

# THE SENATE



## COMMUNICATIONS AND RULINGS FROM THE CHAIR - 2015

Tuesday, 10<sup>th</sup> February, 2015

### COMMUNICATION FROM THE CHAIR

#### COMMISSION OF INQUIRY INTO THE PETITION TO DISSOLVE MAKUENI COUNTY GOVERNMENT

**The Speaker** (Hon. Ethuro): I have a communication from the Chair on the Commission of inquiry into the Petition to dissolve the Makueni County Government.

Hon. Senators, Article 192 of the Constitution, as read together with Section 122 of the County Governments Act provides for the suspension of a County Government by the President, in an emergency arising out of internal conflict or war, or in any other exceptional circumstances. Section 123 of the County Governments Act states as follows:-

“(1) Subject to subsection (2), a person may petition the President to suspend a county government in accordance with Article 192(1) (b) of the Constitution if the county government engages in actions that are deemed to be against the common needs and interests of the citizens of a county.

(2) A Petition under sub-section (1) shall be supported by the signatures of not less than 10 per cent of the registered voters in the county.

(3) The President shall, within fourteen days after receiving a Petition against a county government under sub-section (1), submit a report on the averments made and grounds giving rise to suspension of a county government before the apex inter-governmental body (hereinafter referred to as the apex body) established under the law governing inter-governmental relations for approval.”

Hon. Senators, pursuant to these provisions, I have received correspondence, dated 6<sup>th</sup> February, 2015, from the presidency informing me that His Excellency the President received a Petition for the suspension of the Makueni County Government. Subsequent to the receipt of the Petition, His Excellency the President requested the Independent Electoral and Boundaries Commission (IEBC) to confirm the veracity of the signatures annexed to the Petition to ensure

that the requirement under Section 123 (2) of the County Governments Act had been satisfied and that those who supported the Petition were indeed registered voters of Makueni County. The IEBC subsequently confirmed that Section 123 (2) of the County Governments Act had been satisfied.

Consequently, in compliance with Section 123 (3) of the County Governments Act, His Excellency the President submitted the Petition and a report of the same to the National and County Government Coordinating Summit established under Section 7 (1) of the Intergovernmental Relations Act, for its approval. Subsequently, the National and County Government Coordinating Summit approved the report on 8<sup>th</sup> December, 2014.

I will resume my seat to allow the Senators at the Bar to enter.

*(Hon. Senators entered the Chamber and assumed their seats)*

*(Sen. Ong'era stood up in her place)*

Order, Sen. Ong'era, it is a privilege to be allowed to enter the Chamber by the Chair and so, the sooner you assume the seat the better for everybody.

*(Sen. Wako stood up in his place.)*

Order, Sen. Wako, just because I mentioned Sen. Ong'era's name does not mean it applies to you as well.

Hon. Senators, Section 123 of the County Governments Act further provides as follows:-

“(4) Upon approval by the apex body, the President shall nominate members of a Commission to inquire into and investigate the situation in the county and make recommendations on the suspension of the county government and shall, after approval by Senate, appoint the members of the Commission by notice in the Gazette.

(5) The Commission shall comprise—

(a) a chairperson, who shall be an advocate of the High Court of Kenya with at least fifteen years' experience;

(b) the chairperson of the National Police Service;

(c) two persons resident in the affected county and who have not for the last ten years stood for an elective office in the affected county government, or have been an officer or employee of the affected county government; and

(d) two other persons not resident in the affected county with experience in conflict management.

(6) The Commission shall have all or any of the powers vested in a Commission under the Commissions of Inquiry Act (Cap. 102), and at any inquiry directed under this section, the county government in question and any member thereof shall be entitled to be heard.

(7) The Commission shall inquire into the matters before it expeditiously and report on the facts and make recommendations to the President.”

Hon. Senators, pursuant to Article 192 (2) of the Constitution as read together with the above provisions of the County Governments Act, His Excellency the President is required to appoint a Commission of Inquiry to investigate the veracity of the allegations set out in the Petition.

Hon. Senators, by letter Ref: No. OP/CAB.1/40/2A dated 6<sup>th</sup> February, 2015 and received in the Office of the Speaker of the Senate on 9<sup>th</sup> February, 2015, the Chief of Staff and Head of the Public Service informed the Speaker that pursuant to section 123 (5) of the County Governments Act, His Excellency the President has nominated the following persons to the Commission of Inquiry to investigate the veracity of the allegations set out in the Petition for the dissolution of Makueni County Government:-

1. Mr. Mohammed Nyaoga - Chairperson
2. Mr. Johnston Kavuludi - Member
3. Ms. Emily Gatuguta - Member
4. Prof. Harrison Maithya - Member
5. Ms. Alice Wairimu Nderitu - Member
6. Mr. Taib Ali Taib - Member

Hon. Senators, I now direct that the names and curriculum vitae of the six nominees be forwarded to the Sessional Committee on Devolved Governments for vetting. The Committee should file its report within 14 days from today for deliberation by the Senate pursuant to Section 123 (4) of the County Governments Act. In carrying out the vetting process, the Committee must adhere to the provisions of the Public Appointments (Parliamentary Approval) Act, 2011.

I thank you.

Wednesday, 11<sup>th</sup> February, 2015

## COMMUNICATION FROM THE CHAIR

DEMISE OF HON. GEORGE MUKURU MUCHAI,  
MEMBER FOR KABETE CONSTITUENCY

**The Speaker** (Hon. Ethuro): Order Senators! I have one Communication to make on the demise of Hon. George Mukuru Muchai.

Hon. Senators, as you may be already aware, on the morning of Saturday, 7<sup>th</sup> February, 2015, the Hon. George Mukuru Muchai, Member for Kabete Constituency, together with his two bodyguards and a driver, lost their lives when they were attacked by armed thugs along Kenyatta Avenue, Nairobi.

Records in Parliament indicate that the late Hon. George Muchai was born on 22<sup>nd</sup> July, 1949. He attended St. Michael Primary School between 1956 and 1963 and Highway Secondary School, Nairobi between 1964 and 1967. He obtained a Certificate in Electrical Installation Trade Test from the Railway Training School in 1974. Later, the late Hon. Muchai attended the Kenya Polytechnic where he was awarded a Certificate in Electrical Installation Technology. He thereafter undertook several courses on labour matters, regionally and internationally.

The late Hon. Muchai was an active and vibrant labour unionist, having been elected as the General Secretary of the Bakery, Confectionery, Food Manufacturing and Allied Workers' Union in 1984, a position he still held until his demise, owing to his passion for and responsiveness to the needs of the people he represented. His empathy and humility largely endeared him to the workers of this nation and saw him overwhelmingly elected as the Deputy Secretary General of the Central Organization of Trade Unions (COTU) in 2001. Indeed, he never lost an opportunity to air the problems that befall the masses, especially workers, whom he continued to represent for the last three decades.

Hon. Senators, the late Hon. George Muchai made his debut in national politics in the run-up to the 2013 General Elections when he successfully vied for the Kabete Constituency seat, Kiambu County. His swift mastery and grasp of parliamentary business ensured that his contributions were keenly followed by all. Particularly, his contributions on legislations related to the labour and education sectors were insightful and tremendously enriching to the matters under debate. He was an active Member of the Departmental Committee on Labour and Social Welfare as well as the Budget and Appropriations Committee of the National Assembly.

On behalf of all Senators and indeed on my own behalf, I wish to take this opportunity to condole with the family of the late Hon. Muchai, the people of Kabete Constituency and all his friends for the loss of this great trade unionist and a people's defender at this trying time. I also condole with the families of the late police constables Samuel Lekakeny Montata and Samuel Kimathi Kairingia who were security officers of the deceased Hon. Member and the late Stephen Ituu Wambugu, the driver of the late Hon. Muchai. As the Senate, we assure the families of our support during this period of great sorrow.

As I conclude, I would like to appeal to the concerned security agencies to move with speed in investigating this heinous crime with a view to bringing the perpetrators to book. It is only through this that the nation, and indeed the families of the departed, will rest knowing that

justice, and indeed the sacredness of every life as enshrined in the Constitution, will have prevailed. May his soul and the souls of his departed staff rest in eternal peace.

As I promised yesterday, I will allow a few minutes for Senators to eulogise our departed colleague.

I thank you.

Thursday, 12<sup>th</sup> February, 2015

**COMMUNICATION FROM THE CHAIR**

VISITING DELEGATION FROM THE COMMISSION  
ON REVENUE ALLOCATION

Honourable Senators, I wish to acknowledge the presence of a delegation visiting us this afternoon. Allow me, therefore, to introduce to you a delegation of members from the Commission on Revenue Allocation who are seated at the Speaker's Gallery.

The delegation is led by the Chairman, Mr. Micah Cheserem. As I proceed to introduce the rest, I request that when a member is called, he or she should stand up to be acknowledged in the normal traditional way of Parliament.

- (i) Mr. Micah Cheserem – Chairman (CRS)
- (ii) Ms. Rose B. Osoro
- (iii) Ms. Amina Ahmed
- (iv) Mr. James Katule
- (v) Ms. Linet Oyugi
- (iv) Ms. Martha Maneno

*(Applause)*

On behalf of the Senate and on my own behalf, I extend a warm welcome to you and wish you enjoy our proceedings.

Tuesday, 17<sup>th</sup> February, 2015

## COMMUNICATION FROM THE CHAIR

### SCHEDULE FOR THE PROCESSING OF THE BUDGET POLICY STATEMENT 2015 BY THE SENATE

**The Speaker** (Hon. Ethuro): Hon. Senators, as you are aware, the legislative budget cycle for 2015/2016 Financial Year and the Medium Term has begun with the submission of the following four documents to Parliament, yesterday 16<sup>th</sup> February, 2014.

The four documents are:

(a) The Medium Term Budget Policy Statement (BPS) 2015, which contains proposals for the 2015/2016 fiscal framework, showing the projected revenues and proposed expenditure ceilings as well as the economic indicators guiding budget formulation;

(b) The Medium Term Debt Management Strategy, 2015, which shows the total indebtedness of the country, the proposed borrowing to finance the 2015/2016 Budget and strategies of ensuring that the country's debt remains sustainable;

(c) A legislative proposal on the Division of Revenue, 2015, seeking to anchor in law the amount of national revenue to be divided between the national Government and the devolved level of Government (vertical division of revenue); and,

(d) A legislative proposal on the County Allocation of Revenue, 2015, proposing the exact amounts due to each county or central division of revenue.

Hon. Senators, Section 25(7) of the Public Finance Management Act, 2012, provides that the BPS should be passed by Parliament within 14 days. This means that both Houses of Parliament should have dispensed with the BPS as well as the Medium Term Debt Management Strategy (MTDMS) by 3<sup>rd</sup> March, 2015, so as to allow the smooth interface of these documents with the subsequent budget documents, which include the introduction of both the Division of Revenue as well as the County Allocation of Revenue Bills in Parliament. This will also allow sufficient time for the respective county fiscal strategy papers to be aligned with the BPS, as provided in Section 117(2) of the Public Finance Management Act, 2012.

In light of the limited amount of time occasioned by the strict deadlines in the processing of both the BPS as well as the MTDMS, a schedule that will guide the processing of both documents in the Senate has been prepared and is available at the Journals Office. I now direct that it be made available to all Senators. I would like to remind the hon. Senators that we must abide by the Budget cycle.

I thank you for your attention.

Wednesday, 18<sup>th</sup> February, 2015

## COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM PARLIAMENT  
OF ZAMBIA IN THE SPEAKER'S GALLERY

**The Speaker** (Hon. Ethuro): Hon. Members, I am pleased to acknowledge and to welcome to the Senate this afternoon, a delegation from the Parliament of Zambia which is seated at the Speaker's Gallery. The delegation comprises Members of the Parliamentary Reforms and Modernization Committee of the Parliament of Zambia and they are in Kenya on a study visit to benchmark on the development, implementation and management of strategic plans and the operations of Parliament and the Parliamentary Service Commission (PSC) with a focus on parliamentary reforms.

I wish to request Members of the delegation, that when your name is called out, you stand so that you may be acknowledged by the Senators in their typical Kenyan tradition.

Hon. Senators, the delegation comprises the following Members:-

1. Hon. P.A. Mucheleka, MP - Chairperson and Leader of Delegation
2. Hon. C.K. Banda, AC, MP - Deputy Chairperson of Committees of the Whole House
3. Hon. S. Katuka, MP
4. Hon. K.N. Simbao, MP
5. Hon. I.K. Banda, MP
6. Hon. M. Lubeshi, MP
7. Hon. E.C. Lungu, MP

The delegation is also accompanied by the following Members of staff:-

1. Mr. T. Kamanga - Principal Clerk
2. Mr. M.K. Phiri - Assistant Programme Officer.

Hon. Senators, I take this opportunity, on behalf of the Senate, and on my own behalf to wish the delegation success in their visit to Kenya. Thank you.

*(Applause)*



Thursday, 19<sup>th</sup> February, 2015

## COMMUNICATION FROM THE CHAIR

### FORMATION OF JOINT COMMITTEE TO VET THE NOMINEE FOR THE POSITION OF INSPECTOR- GENERAL OF THE NATIONAL POLICE SERVICE

**The Speaker** (Hon. Ethuro): Hon. Senators, I have the following Communication to make. You recall at the sitting of Wednesday, 18<sup>th</sup> February, 2015, the Senate Minority Leader, Sen. Wetangula, rose on a point of order seeking the guidance of the Speaker on the matter of the formation of the Joint Committee of the Senate and the National Assembly to vet the nominee for the position of Inspector-General of the National Police Service.

