



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, JUNE 09, 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. COMMUNICATION FROM THE CHAIR ON VISITING DELEGATION FROM KENYATTA UNIVERSITY

The Speaker conveyed the following Communication from the Chair-

"Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, a delegation from Kenyatta University.

The Delegation is here to watch the Senate proceedings.

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

They are:

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| 1. Prof. Paul K. Wainaina | - Ag Vice Chancellor, Kenyatta University |
| 2. Mr. Stephen M. Mboroki | - Kenyatta University |
| 3. Mr. Charles Musyimi | - Kenyatta University |

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

I thank you."

4. **PETITION BY RESIDENTS OF BUNGOMA COUNTY CONCERNING ALLEGED CORRUPTION, BREACH OF PFM LAWS AND REGULATIONS AND OTHER GRIEVANCES AGAINST THE COUNTY GOVERNMENT OF BUNGOMA**

Pursuant to Standing Order 220(1) (a) and 225(2) (b), the Speaker reported to the Senate that a petition had been received from five residents of Bungoma County concerning corruption, breach of PFM laws and regulations and other grievances against the County Government of Bungoma.

Pursuant to Standing Order 226, the Speaker invited Senators to comment on the Petition. Subsequently, the petition was committed to the Standing Committee on Finance, Commerce and Budget, pursuant to Standing Order 227.

5. **PAPERS LAID**

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

- i. Report of the Senate Standing Committee on Finance, Commerce and Budget on the Petition by residents of Machakos County concerning alleged breach of the Constitution and other laws by the County Executive and the County Assembly of Machakos;
- ii. Report of the Senate Standing Committee on Finance, Commerce and Budget on the Petition by Hon. Daniel C. Chitwah, Speaker of the Vihiga County Assembly, concerning taxation of allowances and other benefits paid to members and staff of the County Assembly;
- iii. Report of the Senate Standing Committee on Finance, Commerce and Budget on the Petition by Hon. Festus Ndeti, MCA representing Kola ward in Machakos County, concerning alleged marginalization of Kola ward in the implementation of development projects by the County Government; and
- iv. Report of the Senate Standing Committee on Finance, Commerce and Budget on the Petition by Julius Masiva Obuga concerning employment of workers at the Vihiga County Assembly and alleged wastage of Public funds by the County Assembly.
(Chairperson, Finance, Commerce and Budget Committee)
- v. Statement regarding the Business of the Senate for the week commencing Tuesday, 14th June, 2016.

(The Senate Majority Leader)

6. STATEMENTS**a) Statements pursuant to Standing Order 45(2) (b)**

- i) The Senator for Vihiga County (Sen. George Khaniri) sought a Statement from the Chairperson of the Standing Committee on Land and Natural Resources on ballast mining in South Maragoli, Vihiga County by Messrs COVEC Company Limited.
- ii) Nominated Senator (Sen. Judith Sijeny) sought a Statement from Chairperson of the Standing Committee on Health regarding the free maternity policy.
- iii) The vice Chairperson of the Standing Committee on Energy issued a Statement regarding the provision of affordable and reliable power supply.

Thereupon, the vice Chairperson informed the House that whereas the network in Kisii County experienced voltage dips across the sub transmission networks as a result of defective control equipment, which had since been sourced and installed on 16th May, 2016, supply interruptions were also caused by trees falling on power lines during the recent rainy season but network maintenance activities had been intensified to stem escalation of such incidences.

The vice Chairperson also informed the House that whereas the approved tariffs applicable from 1st July, 2015 had remained unchanged and that any change to total billing amounts had been due to changes in customers' consumption quantities, efforts were being made to ensure predictability and reduced variations of the pass through costs and was important to ensure that the electricity prices are reflective of costs and that Kenya Power's financial integrity is maintained.

The vice Chairperson further informed the House that, under the government's plan to produce 5000 additional Megawatts to the National grid by 2017, KenGen had been tasked to deliver 844 Megawatts, of which 385 Megawatts had been delivered, mainly from geothermal.

- iv) The vice Chairperson of the Standing Committee on Energy issued a Statement regarding power surges and loss of electricity leading to destruction of property in Kinna Sub-County in Isiolo.

