, restoring the soil and the underground surface that was impacted by the leak and contracting Messrs *Societe Generale de Surveillance* (SGS) to map out the extent of the petroleum spread to form the basis for comprehensive cleanup and restoration exercise.

The Chairperson also confirmed that the Committee would undertake a site visit and report back to the House within two weeks.

- ii. The Vice-Chairperson of the Standing Committee on Health issued a Statement on the administration of wrong or expired drugs on children in Busia Hospital.

Thereupon, she informed the House that although the efficacy of *artemether lumefantrine* vaccine was 98%, which is within the efficacy set by the World Health Organization (WHO), the injection of the vaccine was made to the wrong site as it was not injected into the nerve trunk.

The Vice Chairperson also informed the House that all but one of the affected children had recovered and discharged from Nairobi Hospital for follow up and rehabilitation at the county health facilities.

The Vice-Chairperson further informed the House that there had not been similar errors reported from other counties, although the Ministry had communicated to all the counties on the need to enhance supervision and also issued guidelines and other job aids to ensure adherence to Standard Treatment Guidelines.

- iii. The Vice-Chairperson of the Standing Committee on Land and Natural Resources issued a statement on issuance of title deeds in Meru County.

Thereupon, the Vice-Chairperson informed the House that a total of 894 titles had been issued in Meru County since 29<sup>th</sup> March, 2015 although a total of 72,660 title deeds were still at various stages of processing.

He also informed the House that the exercise of the issuance of title deeds was ongoing and the Ministry was committed to finalizing the process by end of December, 2015.

#### **Pursuant to Standing Order 46**

The Senator for Kakamega County (Sen. (Dr.) Boni Khalwale) issued a Statement on a fatal road accident involving his motor vehicle and a pedestrian on Saturday, 31<sup>st</sup> October, 2015.

Thereupon, the Senator informed the Senate that he and his driver had recorded a statement with the police and the driver had been arrested and released on a cash bail pending appearance in court.

He expressed regret over the incident and informed the House that he had conveyed his condolences to the bereaved family with whom he was in contact so as to assist in the burial arrangements.

#### **6. COMMITTEE OF THE WHOLE**

Consideration of the Presidential Memorandum on the Public Procurement and Asset Disposal Bill (National Assembly Bill No. 40 of 2014)  
(The Senate Majority Leader)

Order deferred.

#### **7. 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)

Order deferred.

8. COMMITTEE OF THE WHOLE

The Public Appointments (County Assembly Approval) Bill (Senate Bill No. 20 of 2014)

(Chairperson, Standing Committee on Labour and Social Welfare)

Order deferred.

9. COMMITTEE OF THE WHOLE

The County Early Childhood Education Bill (Senate Bill No. 32 of 2014)

(Chairperson, Standing Committee on Education)

Order deferred.

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

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

(Sen. David Musila - 27.10.2015)

Order Deferred.

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

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

Order deferred.

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

(Sen. Hassan Omar)

Order deferred.

13. MOTION - NOTING OF THE REPORT OF THE INTER-PARLIAMENTARY UNION EXPERT MISSION TO KENYA ON THE FRAMEWORK TO IMPLEMENT THE CONSTITUTIONAL PROVISION OF THE TWO-THIRDS GENDER RULE

**THAT, AWARE** that the Parliament of Kenya is an active member of the Inter-Parliamentary Union (IPU) which is the international organization of national Parliaments;

**FURTHER AWARE** that the IPU provides support to Parliaments in areas such as law and policy-making, as well as representation;

**NOTING WITH APPRECIATION** that, upon a request by the Speaker of the Senate, the IPU sent an expert delegation to Kenya from 12<sup>th</sup> to 16<sup>th</sup> July, 2015 to offer advice on the way forward in implementing the constitutional requirement on the two thirds gender rule;

**NOW THEREFORE** the Senate notes the report of the Inter-Parliamentary Union Expert Mission to Kenya on the framework to implement the constitutional provision of the two-thirds gender rule laid on the Table of the Senate on Thursday, 8<sup>th</sup> October, 2015 and extends its appreciation to the IPU for support on the matter.

Order deferred.

And the time being ten minutes past Six O'clock, the Deputy Speaker adjourned the Senate without Question put, pursuant to the Standing Orders.

14. **SENATE ROSE** - at ten minutes past Six O'clock.

### **M E M O R A N D U M**

*The Speaker will take the Chair on  
Wednesday, November 4, 2015 at 2.30 p.m.*

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