In particular, Sen. Wetangula sought clarification on whether the Senate had passed a resolution for the establishment of the Joint Committee. The Senator further raised concerns on the procedure to be followed by the Joint Committee and whether the Fourth Schedule to the Standing Orders which sets out the rules for Joint Committees of Parliament would apply to the proceedings of the Joint Committee.

Sen. Wetangula took the view that each House, through its respective Committee, ought to have vetted the nominee and the procedure for mediation should thereafter have been applied if the House were to arrive at a different conclusion on the suitability or otherwise of the nominee.

Sen. Murkomen and Sen. Orenge also rose on points of order and made contributions on the matter. In supporting Sen. Wetangula, Sen. Orenge observed that as a matter of constitutional design, the perspectives of the two Houses while vetting the nominee would be different and it would therefore be important that each House separately vets the nominee.

Hon. Senators, as you will recall on Tuesday, 17<sup>th</sup> February, 2015, I conveyed to the Senate a Message from His Excellency the President on the nomination of Mr. Joseph Kipchichir Boinet for appointment to the position of Inspector-General of the National Police Service. While conveying the Message, I indicated that having consulted with my brother, the Hon. Speaker of the National Assembly, and taking into account the strict 14 day timeline stipulated in the Public Appointments (Parliamentary Approval Act), No. 33 of 2011 and also the prolonged vacancy in the office of the Inspector-General, an important constitutional office holder and a host of activities that required to be undertaken within that short period of time, we agreed that the vetting of the nominee be jointly conducted by the Senate Standing Committee on National Security and Foreign Relations and the National Assembly Departmental Committee on Administration and National Security.

In arriving at this decision, it was observed that Section 9 of the Public Appointments (Parliamentary Approval Act) states that if after the expiry of the 14 day period for consideration of the nomination, Parliament has neither approved nor rejected the nomination of the candidate, the candidate would be deemed to have been approved for appointment.

However, In light of these timelines and the requirement for approval of the nomination by both Houses of Parliament, Parliament runs the real risk of failing to meet the stipulated timelines thereby abdicating its important constitutional function of vetting the Inspector-General of the National Police Service. This would be a great disservice to the people of Kenya

who are anxiously waiting the vetting of the nominee and the eventual appointment of a new Inspector-General.

I must, however, hasten to add that, the establishment of a Joint Committee of the two Houses for vetting of a nominee for appointment should not be an exceptional measure to be taken out of necessity such as the case in this situation. This should not and was not intended to be the general rule or the precedent to be applied for the future processes.

As such, it is of utmost importance that the timelines in the Public Appointment (Parliamentary Approval Act) which are replicated in Section 12 of the National Police Service Act, No.11A of 2011, be scrutinized with a view to ensuring the practicality of the timelines in the context of a bicameral Parliament. It is evident that the timelines set out in these provisions of the law did not take into account the dual vetting processes to be undertaken by the approval of both Houses of Parliament is required.

In this regard, I hereby direct the Standing Committee on Legal Affairs and Human Rights to interrogate this matter further and to Table its Report within 21 days of this Communication.

I thank you.

Tuesday, 24<sup>th</sup> February, 2015

**COMMUNICATION FROM THE CHAIR**

VISITING DELEGATION OF STUDENTS FROM ST. PAUL  
SECONDARY SCHOOL, KITUI COUNTY

**The Temporary Chairperson** (Sen. (Dr.) Machage): Order, Members! I wish to recognize the presence of the pupils and teachers from St. Paul Secondary School from Kitui County, in the House, seated at the public gallery. As you all know, Hon. Senators, the tradition of receiving and welcoming visitors to Parliament is a long time tradition and one which we shall continue. On behalf of the Senate and on my own behalf, I extend a warm welcome to the pupils and teachers of St. Paul Secondary School, Kitui.

*(Applause)*

**Thursday, 26<sup>th</sup> March, 2015 – Joint Sitting of the Senate and National Assembly**

**COMMUNICATION FROM THE CHAIR**

CONVENING OF SPECIAL SITTING OF PARLIAMENT  
FOR ANNUAL STATE OF THE NATION ADDRESS BY  
HIS EXCELLENCY THE PRESIDENT

**The Speaker of the National Assembly** (Hon. Muturi): Your Excellency, Hon. Uhuru Kenyatta, President of the Republic of Kenya and Commander-in-Chief of the Kenya Defence Forces, the hon. Speaker of the Senate, hon. Ekwe Ethuro, hon. Members of Parliament, Article 132(1)(b) of the Constitution of Kenya requires the President to address a Special Sitting of the Parliament of Kenya once every year and at any other time. Further, Article 132(1)(c) requires the President to, among others:-

“once every year-

(i) report, in an address to the nation, on all the measures taken and the progress achieved in the realisation of the national values, referred to in Article 10; and,

(iii) submit a report for debate to the National Assembly on the progress made in fulfilling the international obligations of the Republic.”

In addition, Article 240(7) of the Constitution requires the President to report to Parliament annually on the state of the security of the Republic.

In this regard, hon. Members, following a request from His Excellency the President and pursuant to Article 132 (1)(b) and (c) (i) and (iii) of the Constitution and the provisions of Standing Order No.22 (1) and (2) of the National Assembly Standing Orders, by Gazette Notice No.1978, which was published in a Special Issue of the Kenya Gazette on 20<sup>th</sup> March, 2015, I gave notice of this Special Sitting to the Members of the National Assembly.

Similarly, pursuant to Article 132(1)(b) and (c)(i) and (iii) of the Constitution and the provisions of Standing Order No. 22(1) and (2) of the Senate Standing Orders, by Gazette Notice No.1980, which was published in a Special Issue of the Kenya Gazette on the 24<sup>th</sup> March, 2015, the Speaker of the Senate gave notice of this Special Sitting to the Senators. Accordingly, hon. Members, this Special Sitting is properly convened.

It is now my singular honour and privilege to invite His Excellency the President of the Republic of Kenya to address this Special Sitting of Parliament.

I thank you.

*(Applause)*

Thursday, 5<sup>th</sup> March, 2015

**COMMUNICATION FROM THE CHAIR**

*KAMUKUNJI* TO ADDRESS IMPLEMENTATION OF  
MEMBERS' MEDICAL SCHEME

**The Speaker** (Hon. Ethuro): Order Members, I have a communication on a *Kamukunji* to address the concerns on the implementation of the Members' Medical Scheme

Hon. Senators, in recent times, a number of Members have raised concerns about the implementation of the Members' Medical Scheme ranging from the entitlements to Members, administration and management of the scheme. The Parliamentary Service Commission recently held a meeting with the management of the scheme administrators M/s AON Kenya Insurance Brokers, Limited. It has been agreed that the top management of AON Kenya Insurance Brokers Limited attend and brief a joint *Kamkunji* between the two Houses on Thursday, 12<sup>th</sup> March, 2015, at 10.00 a.m. in the National Assembly Chambers.

Hon. Senators, this is, therefore a request to all of you to mark it in your diary and attend this special *Kamukunji*. All concerns and questions regarding the medical scheme will be addressed during the said *Kamukunji*.

Thank you.

Wednesday, 11<sup>th</sup> March, 2015

## COMMUNICATIONS FROM THE CHAIR

### VISITING DELEGATION FROM THE HOUSE OF COUNCILLORS, KINGDOM OF MOROCCO

**The Speaker** (Hon. Ethuro): Hon. Members, I have two communications to make. I will start with the first one.

Hon. Senators, I wish to acknowledge the distinguished presence of our friend and my colleague, H.E (Dr.) Mohamed Cheikh Biadillah, President of the House of Councillors of the Kingdom of Morocco and his delegation seated at the Speaker's Gallery.

The delegation comprises:-

1. His Excellency Abdelhamid Saadaoui, Head of Haraki Group, Popular Movement, Majority in the Congress; and,

2. His Excellency Mohamed Fouzi Benallal, Vice President, Parti Istiqlal, the Opposition.

They are accompanied by the following:-

(i) His Excellency Abdelilah Benryane, Ambassador of the Kingdom of Morocco to Kenya;

(ii) Mr. Omar Chiban, Staff, Morocco Parliament;

(iii) Ms. Ghyslaine Derrous, Staff, Morocco Parliament.

(iv) Mr. Abderrahim Cherrab, Political Counselor, Moroccan Embassy; and,

(v) Mr. Mohamed Koursy, Journalist, Agency Morocco Press.

As Hon. Senators are aware, H.E (Dr.) Mohamed Cheikh Biadillah arrived in our country on Sunday, 8<sup>th</sup> March, 2015, for a four day official visit. The delegation has had a number of engagements so far, including a meeting with His Excellency the President of the Republic of Kenya, Hon. Uhuru Muigai Kenyatta. The delegation has as well had a meeting with the Speaker, the leadership of the Senate and the Senate Standing Committee on National Security and Foreign Relations as well as with the Speaker and the leadership of the National Assembly.

Hon. Senators, Kenya and Morocco have enjoyed long and cordial relations. We are beacons of hope, prosperity and democracy in our various regions of the continent, especially East Africa and the Maghreb, respectively. The two friendly countries are the top 10 fastest growing economies; with Kenya at position nine in Africa and Morocco at position five. I have no doubt in my mind that the visit will further entrench those links, friendship and development between our two countries and Parliaments for the mutual benefit of our people, and by extension, the African Community.

Hon. Senators, I wish to recall that I visited the Kingdom of Morocco in November last year accompanied by the Senate Minority Leader, Sen. Moses Wetangula and Sen. Paul Kimani Wamatangi on the sidelines of African Parliamentary Union (APU) Conference in Rabat. I met the Moroccan Prime Minister, H.E Abdelilah Benkirane during which time we discussed multiple issues focusing on how to strengthen the relations between our two countries and explored other areas of co-operation, including higher education in medical and engineering fields.

Hon. Senators, As I conclude, I wish to reiterate that the Senate of the Republic of Kenya will continue to foster and nurture closer links with the House of Councillors and the people of

the Kingdom of Morocco in order to share experiences in addressing the challenges that confront us, as a bicameral Parliament, nations and Africa and together, I am certain, we shall overcome.

It now gives me great pleasure, on your behalf and on my own behalf, to extend a very special and warm welcome to our colleague and dear friend, H.E (Dr.) Mohamed Cheikh Biadillah, President of the House of Councillors of the Kingdom of Morocco, together with Members of his delegation and to wish them a happy and enjoyable stay in our great Republic of Kenya. I thank you.

*(Applause)*

VISITING DELEGATION OF THE PARLIAMENTARY COMMITTEE  
ON LOCAL GOVERNMENT AUTHORITIES OF TANZANIA

**The Speaker** (Hon. Ethuro): Hon. Senators, the second communication is to acknowledge the presence of a delegation of the Parliamentary Committee on Local Government Authorities of Tanzania.

Hon. Senators, I am pleased to acknowledge and welcome to the Senate this afternoon, a delegation from the Parliament of Tanzania which is seated at the Speaker's Gallery.

The delegation comprises Members of the Parliamentary Committee on Local Government Authorities. They are in Kenya on a study visit to benchmark on the role of Parliament in social security with a special focus on county governments.

I request Members of the delegation that when your name is called out you stand so that you may be acknowledged in our usual Kenyan tradition.

1. The Hon. John Paul Lwanji, MP, Vice Chairman/Head of Delegation;
2. The Hon. Rosweeter Faustine Kasikila, MP;
3. The Hon. Rashi Ali Abdallah, MP;
4. The Hon. Mkiwa Adam Kimwaga, MP;
5. The Hon. Moses Joseph Machali, MP;
6. The Hon. Asha Mohammed Omari, MP;
7. The Hon. Christopher Olonyikie Ole Sendeka, MP;
8. The Hon. Sabreena Hamza Sungura, MP;
9. The Hon. Conchesta Leonce Rwamlaza, MP;
10. Ms. Mwajuma Ndugu Ramadhani- Committee Clerk; and,
11. Mr. Valerian Mablangeti, Director of Operations at the Local Authorities Pension Fund in Tanzania.

Hon. Senators, I take this opportunity on behalf of the Senate and on my own behalf, to wish the delegation a successful visit in our country. I thank you.

*(Applause)*

Tuesday, 17<sup>th</sup>March, 2015

## COMMUNICATION FROM THE CHAIR

### SUBMISSION OF DRAFT REGULATIONS OF THE PUBLIC FINANCE MANAGEMENT ACT BY THE PS TREASURY

**The Speaker** (Hon. Ethuro): Hon. Senators, I have a Communication to make on the submission of the Public Finance Management (National Government Regulations 2015), Public Finance Management (County Government Regulations 2015) and Legal Notice for Declaration of the National Government Entities (State Organs).

Hon. Senators, Section 205(1) of the Public Finance Management Act gives the Cabinet Secretary responsible for Finance powers to make regulations to give effect to some provisions of the Act. Section 205(4) of the Public Finance Management Act, further provides that such regulations made by the Cabinet Secretary must be approved by a resolution passed by Parliament.

Hon. Senators, pursuant to the above provisions and by a letter reference number. CONF.1/022/Vol.II/95, dated 13<sup>th</sup> March, 2015, addressed to the Clerk of the Senate, the Principal Secretary in the National Treasury submitted the following:-

- (i) Draft public finance management (national Government) regulations, 2015.
- (ii) Draft public finance management (county governments) regulations, 2015.
- (iii) Draft Legal Notice for declaration of the National Government Entities (State Organs).