Thereupon the vice Chairperson informed the House that loss of power for long periods had been as a result of interruption of the supply line from Meru county although the Kenya Power and Lighting Company Limited(KPLC) also faced challenges in responding to customer complaints from Kinna due to issues of insecurity.

The Chairperson also informed the House that the government had undertaken to intensify inspection and maintenance of the distribution network with assistance of security agencies, *Nyumba Kumi* coordinators and local leadership; the Government had also initiated the establishment

of KPLC operational office at Garbatula with the intention of bringing services closer to the customers by 30th June, 2017 and construction of an alternative line from newly commissioned Isiolo transmission station to act as a second source and enhance flexibility to be implemented by 30th June, 2017.

The Chairperson further informed the House that KPLC processes each claim of damaged equipment, property or animals based on specific claims by individuals, which they had not received.

- v) The Chairperson of the Standing on Land and Natural Resources issued a statement on weather forecasts made by the Meteorological Department.

Thereupon, the Chairperson informed the House that the actual methodologies used to get weather forecasts include dynamic or numerical weather prediction modelling, statistical modelling, ensemble forecasting, trend forecasting and climate scenario modeling. The departments also run two regional models (namely the consortium for small scale modelling (COSMO) and the weather research forecasting (WRF) models on super computers which incorporate products from the global forecasts producing centres.

The Chairperson also informed the House that the Kenya Meteorological department collaborates the European Centre for Medium Range Weather Forecasts (ECMWF); the UK Meteorological Office, the National Centres for Environmental Prediction (NCEP) and the Meteo-France, among other Global centres.

The Chairperson informed the House that forecasts issued by Kenya Meteorological Department were credible and had immensely contributed to socio-economic development of the country and the region at large.

b) Statement pursuant to Standing Order 45(2) (c)

The Senate Majority Leader issued a Statement regarding the business of the Senate for the week commencing Tuesday, 14th June, 2016.

7. THE NATURAL RESOURCES (CLASSES OF TRANSACTION SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO.54 OF 2015)

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Natural Resources (Classes of Transaction Subject to Ratification) Bill (National Assembly Bill No.54 of 015) be now read a Second time.

(The Senate Majority Leader)

(Resumption of Debate interrupted on Wednesday, 8th June, 2016)

(Division)

Order deferred.

8. **THE ORDER OF PRECEDENCE AND TITLES BILL (NATIONAL ASSEMBLY BILL NO.11 OF 2014)**

(The Senate Majority Leader)

Order for Second Reading on a Division read;

Motion made and Question proposed;

THAT, the Order of Precedence and Titles Bill National Assembly Bill No.11 of 2014) be now read a Second time.

(Resumption of Debate interrupted on Wednesday, 8th June, 2016)

(Division)

Order deferred.

9. **THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Energy Bill (National Assembly Bill No.50 of 2015) be now read a Second time.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order, the Senate Majority Leader requested for deferment of putting of the Question to the following day, pursuant to Standing Order 54(3).

And the Temporary Speaker (Sen. Mositet) acceding to the request, nominated Tuesday, 14th June, 2016 as the day the Question shall be put.

10. **THE ACCESS TO INFORMATION BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, The Access to Information Bill (National Assembly Bill No. 36 of 2015) be now read a Second time.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order, the Senate Majority Leader requested for deferment of putting of the Question to the following day, pursuant to Standing Order 54(3).

And the Temporary Speaker (Sen. Mositet) acceding to the request, nominated Tuesday, 14th June, 2016 as the day when the Question shall be put.

11. **THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, The Seeds and Plant Varieties (Amendment) Bill (National Assembly Bill No. 43 of 2015) be now read a Second time.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order, the Senate Majority Leader requested for deferment of putting of the Question to the following day, pursuant to Standing Order 54(3).

And the Temporary Speaker (Sen. Mositet) acceding to the request, nominated Tuesday, 14th June, 2016 as the day when the Question shall be put.

And the time being twenty nine minutes past Six O'clock, the Temporary Speaker (Sen. Mositet) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders 30 (2).

12. **SENATE ROSE** - at twenty nine minutes past six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, June 14, 2016 at 2.30 p.m.*

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