Hon. Senators, I now direct the Chairperson of the Sessional Committee on Delegated Legislation to table the three draft Legal Notices and, further, that the draft Legal Notices be committed to the Sessional Committee on Delegated Legislation for consideration. The Committee should file its Report on or before Thursday 26<sup>th</sup> March, 2015 and this is significant for deliberation by the Senate pursuant to section 205(4) of the Public Finance Management Act.

Hon. Senators, I also wish to draw the attention of the Senate to the provisions of Section 205(6) of the Public Finance Management Act which states as follows:-

“If a House of Parliament does not make a resolution either by approving or rejecting any regulations within 15 sitting days after submission for its approval, the House shall be deemed to have approved those regulations.”

I thank you.



Wednesday, 18<sup>th</sup> March, 2015

## COMMUNICATION FROM THE CHAIR

### VISITING DELEGATION FROM KISII COUNTY ASSEMBLY

**The Speaker** (Hon. Ethuro): Hon. Senators, I am pleased to acknowledge and to welcome to the Senate this afternoon a delegation from the County Assembly of Kisii seated at the Speaker's Gallery. I request that the members of the delegation stand when their names are called out so that they may be acknowledged in our usual manner by the Senate.

1. Hon. Haron Mutume Masase
2. Hon. Joyce J. Isaac
3. Hon. Shem Ondara
4. Hon. George M. Bibao
5. Hon. Jane Kananga
6. Hon. Peter Omar
7. Hon. Sabina Kennedy
8. Hon. Felista Metobo
9. Hon. Godfrey Ogembo
10. Hon. Timothy Nyarango
11. Hon. Kennedy Mainye

The hon. Members from the County Assembly of Kisii are accompanied by the following staff:-

1. Mr. Geoffrey O. Oseko
2. Mr. Dennis Ogendo

Hon. Senators, 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. As you know, the Senate is dedicated to the protection and promotion of county interests.

Thursday, 19<sup>th</sup> March, 2015

## **COMMUNICATION FROM THE CHAIR**

### **EXTENDING DISCUSSIONS ON A MATTER BEFORE A COMMITTEE OUTSIDE THE HOUSE**

Hon. Senators, on Tuesday 3<sup>rd</sup> March, 2015, the Senator for Mombasa County, Sen. Hassan drew the attention of the House to an Article appearing in a Sunday newspaper of 1<sup>st</sup> March, 2015 covering information allegedly divulged by the Chairperson of the Standing Committee on Education, Sen. Karaba. Sen. Hassan claimed that the information given to the media breached Standing Order No.88 of the Senate as it amounted to pre-empting or anticipating debate as the matter was being investigated by a Committee of the Senate, on disturbances facing the University of Eldoret.

Hon. Senators, although the Senator quoted Standing Order No.88 that relates to anticipating debate, the appropriate Standing Order is No.89 which states:-

“No Senator shall refer to the substance of the proceedings of a Select Committee before the Committee has made its report to the Senate.”

I wish to note that the above provision applies to debate within the House which gives the principle of application of the rule of extending discussions by Senators outside the House.

The question of Members of the House taking debate or commenting on matters pending before the House or Committees outside the House is not new. Therefore, as you can expect, there is a well developed path in terms of procedure which is codified through rules and practice, which as you are well aware, is uncodified and set by precedence mostly through Communications from the Chair. Let me remind Senators that the Chair comprehensively pronounced itself on the subject in the last Session and that position has not changed.

Hon. Senators, I have looked at the article in the newspaper referred to by Sen. Hassan titled “Senate Team Unearth Rot at Eldoret Varsity.” It is a report summarizing alleged problems confronting the institution that led to the unrest from the author’s perspective, in the course of their work of reporting Committee activities. It is not quoting or referring to a Statement issued by or attributed to a Member of the Committee or any other Senator, or indeed, including the Chairman himself. Therefore, arising from the foregoing, the Chair is satisfied that the reporters who filed the story were within the parameters provided by the Constitution and our rules of procedure and hence there was no breach of the rules by any Senator, nor by the newspapers.

Hon. Senators, I also applaud and commend Members of the Committee for staying the course and not being carried away and deviating from the task at hand, namely; making proposals that will assist the university back to its feet as the specialized agency of the House in education matters. I, therefore, wish to encourage all Senators, starting with Sen. Hassan, to be reading the stories more carefully before they bring the matter to the House.

Thank you.

Thursday, 19<sup>th</sup> March, 2015

## COMMUNICATION FROM THE CHAIR

### CLARIFICATION OF THE WORDS “DEMEANOUR” AND “MISDEMEANOUR”

**The Speaker** (Hon. Ethuro): Hon. Members, I want to start by giving the definitions. A “demeanour” is a mien, facial appearance and behaviour. A misdemeanour is a minor offence.

*(Loud consultations and laughter)*

When the Senate Minority Leader, Sen. Wetangula, rose to seek a clarification from the Chairperson, Sen. (Prof.) Kindiki, he said:-

“Mr. Speaker, Sir, you heard the Chairman tell us and you could see from his demeanour--- That is the word he used; facial appearance; “that he did not even appear---” Indeed, Sen. Wetangula even used the word “appear,” which was really being repetitive for purposes of emphasis;

“to believe in what he was saying; that our forest cover is 6.9 per cent. This is a big joke---”

And he continued.

Now, when the Chairperson rose to respond, he said:-

“Before I even proceed, I seek your indulgence. I am very disturbed that an hon. Member can stand and say: ‘reading from my misdemeanour---’

*(Laughter)*

“I take it that the Member hates some inherent trait of my personality and not only for today. I will need your protection because the personal grudge being brought under the table in terms of misdemeanour---”

*(Laughter)*

I challenged him as the Chair and the Chairman of the Committee responded;

“Mr. Speaker, Sir, I mean misdemeanour.”

The Senate Minority Leader retorted;

“It is demeanour and not misdemeanour.”

I pointed out to the Chair that he is the one referring to himself in the word “misdemeanour” That is not what the Senate Minority Leader said. He repeated saying that the key word here was “misdemeanour.”

So, I, therefore, direct that the key word “misdemeanour” was not part of the words used by the Senate Minority Leader. And that the two words are not related.

*(Laughter and applause)*

Tuesday, 24<sup>th</sup> March, 2015

## COMMUNICATION FROM THE CHAIR

### NOTICE OF SPECIAL SITTING OF PARLIAMENT

**The Temporary Speaker** (Sen. Murkomen): Hon. Senators, as you may be aware, Article 132(1)(b) of the Constitution and the Standing Order 22(1) of the Senate Standing Orders require the President to address a special sitting of Parliament once every year and at any other time. Via a letter Reference No.OP/CAB.1/40 dated 16<sup>th</sup> March, 2015, addressed to the Clerks of Parliament, the Office of the President requested Parliament to set a date for the Presidential address to Parliament. Upon the Speaker consulting the Speaker of the National Assembly, it was resolved that His Excellency the President addresses Parliament on Thursday, 26<sup>th</sup> March, 2015.

Hon. Senators, this is, therefore, to inform you that a Special Sitting of Parliament will be held on Thursday 26<sup>th</sup> March, 2015, at 2.30 p.m. in the National Assembly Chamber. His Excellency the President will also use the occasion, pursuant to Article 132 (1)(c)(i) to report on all the measures taken and the progress achieved in the realization of national values set out in Article 10 of the Constitution. Further, pursuant to Article 247 of the Constitution, His Excellency the President will also report on the state of the security of Kenya.

I, therefore, urge all the hon. Senators to attend the Special Sitting, which is an important occasion in the Calendar of Parliament; that provides the opportunity for His Excellency the President to deliver the State of The Nation Address and address the legislature and people of Kenya on critical matters concerning the country.

Hon. Senators, due to limited sitting space, the Senators and Members of the National Assembly will be at liberty to invite one guest each for the occasion. You are hereby requested to provide the names of such guests at the Senate reception to facilitate the preparation of formal invitation cards.

Hon. Senators, the Special Sitting has necessitated a re-arrangement of parking. Consequently, the current Senators' parking area here at the Main Parliament Building will be unavailable for parking on Thursday 26<sup>th</sup> March, 2015. Please, do also note that access to Parliament through the parking area, formerly known as the Ministers' Gate, will remain restricted from tomorrow 25<sup>th</sup> March, 2015, to facilitate the pitching of tents for refreshments on the particular day. Alternative arrangements have been made for parking at the COMESA Grounds of the KICC. I urge the hon. Senators to bear with the situation.

I thank you.

Wednesday, 25<sup>th</sup> March, 2015 – Afternoon Sitting

## COMMUNICATION FROM THE CHAIR

### APPRECIATION TO MPs FOR PARTICIPATING IN THE FIRST LADY'S BEYOND ZERO CAMPAIGN HALF MARATHON

**The Speaker** (Hon. Ethuro): Hon. Senators, I have a Communication to make.

Hon. Senators, as you may be aware, on Saturday, 8<sup>th</sup> March, 2015, the First Lady of the Republic of Kenya, Her Excellency, Margaret Kenyatta, led close to 20,000 people to participate in the 2<sup>nd</sup> Edition of the Beyond Zero Campaign Half Marathon. The goal of the marathon was to raise funds to improve access to healthcare services to the Kenyan people, especially expectant mothers and children.

Hon. Senators, you may recall that the theme of the marathon was “**no woman should die while giving life.**”

I recall that the inaugural marathon was held last year, 9<sup>th</sup> March, 2014 and that this second marathon, coincided with the International Women’s Day, 2015 whose theme was: “Make it happen”. That coincidence was deliberate in order to underscore the centrality of the important role played by women as integral members of the world's humanity and, hence, the need to recognize and lend them our support.

The noble initiative was undertaken in the greater effort to afford maternal healthcare to all mothers so that their children can enjoy life “Beyond Zero”, irrespective of their region or place of birth. This is indeed unprecedented and deserves our commendation and support. It will go a long way towards the realization of Millennium Development Goal (MDGs) 4 and 5 which are:-

4. To reduce child mortality
5. To improve maternal health by reducing maternal mortality by three quarters and achieving universal access to reproductive health.

Globally, the maternal mortality ratio has declined by 47 per cent over the past two decades, from 400 maternal deaths per 100,000 live births in the year 1990 to 210 in the year 2010. However, in Kenya, maternal mortality ratio remains at an unacceptably high level of 488 deaths per 100,000 live births. This ratio has almost remained constant since 1990.

Further, there are wide regional disparities in maternal mortality within the country, with maternal deaths representing about 15 per cent of all deaths of women aged between 15-49 years, which translates to an estimated 6,000 to 8,000 pregnant women dying every year. The disparities in maternal mortality between counties are considerable, where the county with highest maternal mortality ratio has 20 times the deaths of that with the lowest. The 15 counties with the highest number of maternal deaths and highest maternal mortality ratio contribute over 98 per cent of the national total, and include:-Mandera, Wajir, Garissa, Lamu, Taita-Taveta, Marsabit, Isiolo, Turkana, Nakuru, Migori, Homa Bay, Kisumu, Siaya, Kakamega and Nairobi.

You will undoubtedly agree with me that these statistics are unacceptable. This noble drive initiated by the First Lady, which has received overwhelming support from thousands of people from all walks of life, is not only patriotic but also human centered given the impact witnessed so far.

Health being a fully devolved function, it is noteworthy to mention that the proceeds from the first marathon. Some 21 fully-equipped mobile clinics have so far been procured and distributed to the following counties which were prioritized because they have higher incidences of maternal and infant mortality, they include:- Taita-Taveta, Nyeri, Homa Bay, Samburu, Laikipia, Tharaka Nithi, Baringo, Isiolo, Narok, Turkana, Marsabit, Siaya, Kisii, Kiambu, Kitui, Mombasa, Kilifi, Kwale, Uasin Gishu, Elgeyo Maraket, and Wajir.

Hon. Senators, for your information, which is one of the issues which you have been called upon to partner, the First Lady also officially launched the 9<sup>th</sup> Stop Cervical, Breast and Prostate Cancer in Africa (SCCA) Conference on Wednesday, 18<sup>th</sup> March, 2015, here in Nairobi which is an initiative spearheaded by African First Ladies. The actual conference will be held from 19<sup>th</sup> to 21<sup>st</sup> July, 2015 and will be hosted by the First Lady. This will be the ninth in Africa. Our Senate has been requested to fully participate and especially extend the invitation to the Speakers of Parliaments in Africa.

Hon. Senators, it is my firm persuasion the First Lady's efforts towards improving health should be commended. I therefore take this opportunity, on your behalf and on my behalf, to commend and applaud the First Lady for her exceptional focus and tireless efforts in promoting the Beyond Zero Initiative which will afford healthcare services to many Kenyans who would otherwise never have accessed such services. I also laud her for being a good role model to our young girls and indeed many others who care about humanity.

Finally, I also want to convey my appreciation and commend all the Senators and Members of the National Assembly in general who participated in this year's event.

I thank you.

## **COMMUNICATION FROM THE CHAIR**

### **DEFERMENT OF THE REPORT ON THE STATUS OF FINANCIAL ALLOCATION TO COUNTIES BY THE CRA**

**The Temporary Speaker** (Sen. Murkomen): Before the Senate Majority Leader can move, I have a communication to make. Initially, the Speaker had ruled that we must conclude business on the Order Paper, Order Nos.11 and 13, which is the Report of the Standing Committee of Finance, Commerce and Budget. At this juncture after consultation with Members of the Committee, they have requested that considering the seriousness of this matter, the Chair of the Committee will be here to move that Motion and a few Members of the Committee will make contributions to it. Considering that also the person who had requested for the Statement, Sen. Hassan, is not available, I propose that the business be deferred to a day that will be designated by the Rules and Business Committee (RBC) and the Speaker. Therefore, for now we cannot proceed to that order. Once the next Order, which is the Mining Bill, is done, then the House will stand adjourned.

**Wednesday, 1<sup>st</sup> April, 2015 - Afternoon**

**COMMUNICATION FROM THE CHAIR**

VISITING DELEGATION FROM MERU COUNTY ASSEMBLY

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I am pleased to acknowledge and welcome to the Senate this afternoon the Speaker and the Clerk of Meru County Assembly, who are seated in the Speaker's Gallery.

*(Applause)*

I request that when their names are called out, they stand up so that they may be acknowledged in our usual Senate tradition. Senator Joseph Kaderia Ariba---

**An hon. Senator:** It is the Speaker!

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, it is hon. Joseph Kaderia Ariba, the Speaker of Meru County Assembly and Mr. Julius K. Arithi, the Clerk of Meru County Assembly.

*(Applause)*

Hon. Senators, I take this opportunity, on behalf of the Senate and on my own behalf, to wish the Speaker and the Clerk of Meru County Assembly a happy and fruitful visit.

Thank you very much.

*(Applause)*

Thursday, 2<sup>nd</sup> April, 2015

**COMMUNICATION FROM THE CHAIR**

VISITING DELEGATION OF STUDENTS FROM  
ALLIANCE HIGH SCHOOL

**The Deputy Speaker** (Sen. Kembi-Gitura): Order! Hon. Senators, before the Senate Minority Leader takes the Floor, allow me to recognize the presence, in our gallery, of Alliance Boys High School students and teachers who are seated in the Public Gallery.

*(Applause)*

On my behalf and on behalf of the Senate, I wish them a fruitful visit. I hope and trust that they will learn something from the proceedings of the Senate this afternoon. In our usual tradition, the Senators will appreciate them.

*(Applause)*

Hon. Senators, may I also recognize that the presence of Alliance High School was brought to my attention by an old boy of the school, the Senator for Meru, Sen. Murungi, who is here.

*(Applause)*

He obviously, must feel very proud that his old school is here.

I also recognize that the Senator for Kiambu County, where Alliance Boys High school is situated, is also here.

Thank you.



**Thursday, 9<sup>th</sup> April, 2015 – Special Sitting**

**COMMUNICATION FROM THE CHAIR**

CONVENING OF SPECIAL SITTING OF THE SENATE TO  
CONSIDER THE DIVISION OF REVENUE BILL  
(NATIONAL ASSEMBLY BILL NO. 11 OF 2015)

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I have a short Communication to make.

Hon. Senators, I wish to welcome you from the Easter Holiday recess and thank you for finding time to attend this Special Sitting of the Senate. Having just commenced our very short recess during which time I am sure each one of you had scheduled major county events, I know it is because of the value you attach to the business of the Senate, especially the consideration of a key piece of legislation like the Division of Revenue Bill that you have created time to be here today.

Hon. Senators, you may recall that the Division of Revenue Bill (National Assembly Bill No. 11 of 2015) was read the First Time in the Senate on Wednesday, 1<sup>st</sup> April, 2015, and committed to the Standing Committee on Finance, Commerce and Budget for consideration.

Hon. Senators, for your information, Standing Order No. 160(3) provides that; and I quote:-

“The Senate shall proceed upon and conclude its consideration of the Division of Revenue Bill not later than ten days after the Bill has been introduced with a view to approving it, with or without amendments.”

The ten day period lapses tomorrow.

Hon. Senators, by a letter dated 2<sup>nd</sup> April, 2015, and pursuant to Senate Standing Order No.29(1), the Senate Majority and Minority Leaders, supported by seventeen other Senators, requested the Speaker to appoint a day for a Special Sitting of the Senate to consider the Division of Revenue Bill (National Assembly Bill No.11 of 2015). Following consideration of the request by the two Senators, the Speaker was satisfied that it met the requirements of Standing Order No.29(2) and it is in this respect that the Speaker convened this Special Sitting of the Senate via Gazette Notice No.2323 of 7<sup>th</sup> April, 2015, which was carried in a special issue of the Gazette on the same day.

Hon. Senators, as required by Standing Order No.29(5), the notice specified that the business to be transacted at that sitting would be the consideration of the Division of Revenue Bill (National Assembly Bill No.11 of 2015) as passed by the National Assembly without amendments on 25<sup>th</sup> March, 2015.

Hon. Senators, as specified in the Gazette Notice and in accordance with Standing Order No.29(5) of the Senate Standing Orders, the business specified in the Notice shall be the only business before the Senate during this Special Sitting following which the Senate shall stand adjourned until Tuesday, 28<sup>th</sup> April, 2015, at 2.30 p.m. in accordance with the Senate Calendar.

Indeed, hon. Senators will observe that Order Nos.3 and 4 in today's Order Paper, pursuant to these provisions of the Standing Orders and as indicated in the Gazette Notice, the business to be transacted is the consideration of the Division of Revenue Bill (National Assembly Bill No.11 of 2015) at Second Reading and Committee of the Whole stages.

Therefore, it is noteworthy and I wish to emphasize that in accordance with Article 123 of the Constitution and Standing Order No.71 for the Senate to proceed to Standing Order No.4, this Bill must be passed by a majority of delegations at the Second Reading, Order No.3. The same requirement applies for business under Order No.4; Committee of the Whole. I, therefore, urge you all to remain in the Chamber for the transaction of this very important business.

I thank you, hon. Senators.

*(Applause)*

Wednesday, 29<sup>th</sup> April, 2015

## COMMUNICATION FROM THE CHAIR

APPROVAL BY THE NATIONAL ASSEMBLY OF SENATE AMENDMENTS TO THE PUBLIC SERVICE VALUES AND PRINCIPLES BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2014) AND THE PUBLIC PROCUREMENT AND ASSETS DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2013)

**The Temporary Speaker** (Sen. (Dr.) Machage): Hon. Senators, this is a Communication of approval by the National Assembly of the Senate amendments to the Public Service Values and Principles Bill otherwise referred to as the National Assembly Bill No. 29 of 2014 and the Public Procurement and Assets Disposal (Amendment) Bill otherwise referred to as the National Assembly Bill No. 31 of 2013.

As you may be aware, the Public Service Values and Principles Bill otherwise referred to as the National Assembly Bill No. 29 of 2014 and the Public Procurement and Assets Disposal (Amendment) Bill otherwise referred to as the National Assembly Bill No. 31 of 2013, were published in the Kenya *Gazette* Supplements No. 112 of 25<sup>th</sup> July, 2014 and 139 of 18<sup>th</sup> October, 2013 respectively, as Bills originating from the National Assembly. The Bills were passed with amendments by the National Assembly on 26<sup>th</sup> November, 2014 and 23<sup>rd</sup> April, 2014 respectively, and subsequently referred to the Senate. The Bills were read the first time in the Senate on 11<sup>th</sup> February, 2015 and 4<sup>th</sup> June, 2014 respectively and later passed with amendments on Wednesday, 1<sup>st</sup> April, 2015 and 25<sup>th</sup> November, 2014 respectively.

Hon. Senators, after the passage of the Bills by the Senate, and pursuant to Article 110(4) of the Constitution, and the provision of Standing Orders No. 20(2), and 149 of the Senate Standing Orders, I forwarded to the National Assembly, certified copies of the Public Service Values and Principles Bill otherwise referred to as the National Assembly Bill No. 29 of 2014 and the Public Procurement and Asset Disposal (Amendment) Bill, otherwise referred to as the National Assembly Bill No. 31 of 2013, as amended by the Senate together with a Message requesting the concurrence of the National Assembly.

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.40(3), the Clerk has delivered to me correspondence from the National Assembly regarding the approval by the National Assembly of all amendments by the Senate to the Public Service Values and Principles Bill and the Public Procurement and Assets Disposal (Amendment) Bill respectively. The Bills with the Senate amendments incorporated will be finalized and forwarded to His Excellency the President for assent.

Thank you.

Tuesday, 5<sup>th</sup> May, 2015

## COMMUNICATION FROM THE CHAIR

### VISITING DELEGATION OF STAFF FROM MURANG'A COUNTY ASSEMBLY

**The Speaker** (Hon. Ethuro): Before we move to the next Order, I have a Communication to make on the visiting delegation of staff from Murang'a County Assembly.

Hon. Senators, I am pleased to acknowledge the presence and welcome and to the Senate this afternoon staff from Murang'a County Assembly who are seated in the Speaker's Gallery. I request that when their names are called out, they stand, so that you may acknowledge them in our usual Senate tradition.

1. Mr. Sammy Gathata, Deputy Clerk.
2. Ms. Anne Macharia, Clerk Assistant.
3. Mr. Kenneth Mwangi, Hansard Reporter.
4. Mr. David Wambiri, Chief Serjeant-at-Arms

Hon. Senators, I wish to take this opportunity on behalf of the Senate and on my own behalf to wish the staff from Murang'a County Assembly a happy and fruitful visit. I have not forgotten my deputy, who is the Senator for Murang'a.

*(Applause)*

Wednesday, 6<sup>th</sup> May, 2015

**COMMUNICATION FROM THE CHAIR**

VISITING PUPILS AND TEACHERS FROM ST. THERESA'S  
TARTAR GIRLS HIGH SCHOOL

**The Speaker** (Hon. Ethuro): Order, hon. Senators. Before we take statements, I wish to recognise the presence of the pupils and teachers from St. Theresa's Tartar Girls High School from West Pokot County seated in the Public Gallery who are visiting the Senate this afternoon. As you all know, hon. Senators, the tradition of receiving and welcoming visitors to Parliament is a long time tradition and one we shall endeavor to continue upholding. Of course, they come from a county neighbouring my home county. On behalf of the Senate and on my own behalf, I extend a warm welcome to the pupils and teachers of St. Theresa's Tartar Girls High School.

Thank you.

*(Applause)*

Wednesday, 13<sup>th</sup> May, 2015

## COMMUNICATION FROM THE CHAIR

### SERVING OF POLICE SUMMONS TO MPS WITHIN PRECINCTS OF PARLIAMENT

**The Speaker** (Hon. Ethuro): Hon. Senators, at the sitting of the Senate held on Thursday, 7<sup>th</sup> May, 2015, Sen. (Prof.) Lonyangapuo rose pursuant to Standing Order No.46 of the Senate Standing Orders, seeking the indulgence of the Senate to make a Personal Statement. He informed the Senate that on that day, he had attended a Kamukunji of the Senate which was held in this Chamber from 11.00 a.m. to 1.30 p.m. He stated that on exiting the Chamber, he met with an officer of the National Police Service (NPS), who identified himself as Corporal Daudi Mutui. He stated that he wished to serve on him “a notice to compel attendance under Section 52(1) of the National Police Act, No.11A of 2011. The notice was issued by Mr. Joseph Ngisa Angasa, a police officer attached to the investigation branch who stated that he was investigating a case of robbery with violence, contrary to Section 295 as read with Section 296(II) – anti-stock theft - contrary to Section 278 of the penal code. The notice went further to compel the Senator to appear at the DCI headquarters at Mazingira House, along Kiambu Road on 8<sup>th</sup> May, 2015.

The Senator stated that the notice was served on him immediately upon exiting from the Chamber at the doors of this Chamber which is stated to be unprocedural. He, therefore, sought the guidance and protection of the Chair, to ensure that what had happened to him does not become the practice in Parliament.

Hon. Senators, without going into the substance of the matters covered in the notice served on the Senator, in his Personal Statement, Sen. (Prof.) Lonyangapuo brought to the attention of this House and of the Speaker the question of service of summons, notices to appear or other related documents on Senators within the precincts of Parliament. The Senator posed this question: While in the course of the discharge of their functions and while within the precincts of Parliament, should Senators be accosted with summons and notices to appear? This was the question, Sen. (Prof.) Lonyangapuo posed.

Hon. Senators, Members of Parliament, including Senators, the world over, by virtue of the offices they hold, and in order to secure the effective discharge of the functions of those offices, enjoy various powers, privileges and immunities – generally referred to as Parliamentary Privilege. Parliamentary Privilege in essence refers to the freedom of a parliament to conduct its proceedings without interference or obstruction from any other bodies, entities or persons. In Erskine May’s *Ties on law: Privileges, Proceedings and Usage of Parliament*, Parliamentary Privilege is defined on page 75 as follows:-

“Parliamentary Privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament and by Members of each House individually, without which they could not discharge their functions and which exceed those possessed by other bodies or individuals.”

Thus privilege, though part of the law of the land is to a certain extent an exemption from the general law. Certain rights and immunities such as freedom from arrest or freedom of speech belong primarily to individual members of each House and exist because the House cannot perform its functions without unimpeded use of the services of its members. Other such rights

and immunities such as the power to punish for contempt and the power to regulate its own constitution belong primarily to each House as a collective body for the protection of its members and the vindication of its own authority and dignity.

Fundamentally, however, it is only as a means to the effective discharge of the collective functions of the House that the individual privileges are enjoyed by members. For our legislature, the National Assembly Powers and Privileges Act, Cap.6 of the laws of Kenya which by dint of Section 7 of the Sixth Schedule to the Constitution applies to the Senate - It provides for various powers, privileges and immunities available to members of Parliament, including freedom of speech and freedom from arrest for civil debt. In particular Section 5 provides for freedom from arrest for a civil debt during a session such that no Member of Parliament is liable to arrest for any civil debt, except a debt, the contraction of which constitutes a criminal offence whilst going to, attending at or returning from a sitting of the Parliament or a committee of Parliament.

Section 6 further provides that no process issued by any court in Kenya in the exercise of its civil jurisdiction shall be served or executed within the precincts of Parliament while Parliament is sitting and/or shall such process be served or executed through the Speaker or any officer of Parliament unless it relates to a person employed within the precincts of Parliament or to the attachment of the Members' salary.

Hon. Speaker Kaparo in a ruling made on 24<sup>th</sup> June, 1997, had the occasion to clarify the provisions of Section 6 of the Act by stating as follows:-

“Any person attempting to serve summons on any honourable Member on days on which the House meets, contravenes Section 6 of the Powers and Privileges Act. Any such purported service or summons is annulet *ab initio*.

In addition to the National Assembly Powers and Privileges Act, the Speaker's Rules provide for admission to the precincts of Parliament. In particular Rule 5 restricts the entry of visitors to the precincts of Parliament without the special permission of a Senator, a senior officer of Parliament or the Speaker. Rule 9 further requires an officer seeking the audience of a Senator, to not only obtain the necessary pass before entering the precincts, but also wait in the waiting room until escorted.

It is, therefore, evident from these provisions that in addition to civil process issued under Section 6 of the National Assembly Powers and Privileges Act, notices to appear before investigatory agencies cannot similarly be served on Senators while the Senate or its committees are sitting.

Further, no person purporting to serve such notice on a Senator may do so without the special permission and admission to the precincts required under the Speaker's rules.

Hon. Senators, there is, therefore, no doubt that the manner in which Sen. (Prof.) Lonyangapuo was served with the notice to appear was wanting. The Senator stated in his personal statement that the notice was served on him immediately upon his exit from this Chamber; at the doors of the Chamber. It cannot be surely that a Senator, while in the course of executing his or her functions in this Senate and Committees within the precincts of Parliament, would do so with apprehension and anxiety, not knowing if or when he or she will be accosted with notices to appear.

This is certainly not the intention of the National Assembly Powers and Privileges Act, the Speaker's rules and the practices established on the matter of parliamentary privilege. We cannot have process servers lying in wait for Senators on the corridors of Parliament, waiting to accost them with notices to appear as they enter or leave the Chamber or committee rooms. If

this were to be allowed, the business of the Senate would be adversely affected. All of us are familiar that in 1975, two Members were taken from here to where you know; detention.

In the circumstances, I would not allow such things to happen. I have, therefore, directed that henceforth, no notices to appear such as happened on Sen. (Prof.) Lonyangapuo or other similar documents, should be served on a Senator within the precincts of Parliament while the Senate or the Committees of the Senate are sitting. Further, no such notices should be served without the notification and special permission of the issue by your Speaker. We are investigating the circumstances in which the strangers found their way to the Chamber.



Thursday, 14<sup>th</sup> May, 2015

### **COMMUNICATION FROM THE CHAIR**

#### INVITATION TO THE ANNUAL NATIONAL PRAYER BREAKFAST MEETING

**The Speaker** (Hon. Ethuro): Order, Senators. I have a Communication to make regarding the National Prayer Breakfast Meeting.

The Kenya Parliamentary Prayer Fellowship Group shall host the Annual National Prayer Breakfast on Thursday, 28<sup>th</sup> May, 2015, at Safari Park Hotel. It is expected that over 1,700 guests shall be in attendance. This prayer breakfast is an interdenominational prayer meeting sponsored by Members of Parliament - Senators and Members of the National Assembly. Invitation cards for all Members have already been dispatched; Members are requested to confirm attendance by 15<sup>th</sup> May, 2015 in order to facilitate sitting arrangements. You are, therefore, requested to make your contribution to this particular national event. You may also wish, for further information, to contact Sen. Musila on behalf of the prayer breakfast group.

Thank you.

### **COMMUNICATION FROM THE CHAIR**

#### VISITING DELEGATION OF PUPILS AND TEACHERS OF RIARA SECONDARY SCHOOL

**The Speaker** (Hon. Ethuro): Hon. Senators, before we take Statements, I want to recognise the presence of the pupils and teachers from Riara Secondary School, Kiambu County, seated in the public gallery, who are visiting the Senate today. As you all know, the tradition of receiving and welcoming visitors to Parliament is a long time honoured tradition and one that we shall endeavour to continue upholding. On behalf of the Senate and on my own behalf, I extend a warm welcome to the pupils and teachers of Riara Secondary School.

Tuesday, 19<sup>th</sup> May, 2015

## COMMUNICATIONS FROM THE CHAIR

### VISITING DELEGATION OF STUDENTS AND TEACHERS FROM LODWAR HIGH SCHOOL, TURKANA COUNTY

**The Speaker** (Hon. Ethuro): Hon. Senators, I would like to recognise the presence of teachers and students of Lodwar High School from Turkana County seated in the Public Gallery. They are visiting the Senate today.

As you are all aware, the tradition of receiving and welcoming visitors to Parliament is a long time tradition and one that we will endeavour to continue upholding. On behalf of the Senate and on my own behalf, I extend a warm welcome to the students and teachers of Lodwar High School.

*(Applause)*

### VISITING DELEGATION FROM KAJIADO COUNTY ASSEMBLY

I am also pleased to acknowledge and to welcome to the Senate, this afternoon, the members and a clerk assistant of Kajiado County Assembly who are seated at the Speakers' Gallery. I request that when their names are called out, they stand so that they are acknowledged in our usual Senate tradition.

Hon. Charity Mosiany – Leader of Delegation;

Hon. Mwathi Pere;

Hon. Kipaika Musa;

Hon. Emily Lesian;

Hon. Sayianka Kosei; and,

Mr. David Omwangwe – Clerk Assistant

I take this opportunity on behalf of the Senate and on my own behalf, to wish Members of Kajiado County Assembly a happy and fruitful visit. As we have always informed county assemblies, we have an elaborate programme of capacity building for them and they should avail themselves of this opportunity.

### *KAMUKUNJI* TO ADDRESS MATTERS CONCERNING NATIONAL SECURITY

I also want to announce that there will be a *Kamukunji* on Thursday, this week at 11.00 a.m. The *Kamukunji* will be about matters of national security. The Committee will be led by the Committee on National Security and Foreign Relations. The Cabinet Secretary for Defence and the Cabinet Secretary for Interior and Coordination of National Government will be present. You are all encouraged to avail yourselves.

Wednesday, 20<sup>th</sup> May, 2015

**COMMUNICATION FROM THE CHAIR**

VISITING DELEGATION OF STUDENTS AND TEACHERS FROM  
WINGS OF MERCY, DABASO ACADEMY, KILIFI COUNTY

**The Speaker** (Hon. Ethuro): Hon. Senators, as we proceed, I wish to recognise the presence of pupils and teachers from Wings of Mercy, Dabaso Academy from Kilifi County seated in the Public Gallery. As you all know, the tradition of receiving and welcoming visitors to Parliament is a long time tradition and one we shall endeavour to uphold. On behalf of the Senate and on my own behalf, I extend a warm welcome to the pupils and teachers of the Wings of Mercy, Dabaso Academy from Kilifi County.

**COMMUNICATION FROM THE CHAIR**

VISITING STUDENTS/TEACHERS FROM ALLIANCE  
HIGH SCHOOL AND MEPHIS JUNIOR ACADEMY

Hon. Senators, as per our long established tradition of receiving and welcoming visitors to Parliament, I wish to recognize the presence of the students and teachers from the Alliance High School, Kiambu County, seated in the public gallery, who are visiting the Senate today.

*(Applause)*

I also wish to recognize the presence of the pupils and teachers of Mephis Junior Academy-Nairobi County, seated in the public gallery, who are also visiting us this afternoon. On behalf of the Senate and on my own, I extend a warm welcome to the pupils and teachers of the respective two schools.

*(Applause)*

## COMMUNICATION FROM THE CHAIR

### INVITATION TO ATTEND BEATIFICATION OF SR. IRENE STEFANI NYAATHA IN NYERI COUNTY

**The Speaker** (Hon. Ethuro): Hon. Senators, I have a communication to make as a follow up on what the Senator for Nyeri told the House yesterday. I have also received a letter from the Office of the Governor of Nyeri County inviting all Senators to the main ceremony that will be held on Saturday, 23<sup>rd</sup> May, 2015 at Dedan Kimathi University of Technology, Nyeri at 9.00 a.m. This ceremony is likely to attract over 100,000 pilgrims and guests and has been upgraded to a state function to be graced by His Excellency the President.

I, therefore, urge all hon. Senators who will be attending the ceremony to confirm their attendance with the Office of the Clerk of the Senate at the rise of the Senate today to facilitate the necessary logistical details and protocols.

Thursday, 21<sup>st</sup> May, 2015

## COMMUNICATION FROM THE CHAIR

### FAILURE BY SENATORS TO VOTE ON MATTERS BEFORE THE HOUSE DESPITE BEING PRESENT

**The Speaker** (Hon. Ethuro): Hon. Senators, I have a communication to make.

During the sitting of Tuesday, 19<sup>th</sup> May, 2015, the Senate voted for the following three Bills to be read a Second Time:-

- (1)The Public Audit Bill (National Assembly Bill No.38 of 2014)
- (2)The Fair Administrative Action (National Assembly Bill No.10 of 2015)
- (3)The Public Procurement and Asset Disposal Bill (National Assembly Bill No.40 of 2014)

At the conclusion of the voting, there were variations in the number of Senators voting culminating into a point of order raised regarding Senators who did not vote as it is in violation of the Standing Orders. In particular, I wish to recognise the alacrity of the Senator for Vihiga, Sen. Khaniri, on such matters. I directed that we establish the Senators who did not vote. Subsequently, from the division list print out, Sen. Fatuma Adan Dullo and Sen. Daniel Karaba, did not vote for the Public Procurement and Assent Disposal Bill (National Assembly Bill No.40 of 2014) while Sen. Fatuma Adan Dullo, did not vote for the Fair Administrative Action (National Assembly Bill No.10 of 2015).

As canvassed by Sen. Khaniri, Standing Order No.80 provides for decorum during division and it states:-

“(1)No Senator shall be obliged to vote in a division, but those present and not voting shall either-

- (a) in the case of electronic vote, press the “abstain” button; or
- (b) in the case of a roll call vote, record the abstention with the Clerk.

(2)It shall be disorderly conduct for a Senator to fail to record his or her abstention in a division.”

I looked at the Standing Orders and what is provided for is “gross disorderly conduct”. This one is not gross.

*(Laughter)*

But it is still a breach of the Standing Orders. However, it is also worth noting that several Senators have been experiencing challenging with using the electronic system, sometimes without their knowledge. It is therefore necessary to continue reminding Senators of the above provision and to encourage those in doubt on whether they have voted to consult the Clerks-at-the-Table, otherwise sanctions will ensue if this persists. That is a warning for now and we can establish whether you voted or not.

Wednesday, 27<sup>th</sup> May, 2016

## COMMUNICATIONS FROM THE CHAIR

**The Speaker** (Hon. Ethuro): Hon. Senators, I have two brief communications to make. The first one is on the National Prayer Breakfast.

### INVITATION TO THE ANNUAL NATIONAL PRAYER BREAKFAST MEETING

You may recall that on Thursday, 14<sup>th</sup> May, 2015, I informed you, through a Communication from the Chair that the Kenya Parliamentary Prayer Fellowship Group would host the Annual National Prayer Breakfast on Thursday, 28<sup>th</sup> May, 2015 at the Safari Park Hotel.

I would like to confirm that the Prayer Breakfast is still on and the D-Day is tomorrow. Necessary arrangements have been done to make the event a success. I am sure that most of you have received invitation cards. I urge those who have not received the same to inform the Serjeant-at-Arms at the entrance to the Chamber to facilitate receipt of the cards.

Hon. Senators, you may also want to contact the Senate representative in the Prayer Breakfast Planning Committee, Sen. David Musila for further details. I appeal to those who may not have made contributions towards this worthy cause to do so before the close of the day today.

### APPROVAL BY THE NATIONAL ASSEMBLY OF THE SENATE AMENDMENTS TO THE PUBLIC PROCUREMENT AND ASSET DISPOSAL BILL, (NATIONAL ASSEMBLY BILL NO.40 OF 2014) AND THE FAIR ADMINISTRATIVE ACTION BILL, (NATIONAL ASSEMBLY BILL NO.10 OF 2015)

The Second Communication is on the approval by the National Assembly of the Senate's amendments to the Public Procurement and Asset Disposal Bill (National Assembly Bill No.40 of 2014) and the Fair Administrative Action Bill (National Assembly Bill No.10 of 2015).

Hon. Senators, I would like to report to the Senate that after the passage of the Public Procurement and Asset Disposal Bill (National Assembly Bill No.40 of 2014) and the Fair Administrative Action Bill (National Assembly Bill No.10 of 2015) with amendments by the Senate and pursuant to Article 110(4) of the Constitution and the provisions of Standing Orders No.40(2) and 149 of the Senate Standing Orders, I forwarded to the National Assembly certified copies of the Public Procurement and Asset Disposal Bill (National Assembly Bill No.40 of 2014) and the Fair Administrative Action Bill (National Assembly Bill No.10 of 2015) as amended by the Senate together with a message requesting the concurrence of the National Assembly.

Hon. Senators, pursuant to Standing Order No.40(3), the Clerk has delivered to me correspondence from the National Assembly regarding the approval by the National Assembly of all amendments by the Senate to the Public Procurement and Asset Disposal Bill (National

Assembly Bill No.40 of 2015) and the Fair Administrative Action Bill (National Assembly Bill No.10 of 2015).

I am expecting some applause.

*(Applause)*

The Bills with the Senate Amendments incorporated will be finalised and forwarded to His Excellency the President for assent.

I thank you.

Thursday, 28<sup>th</sup> May, 2015

## COMMUNICATION FROM THE CHAIR

### RETREAT OF THE SENATE WITH THE TRANSITION AUTHORITY

**The Speaker** (Hon. Ethuro): We are not there yet. You may need to approach the Chair first.

Order, hon. Senators! Before we commence Order No.7, I have two communications to make. The first one is about the retreat for the Senate with the Transition Authority.

The Transition Authority, in collaboration with the Senate, has organised a two-day retreat for the Senate from 18<sup>th</sup> June to 21<sup>st</sup> June, 2015. The retreat is aimed at sharing experiences in the transition to devolved Government, taking stock of what has been done and how much remains to be done for the full transition to a devolved Government.

The retreat will afford Senators an opportunity to critically discuss issues that have impeded the realization of devolution. The expected output of the retreat is to define the next steps, determine the type and kind of support required to complete the unfinished work and an exit mechanism.

Additional information can be obtained from the Office of the Clerk. I wish to take this opportunity to request all Senators to attend and participate in this very important workshop.

I deliberately did not communicate the venue. It will be communicated through the Office of the Clerk. The most important thing is for you to mark your calendar.

### SPEAKER'S COMMENDATION TO SENATORS FOR DILIGENTLY DISCHARGING THEIR MANDATE

The second communication is on the discharge of our legislative mandate.

Hon. Senators, I take this opportunity to highly commend you for your diligent participation and discharge of your constitutional mandate over the last two months where the Senate passed seven Bills out of which five were subject to a constitutional deadline of 27<sup>th</sup> May, 2015, against great odds.

The first one was The Public Service Values and Principles Bill (National Assembly Bill No.29 of 2014). The second one was The Environmental Management and Co-ordination (Amendment) Bill (National Assembly Bill No.31 of 2014). The mediated version was passed on 26<sup>th</sup> May, 2015 and transmitted to the National Assembly.

The Third was The Public Audit Bill (National Assembly Bill No.38 of 2014). The mediated version was passed yesterday and transmitted to the National Assembly. The fourth one is The Public Procurement and Asset Disposal Bill (National Assembly No.40 of 2014). The Fair Administrative Action Bill (National Assembly Bill No.10 of 2015); The Potatoe Produce and Marketing Bill (Senate Bill No.22 of 2014); and The Public Fundraising Appeals Bill (Senate Bill No.28 of 2014).

I note with great satisfaction and commend you, hon. Senators, for considering and approving the Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bill No.11 of 2015) yesterday.



Hon. Senators, this is highly commendable. The onus is now on the National Assembly to expedite the approval of the Mediation Committee Reports. Both Houses were able to agree on the mediation process.

Hon. Senators, let me point out that the debate was also concluded on several other Bills which are now due for the Committee of the Whole. One of which, is listed under Order No.9 for consideration today.

I would like to go on record by saying that the Senate has risen to the call of duty and effectively discharged its legislative mandate, particularly with regard to passage of Bills with Constitutional deadlines despite the very short timelines this House had as a result of the late submission of the said Bills to the Senate.

I thank you.

**Monday, 15<sup>th</sup> June, 2015 – Special Sitting**

**COMMUNICATION FROM THE CHAIR**

**CIRCUMSTANCES OCCASIONING THE SPECIAL SITTING OF  
THE SENATE ON MONDAY 15<sup>TH</sup> JUNE, 2015**

**The Speaker** (Hon. Ethuro): Hon. Senators, I wish to welcome you to this Special Sitting of the Senate and to thank you for finding time from your busy recess schedules to attend the sitting. This Special Sitting of the Senate has been convened pursuant to Standing Order No.29 (1) of the Senate Standing Orders upon a request by the Senate Majority and Minority Leaders which was supported by 21 other Senators. The request was made to me vide letter reference No.SML/GEN.CORR/VOL.1(115) dated 5<sup>th</sup> June, 2015.

In the letter, the leaders requested the Speaker to appoint a day for a Special Sitting of the Senate to deliberate on the matter of reallocation by the National Assembly of various monies intended for key constitutional organs and institutions in the Budget Estimates for the Financial Year 2015/2016, at a sitting of the National Assembly held on Wednesday, 3<sup>rd</sup> June, 2015.

Hon. Senators, following consideration of the request by the two leaders, I was satisfied that it met the requirements of Standing Order No. 29(2). It is in this respect that I have convened this Special Sitting of the Senate by Gazette Notice 4347 of 9<sup>th</sup> June, 2015 which was carried in a Special Issue of the Kenya Gazette of 12<sup>th</sup> June, 2015.

As required by Standing Order No.29(5), the notice specified that the business transacted at this Sitting would be the consideration of a Motion regarding the allocation by the National Assembly of various monies intended by key constitutional organs and institutions in the budget estimates for the Financial Year 2015/2016.

Hon. Senators, I have specified in the Gazette Notice that in accordance with Standing Order No.29(2), the business specified in the notice shall be the only business before the Senate during this Special Sitting following which the Senate will adjourn until tomorrow Tuesday, 16<sup>th</sup> June, 2015, at 2.30 p.m in accordance with the Senate Calendar.

Indeed, hon. Senators will observe that Order Nos.2 and 3 in the Order Paper pursuant to the provisions of the Standing Orders and as indicated in the Gazette Notice, the business to be transacted is the consideration of a Motion regarding the reallocation by the National Assembly of various monies intended for key constitutional organs and institutions in the Budget Estimates for the Financial Year 2015/2016.

I thank you.

Tuesday, 16<sup>th</sup> June, 2015

## COMMUNICATION FROM THE CHAIR

### RETREAT OF THE SENATE WITH THE TRANSITION AUTHORITY

**The Speaker** (Hon. Ethuro): Hon. Senators, I have a communication to make. You may recall my communication on 28<sup>th</sup> May, 2015 in which I informed you that the Transition Authority (TA) in collaboration with the Senate had organised a two-day retreat to be held at the Serena Beach Hotel, Mombasa from 18<sup>th</sup> to 21<sup>st</sup> June, 2015; the travel dates being 18<sup>th</sup> and 21<sup>st</sup>.

Hon. Senators, as I indicated in my earlier communication, the retreat is aimed at sharing experiences on the transition to devolved Government, taking stock of what has been done and how much still remains to be done for the full transition to be realised.

Hon. Senators, some of the areas will be transfer and costing of functions, county umbrella retirement scheme and county capacity assessment of uptake of functions. An elaborate programme to afford Senators an opportunity to critically discuss issues that have impeded the realization of devolution has been prepared. Resource persons are drawn from the Senate and the Transition Authority. The expected output of the retreat is to define the next steps, determine the kind and type of support required to complete the unfinished business and an exit mechanism. I, therefore, urge all of you to find time and attend this crucial meeting to make your contribution on the state of devolution and transition.

Hon. Senators, please, submit information on your preferred travel time to the Office of the Clerk of the Senate before close of business tomorrow, Wednesday, 17<sup>th</sup> June, 2015, for ticketing and other logistical arrangements. Additional information on this event may be obtained from the Office of the Clerk.

I thank you.

Tuesday, 30<sup>th</sup> June, 2015

## COMMUNICATION FROM THE CHAIR

### CONSULTATIVE MEETING WITH THE CS ON CASH TRANSFER PROGRAMMES FOR THE ELDERLY, PWDS AND OVCS

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I have a communication to make with regard to the consultative meeting with the Cabinet Secretary for Labour, Social Security and Services.

As you may recall, the issue of cash transfer programmes has generated a lot of interest in this House with numerous concerns being raised on the status of its implementation. Concerns raised have in most occasions touched on the total allocation to cash transfer programmes for the financial years 2013/2014 and 2014/2015 and the percentage thereof allocated to each county; the schedule of disbursement for each county for the financial years 2013/2014 and 2014/2015; the number of persons who received cash payments in each county and each constituency; the mode of payment and whether the national Government has put in place a verification mechanism for disbursements; whether the data on disbursement is available and accessible to interested Kenyans in the offices of county commissioners and whether the national Government has conducted a census or has any report on the number of persons who are entitled to these payment in all the 47 counties.

Hon. Senators, as you may recall, and arising from the numerous concerns, on 16<sup>th</sup> June, 2015, I directed that the Cabinet Secretary, Ministry of Labour, Social Security and Services be invited to come and address the various concerns at a meeting of the Committee on Labour and Social Welfare where all Senators would be invited. Consequently, on 19<sup>th</sup> June, 2015, my office invited the Cabinet Secretary to a consultative meeting to discuss cash transfer programmes for vulnerable groups namely; the elderly, persons with disabilities, Orphaned and Vulnerable Children (OVC).

Hon. Senators, this meeting has been confirmed for tomorrow, Wednesday, 1<sup>st</sup> July, 2015, at 10.00 a.m. in this Chamber. I would like to urge all of you to attend the consultative meeting with the Cabinet Secretary to deliberate on this very important issue.

## COMMUNICATION FROM THE CHAIR

### VISITING DELEGATION FROM THE CPA, UNITED KINGDOM BRANCH

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I am pleased to acknowledge and to welcome to the Senate this afternoon a delegation from the Commonwealth Parliamentary Association (CPA), United Kingdom Branch, who are seated at the Speaker's Gallery. I request members of the delegation that when your name is called out, you stand so that you may be acknowledged in our usual Senate tradition. We have the following:-

- (1) Rt. Hon. Lord Steel of Aikwood - Member, House of Lords, UK;
- (2) Rt. Hon. Baroness Armstrong - Member, House of Lords, UK;
- (3) Hon. Pauline Latham - Member, House of Commons, UK; and,

(4) Hon. Gavin Shuker- Member, House of Commons, UK

The delegation is accompanied by:

(1) Ms. Hatty Cooper - Head of International Outreach at Commonwealth Parliamentary Association (CPA-UK); and,

(2) Ms. Racheal Cox - Africa Programme Manager (CPA-UK)

The Members are in Nairobi to attend a roundtable Conference on gender quotas in Parliament which has been organized by CPA-UK and the Kenya Women Parliamentarians Association (KEWOPA), which concludes today.

Honorable Senators, I take this opportunity on behalf of the Senate and on my own behalf to wish the delegation a happy and fruitful visit not just to the Senate but to this beautiful country called Kenya.

Thank you very much.

Wednesday, 1<sup>st</sup> July, 2015

### COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF MEMBERS OF KITALE  
WEST CULTURAL COUNCIL OF ELDERS,  
TRANS NZOIA COUNTY

**The Deputy Speaker** (Sen. Kembu-Gitura): Hon. Senators, I have a short communication to make. This afternoon, I am pleased to acknowledge and welcome to the Senate, members of the Kitale West Cultural Council of Elders who are seated in the Speaker's Gallery.

I request that when their names are called out, that they stand up so that they are acknowledged in our usual Senate tradition.

- (1) Peter Masinde – Chairperson;
- (2) Mr. Boniface Mwibada;
- (3) Mr. George Wekesa;
- (4) Mr. David Nabwera;
- (5) Mr. Vincent Wafula;
- (6) Mr. Moris Tembe; and,
- (7) Mr. David Maboga.

Hon. Senators, on behalf of the Senate, and on my own behalf, I take this opportunity to wish the members of the Kitale Cultural Council of Elders a happy and fruitful visit. I also note the Senator from the county they have come from is present in the House.

Thank you.

*(Applause)*

### COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF STUDENTS  
FROM LUKENYA BOYS HIGH SCHOOL, MACHAKOS COUNTY

**The Deputy Speaker** (Sen. Kembu-Gitura): Hon. Senators, I have a short Communication to make.

Hon. Senators, I wish to recognise the presence of students and teachers from Lukenya Boys High School, Machakos County, seated in the Public Gallery who are visiting the Senate today.

Hon. Senators, as you all know, the tradition of receiving and welcoming visitors to Parliament is a long time tradition and one we shall endeavour to continue upholding.

On behalf of the Senate, and on my own behalf, I extend a warm welcome to the students and teachers of Lukenya Boys High School and hope that their visit to the Senate will be fruitful.

Thank you.

*(Applause)*

Wednesday, 8<sup>th</sup> July, 2015

## COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KERICHO  
COUNTY ASSEMBLY

**The Speaker** (Hon. Ethuro): Hon. Senators, before we commence the Order on Statements, I have a communication to make.

I am pleased to acknowledge and to welcome to the Senate this afternoon Members and staff of Kericho County Assembly who are seated in the Speaker's Gallery. I request that when their names are called out, they stand so that they are acknowledged in our usual Senate tradition.

Hon. Japheth Mutai  
Hon. Charles Ngetich  
Hon. Chumo Kiprono  
Hon. Daniel Rono  
Hon. Livingstone Kirui  
Hon. Jackson Kikwai  
Hon. Emily Mutai  
Hon. Benard Mutai  
Hon. John Sang  
Hon. John Too  
Hon. Phillip Kosgey  
Hon. Sharon Cheronno  
Hon. Betsy Chebet  
Hon. Mary Betty Chelagat  
Hon. Purity Bore  
Hon. Hillary Bett  
Hon. Agnes Marsin  
Hon. Edna Tonui  
Hon. Josiah Kirui  
Hon. Cheruiyot Bett

Hon. Senators, the Members are also accompanied by staff, Mr. Martin Epus, Ms. Elizabeth Rop, Ms. Rose Mutai, Ms. Sally Bett, Ms. Linet Laboso, Ms. Nancy Bon and Mr. Kenei Kosomei.

Hon. Senators, I take this opportunity on behalf of the Senate and on my own behalf to wish Members and staff of Kericho County Assembly a happy and fruitful visit. They are here on a capacity building exercise.

Thank you.

*(Applause)*

## COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF STUDENTS AND TEACHERS FROM  
KISERIAN JUNIOR SEMINARY, KAJIADO COUNTY

**The Speaker** (Hon. Ethuro): Hon. Senators, before I allow the interventions on that Statement, let me also recognise the presence of the students and teachers from Kiserian Junior Seminary from Kajiado County seated in the Public Gallery who are visiting the Senate today.

As you all know, hon. Senators, our tradition of receiving and welcoming visitors to Parliament is a long time tradition and one we are proud to continue upholding.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the students and teachers of Kiserian Junior Seminary.

I thank you.



Thursday, 9th July, 2015

### COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF STUDENTS AND TEACHERS FROM  
NZELUNI ACADEMY, MUTUINI PRIMARY SCHOOL  
AND CHEBARA BOYS HIGH SCHOOL

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Senators. Before we proceed, I have a short communication to make.

Hon. Senators, I wish to recognise the presence of students and teachers from Nzeluni Academy in Kitui County, students and teachers from Mutuini Primary School in Nairobi County and students and teachers from Chebara Boys High School in Elgeyo-Marakwet County. They are all seated in the Public Gallery.

In our usual tradition of receiving and welcoming visitors, hon. Senators, I extend a warm welcome to them. On behalf of the Senate, and on my own behalf, I wish them a very fruitful visit.

*(Applause)*

### COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF STUDENTS AND TEACHERS FROM  
NZELUNI ACADEMY, MUTUINI PRIMARY SCHOOL  
AND CHEBARA BOYS HIGH SCHOOL

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Senators. Before we proceed, I have a short communication to make.

Hon. Senators, I wish to recognise the presence of students and teachers from Nzeluni Academy in Kitui County, students and teachers from Mutuini Primary School in Nairobi County and students and teachers from Chebara Boys High School in Elgeyo-Marakwet County. They are all seated in the Public Gallery.

In our usual tradition of receiving and welcoming visitors, hon. Senators, I extend a warm welcome to them. On behalf of the Senate, and on my own behalf, I wish them a very fruitful visit.

*(Applause)*

Tuesday, 14<sup>th</sup> July, 2015

## COMMUNICATION FROM THE CHAIR

APPEARANCE BY THE CABINET SECRETARY FOR EDUCATION,  
SCIENCE AND TECHNOLOGY BEFORE THE COMMITTEE ON EDUCATION

**The Speaker** (Hon. Ethuro): Hon. Senators, I have a brief Communication to make at this particular moment. It relates to the appearance by the Cabinet Secretary for Education before the Committee of the Senate on Education.

The Cabinet Secretary will appear tomorrow at 10.00 a.m. in this Senate Chamber to respond to the request for a Statement on the predicament of students of the Garissa Teachers Training College resulting from insecurity.

The hon. Senators will recall that the matter of insecurity in the various parts of the country and in particular, the three counties of the former North Eastern region, namely Mandera, Wajir and Garissa counties and the plight of teachers who are teaching in these areas as well as the students who are affected by the absence of teachers, elicited a lot of interest and concern in Senate.

This is, therefore, to invite all Senators to attend the Committee meeting here in this Chamber tomorrow at 10.00 a.m.

I thank you.

Wednesday, 15<sup>th</sup> July, 2015

## COMMUNICATION FROM THE CHAIR

### INVITATION TO A CONFERENCE TO BUILD CONSENSUS ON ON A SUITABLE PENSION SCHEME FOR COUNTY EMPLOYEES

**The Speaker** (Hon. Ethuro): I would like to make an announcement relating to a conference that has been organized by the Standing Committee on Labour and Social Welfare to deliberate on the County Retirement Scheme Bill, (Senate Bill No.25 of 2014).

As you may recall, the County Retirement Scheme Bill, (Senate Bill No.25 of 2014) was Read the First Time in this House on Wednesday 6<sup>th</sup> August, 2014 and it was committed to the Standing Committee on Labour and Social Welfare for consideration pursuant to Standing Order No.130 of the Senate Standing Orders.

The Committee identified and invited the following stakeholders to make written or oral submissions on the Bill:-

The Senate Standing Committee on Finance, Commerce and Budget.  
The National Treasury Pensions Department.

- (1) The Retirement Benefits Authority (RBA).
- (2) The Local Authorities Provident Trust (LAPTRUST).
- (3) The Local Authorities Provident Fund (LAPFUND).
- (4) The Transitional Authority (TA).
- (5) The Salaries and Remuneration Commission (SRC).
- (6) The Council of Governors (CoG).
- (7) The Commission for the Implementation of the Constitution (CIC).
- (8) The County Public Service Boards Forum.
- (9) The Kenya Government Workers Union (KCGWU).

Hon. Senators, at the stakeholders' consultative meetings, it was noted that:-

(i) County Government employees were concerned that the Senate had delayed in merging the two schemes; LAPTRUST and LAPFUND, leading to concern over the security of the employees' savings.

(ii) Some county governments had not been remitting the employees' monthly contributions to the schemes as there was no clear direction on where to remit the monies.

(iii) There will be a large number of county staffers retiring in the year 2016 and unless this matter is resolved, these staffers might end up losing part of their pension.

(iv) The County Pension Scheme for county staffers had become highly politicized and there is need for objectivity and broad consensus in its consideration.

Arising from the above, the Standing Committee on Labour and Social Welfare has organized to hold a one day conference to build consensus on a suitable pension scheme for all employees of counties. The conference will be held at the Boma Hotel, Nairobi on Friday 17<sup>th</sup> July, 2015 from 9 a.m.

Hon. Senators, we owe it to all the employees of counties to enact a law that will establish a suitable framework to safeguard their savings and assure them of a dignified retirement. This is, therefore, to request you to find time to attend this important conference.

Additional information as usual, may be obtained from the office of the Clerk. I thank you.

Thursday, 16<sup>th</sup> July, 2015

## COMMUNICATION FROM THE CHAIR

### VISITING DELEGATION OF IPU EXPERT MISSION ON WOMEN PARTICIPATION AND REPRESENTATION IN PARLIAMENT

**The Speaker** (Hon. Ethuro): Hon. Senators, I have a communication to make.

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of some visitors who are part of the Inter-Parliamentary Union (IPU) Expert Mission to Kenya on Women's Participation and Representation in Parliament.

The IPU, as you all know, is the world organization of parliaments and is a global forum for parliamentary dialogue, cooperation and action. The IPU advances democracy and assists parliaments and parliamentarians throughout the world to fulfill their mandates. The IPU facilitates parliamentary debate, dialogue and cooperation and also promotes and defends democracy and the rule of law while assisting parliaments in coping with an ever-growing international agenda that is relevant to their duties.

Seated in the Speaker's Gallery this afternoon are members of the IPU Expert Mission to Kenya on Women's Participation and Representation in Parliament. I request each member of the Mission to stand when called out so that they may be acknowledged in the Senate tradition.

The members of the Expert Mission are:-

(1) Ms. Betty Amongi, MP; Member of Parliament from Uganda and a member of the IPU's Coordinating Committee of Women Parliamentarians;

(2) Prof. Drudre Dahlerup – this name is not part of the medical ones, but it is equally challenging – from Stockholm University. She is an IPU Consultant on gender and quotas.

*(Laughter)*

(3) Ms. Zeina Hilal, Gender Partnership Programme – IPU Secretariat, Geneva; and,

(4) Ms. Mariana Duarte, Gender Partnership Programme – IPU Secretariat.

*(Applause)*

Hon. Senators, the Expert Mission is in Nairobi to assess and identify means and strategies to achieve a balanced gender representation in Parliament as per the Constitution and to explore tools to enhance youth participation, people with disability, the minority and marginalised communities.

I hope that they have had fruitful deliberations during their visit to our great country and Parliament. On behalf of the Senate, I wish them well for the remainder of the visit.

I thank you.

*(Applause)*

Tuesday, 21<sup>st</sup> July, 2015

## COMMUNICATION FROM THE CHAIR

### CONSULTATIVE MEETING WITH THE CSS, EDUCATION/INTERIOR ON THE CONTINUED CLOSURE OF GARISSA TTC

**The Temporary Speaker** (Sen. Ongoro): I have the following communication to make:-

As you may recall, the issue of the closure of Garissa TTC has generated a lot of interest in this House, with numerous concerns being raised on the education crisis in Garissa, Wajir and Mandera counties.

Hon. Senators, you may also recall that arising from the numerous concerns, on 1<sup>st</sup> July, 2015, I directed that the Cabinet Secretaries (CSs) in the Ministries of Education, Science and Technology and Interior and Coordination of National Government be invited to come and address the various concerns at the meeting of the standing Committee of Education, where all Senators were invited.

Consequently and upon invitation, the two Cabinet Secretaries (CSs) have confirmed that they will attend a consultative meeting organized by the standing Committee on Education to discuss the closure of Garissa TTC and the education and security crisis in the north eastern region.

This meeting has been confirmed for tomorrow, Wednesday, 22<sup>nd</sup> July, 2015 at 10 a.m. in this Chamber. I would like to urge all of you to plan to attend the consultative meeting to deliberate on this very important matter.

Wednesday 22<sup>nd</sup> July, 2015

## **COMMUNICATIONS FROM THE CHAIR**

### VISITING DELEGATION FROM THE NATIONAL TRANSITION COUNCIL OF BURKINA FASO

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a delegation from the National Transition Council of Burkina Faso. The delegation is in Nairobi to participate in the 9<sup>th</sup> Stop Cervical, Breast and Prostate Cancer in Africa Conference where the Senate had the privilege of inviting Speakers from Africa. I request each member of the delegation to stand when called out so that they may be acknowledged in the usual Senate tradition.

(1) Hon. Lucien Honore Number, MP -1<sup>st</sup> Vice President of the National Transition Council;

(2) Hon. Paul Djiguemedede, MP;

(3) Hon. Theophile Ababenhiri Dentiogue, MP;

(4) Hon. Amadou Diabate, MP; and

(5) Hon. Bakary Kone, MP.

The delegation is accompanied by:-

(1) Miss Emma Zobilma – Montoro – Secretary General of the National Transition Council;

(2) Missis Suzanne Zan – Ouedraogo; and

(3) Miss Sarre Bationo Bazie.

Hon. Senators, I hope that they have had fruitful deliberations during their visit to Kenya and on behalf of the Senate and on my own behalf, I welcome them to our Senate and I wish them well for the remainder of their stay in our great Republic.

Thank you.

### VISITING DELEGATION FROM THE NYOTA ACADEMY, NAIROBI COUNTY

I wish to recognize the presence of students and teachers from Nyota Academy from Nairobi County seated in the public gallery who are visiting the Senate today. As you all know, hon. Senators, our tradition of receiving and welcoming visitors to Parliament, especially our students, is a long time tradition and one we shall endeavour to continue upholding.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the students and teachers of Nyota Academy.

Thank you.

## **COMMUNICATION FROM THE CHAIR**

### VISITING DELEGATION OF TEACHERS AND STUDENTS OF CHIAKARIGA GIRLS HIGH SCHOOL

AND IYUNI HIGH SCHOOL

**The Deputy Speaker** (Sen.Kembi-Gitura): Hon. Senators, before we proceed, I wish to recognize the presence of the students and teachers from Chiakariga Girls High School from Tharaka-Nithi County and Iyuni High School from Machakos County, who are visiting the Senate today and are seated in the public gallery. As you all know, the tradition of receiving and welcoming visitors to Parliament is a long standing tradition and one that we shall endeavor to continue upholding. On behalf of the Senate and on my own behalf, I extend a warm welcome to the students and teacher of both schools.



Wednesday 29th July, 2015

**COMMUNICATION FROM THE CHAIR**

VISIT BY HON. SAMUEL ARAP NGENY TO THE SENATE

**The Speaker** (Hon. Ethuro): Hon. Senators, allow me to recognize the distinguished presence of Hon. Samuel arap Ngeny, who was the Deputy Speaker of the National Assembly from 1983 to 1988 in the Senate.

*(Applause)*

The distinguished former Deputy Speaker was first elected to Parliament in 1979 as the Member of Parliament for Aldai Constituency, in Nandi County. The former Deputy Speaker was an active Member of Parliament and made contribution to our nation. Due to his profound and strong belief in free, fair and transparent democratic election, he did not contest in the 1988 election owing to the *Mlolongo* voting style championed by the then ruling party.

I wish to commend him for his exemplary service to this Republic and, especially for choosing to come and witness the proceedings of the Senate, as he believes that it has an important role to play in devolution. I, therefore, invite Members to welcome him to the Senate in the usual manner.

Thank you.

*(Applause)*

Thursday, 30<sup>th</sup> July, 2015

## COMMUNICATION FROM THE CHAIR

### INVITATION TO THE 46<sup>TH</sup> CPA (AFRICAN REGION) AND THE 6<sup>TH</sup> CWP CONFERENCES

**The Speaker** (Hon. Ethuro): Order, hon. Members. Before we proceed to that particular Order, I have a communication to make on two Commonwealth Parliamentary Associations (African Region) conferences to be held in Nairobi this August.

Hon. Senators, I wish to notify all Senators that this August, our Parliament (both Houses) will have the honour of hosting two very important international conferences under the auspices of the Commonwealth Parliamentary Association (CPA) African Region.

The main event, namely, the 46<sup>th</sup> CPA African Region Conference is scheduled to take place from 9<sup>th</sup> to 15<sup>th</sup> August, 2015. It will be preceded by the 6<sup>th</sup> Commonwealth Women Parliamentarians (CWP) Conference which will take place from 6<sup>th</sup> to 9<sup>th</sup> August, 2015. Both Conferences will be held at Safari Park Hotel, Nairobi County.

Hon. Senators, my office has nominated Senators who will fully participate in the two conferences as delegates and observers. However, I am encouraging all of you to attend, particularly, the opening and closing ceremonies.

Hon. Senators, it is my pleasure, therefore, and honour to invite each one of you to the two conferences. The CWP is expected to attract more than 100 participants from the Commonwealth countries in Africa, Government officials and civil society organisations. Her Excellency the First Lady of the Republic of Kenya has been invited and has graciously accepted to officially open this Conference on Friday, 7<sup>th</sup> August, 2015.

All Senators, especially women Senators, are encouraged to attend. The following week, Tuesday, 11<sup>th</sup> August, 2015, His Excellency the President of the Republic of Kenya will officially open the second and main Conference where over 400 delegates are expected to attend.

Hon. Senators, as you may be aware, the CPA has been the voice of parliamentary democracy across the Commonwealth for more than nine decades. The CPA also develops, promotes and supports parliamentarians and their staff to identify benchmarks of good governance and the implementation of enduring values of the Commonwealth and, the membership of African countries to the Commonwealth has been increasing. It is, therefore, an honour for Kenya to be the host of the two events this year. These two conferences come at a time when the country is positioning itself as the preferred conference tourism destination.

The Conference will, therefore, go a long way in enhancing that aspiration in addition to advancing the objectives of the Commonwealth family of nations. I hope that each one of us will take an interest in the said events and will endeavour to interact, network and share experiences with colleagues from other jurisdictions.

I thank you.

Wednesday, 16<sup>th</sup> September, 2015

## COMMUNICATIONS FROM THE CHAIR

**The Speaker** (Hon. Ethuro): Hon. Senators, I have a number of communications to make today.

### TEMPORARY RELOCATION FROM KICC OFFICES

Hon. Senators, you may recall that during the workshop of the Senate held on 27<sup>th</sup> August, 2015, I issued a communication regarding the need for Members of Parliament (MPs) to temporarily relocate from some floors of the Kenya International Convention Centre (KICC) in order to facilitate the hosting of the World Trade Organisation (WTO) Ministerial Conference scheduled to take place from 13<sup>th</sup> to 18<sup>th</sup> December, 2015.

I would like to reiterate that the Parliamentary Service Commission (PSC) has requested that Members occupying offices on 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> floors at the KICC be temporarily relocated. Affected Senators are advised to seek alternative accommodation and to liaise with the Director, Finance and Accounting Services for reimbursement for the stated period.

Hon. Senators, the KICC will restore the offices to the original state for use by the affected Members not later than 1<sup>st</sup> February, 2016. I, therefore, urge all the affected Senators to relocate without further delay in order to avail the offices for the WTO's use.

I thank you for your cooperation and understanding.

### WTO MINISTERIAL CONFERENCE SENSITIZATION MEETING FOR SENATORS

Hon. Senators, as you may be aware, Kenya will be hosting the 10<sup>th</sup> WTO Ministerial Conference in Nairobi from 15<sup>th</sup> to 18<sup>th</sup> December, 2015. The conference is yet another milestone in cementing Kenya's global positioning as a preferred conference destination. The WTO secretariat in Nairobi will provide the technical assistance to Kenya with the specific objective of sensitizing key stakeholders of the substantive issues of the Doha Round of trade negotiations.

In this regard, the Ministry of Foreign Affairs and International Trade jointly with the WTO secretariat, has organised a sensitization meeting for the Senate to be held tomorrow, Thursday 17<sup>th</sup> September, 2015. The meeting will be held from 11.00 a.m. to 1.00 p.m. at the Senate Chamber, Parliament Buildings.

The sensitization meeting is a key component of the strategy for development of a well informed and evidence-based national position for the Nairobi Ministerial Conference. Your participation, therefore, is of utmost importance. I, therefore, request all of you to avail yourselves and participate in the meeting.

Thank you.

### VISITING DELEGATION FROM KISII COUNTY ASSEMBLY

Hon. Senators, we also have delegations visiting us. I am pleased to acknowledge the presence in the Speaker's Gallery this afternoon of a delegation from the Kisii County Assembly. The delegation is in Nairobi on a benchmarking visit to share experiences on the management of the affairs of the legislature.

I, therefore, wish to request each member of the delegation to stand when called out, so that you may be acknowledged in the great Senate tradition. The members are as follows:

Hon. Kerosi Ondieki - Speaker of the County Assembly

Hon. Protus Moindi

Hon. Evans Mokoro

Hon. Charles Nyagoto

Hon. Onchonga Nyagaka

Hon. Catherine K. Manzi

Hon. Philip Motonu

Hon. Wilfred Yoge

Hon. Albert Oino

Hon. Joash Orora

Hon. Alfred Onguti

Hon. Francis Aburi

Hon. Ochwangi Mengo

Hon. Cosmas Saka

Hon. Reuben Moreka

Hon. Dennis Ombachi

Hon. Lydia Okwoyo

Hon. Richard Machana

Hon. George Morara

Hon. Evans Zico

Hon. Josephine Ombati

Hon. Grace Ogonda

Hon. Sabena Kennedy

Hon. Esther Nyamwamu

Hon. Nyamweya Mosota

Hon. Isabella Nyaboke

Hon. Daniel Apepo

Hon. Henry Moracha

Hon. Senators, the delegation is accompanied by the following officers of the county assembly:-

Mr. Geoffrey Ontere

Ms. Norah Abel

Mr. Geoffrey Momanyi

Ms. Esther Ongere

Mr. Webster Otachi

Mr. Crispus Magare

Mr. Douglas Nyamongo

Mr. Leonard Nyakundi

On behalf of the Senate and my own behalf, I welcome you to the Senate. I wish you well for the remainder of your training programme. I thank you.

*(Applause)*

#### VISITING DELEGATION FROM BUNGOMA COUNTY ASSEMBLY

Hon. Senators, the next delegation is from Bungoma County Assembly. I am pleased to acknowledge and welcome to the Senate this afternoon, members of the Bungoma County Assembly Implementation Committee who are seated in the Speaker's Gallery.

I request members of the delegation that when your name is called out, you stand up, so that you may be acknowledged in our usual tradition.

Hon. Ben Namaswa Wafula	-	Chairperson
Hon. James Wafula Nyongesa	-	Vice Chairperson
Hon. Mary Namaswa		
Hon. Moses Nyongesa Wabwile		
Hon. John Wafula Lutukai		
Hon. Godwin Kwemoi Ndege		
Hon. Martin Wafula Wawire		
Hon. David Mabonga Barasa		
Hon. Rose Watima Mukhwana		
Hon. Margaret Nekesa Barasa		
Hon. Enrick Khaemba Nyongesa		
Hon. Charles Khaemba Wamukota		
Hon. Janet Nambwile Wamalwa		
Hon. Gerishom Namasake		
Hon. Violet Namaemba Makhanu		

The delegation is accompanied by the following officers:-

Ms. Carolynne Wamalwa	-	HANSARD reporter
Ms. Martha Alaka	-	Research officer
Mr. Robert Mumbwani	-	Sergeant-at-arms
Mr. Dunstan Wafula	-	Committee clerk

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

I thank you.

*(Applause)*

#### VISITING DELEGATION OF STAFF FROM VARIOUS COUNTIES

Hon. Senators, another delegation is drawn from various counties and are under attachment at the Senate Legislative Programme coordinated by the County Liaison Office under the Office of the Speaker, Senate.

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of the visiting county assembly staff from the counties of Narok, Meru, Mombasa, Nairobi, Kisumu, Lamu and Marsabit. The county assembly staff are here on a two-week inaugural Legislative Attachment Programme organised by the Office of the Speaker, Senate, through the County Liaison Office. I request each member of the delegation to stand up when called out, so that they may be acknowledged in our tradition. They are:-

Fatuma Mohammed Walid	-	Lamu County Assembly
Hussein Miji Abud	-	Lamu County Assembly
Francis Malmalo	-	Marsabit County Assembly
Arbe Ibrae	-	Marsabit County Assembly
Benson Kinyua	-	Meru County Assembly
Emily Kendi	-	Meru County Assembly
Gideon Langat	-	Narok County Assembly
Justus Yalile	-	Narok County Assembly
David Ochieng'	-	Kisumu County Assembly
George Amayo	-	Kisumu County Assembly
Mary Riunga	-	Nairobi County Assembly
Kevin Wasike	-	Nairobi County Assembly
Ms. Robesta Wasike	-	Mombasa County Assembly
Mr. Paul Mulila	-	Mombasa County Assembly
Mr. Bernard Ogolla	-	Mombasa County Assembly
Ms. Moreen Otieno	-	Mombasa County Assembly

Hon. Senators, as you well recognize, the Senate has a constitutional mandate to protect and represent counties and their governments. To facilitate this role, the Senate through my office has established the County Liaison Office, whose function is to facilitate and coordinate effective interaction between the Senate and county governments.

To this effect, the Speaker's Office has established a Legislative Staff Attachment Programme for technical staff in county assemblies. The attachment programme is designed to provide county assembly staff with a unique opportunity to acquaint themselves with parliamentary structures and processes. The programme aims to expose the staff to the best practices and procedure in legislative, legal, procedural and research services for the enhancement and support of the legislative processes in their respective counties.

On behalf of the Senate and on my own behalf, I welcome them to the Senate and hope that they will enjoy a fruitful programme. I wish them well for the remainder of their stay in our House.

I thank you.

#### VISITING DELEGATION OF MEMBERS FROM THE NATIONAL COUNCILLORS FORUM OF KENYA

Finally, hon. Senators, we have a visiting delegation from the National Councilors Forum of Kenya. I am pleased to acknowledge and to welcome to the Senate this afternoon, members of the National Councilors Forum of Kenya who are seated at the Speaker's Gallery.

The forum brings together former councilors from 1963 to 2013. I, therefore, request the members of the delegation that when their name is called out they stand, so that they may be acknowledged in our usual tradition.

Mr. Hezron K. Kirimi	-	Chairperson
Mr. George Ongere Odere		
Catherine Ntinyari		
Geoffrey Gitau		
Alex Ayeko		
Josephat Mbaya		

Priscilla Cherop  
Abdulrahman Sheikh  
Jeremiah Matula  
Christopher Lonyala  
Omar Ali  
Amos Gitonga  
Boaz Machueye  
Joseph Maritim  
Samuel Mangambi  
Julius Lenakai  
Nester Odhiambo  
Said Ali Dakane  
Alex Sekandu  
Josephat Nkii

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

I thank you.

*(Applause)*

Tuesday, 22<sup>nd</sup> September, 2015

## COMMUNICATION FROM THE CHAIR

### VISITING DELEGATION FROM VIHIGA COUNTY ASSEMBLY

Hon. Senators, I am pleased to acknowledge the presence, in the Speaker's Gallery this afternoon, of a delegation from Vihiga County Assembly. The delegation is in Nairobi County on a benchmarking visit to share experiences on the management of the affairs of a legislature.

I request each member of the delegation to stand up when called out so that they may be acknowledged in the Senate tradition. The members are as follows:-

Hon. Daniel Chitwa – Speaker of the County Assembly  
Hon. Richard Muhiga – Deputy Speaker  
Hon. Pamela Amunga – Member  
Hon. Gladys Analo – Member  
Hon. Stephen Mulagitsi- Member

The delegation is accompanied by the following officers of the county assembly:-

Mr. Kennedy Kulali Okang'a  
Mr. Joseph Olumula  
Ms. Nancy Aseyo  
Ms. Judy Osire  
Mr. Victor Chadiva

*(Applause)*

On behalf of the Senate and on my own behalf, I welcome you to the Senate and I wish you well for the remainder of your programme.

Thank you.



Wednesday, 23<sup>rd</sup> September, 2015

## COMMUNICATIONS FROM THE CHAIR

The Speaker (Hon. Ethuro): Hon. Senators, I have two communications to make and I also have two petitions.

### SENATE MEMBERSHIP TO THE MEDIATION COMMITTEE ON THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 1 OF 2014)

Hon. Senators, you may recall that on Wednesday, 16<sup>th</sup> September, 2015, I issued a communication from the Chair on a Message that I received from the National Assembly, conveying the rejection by the Assembly of the County Governments (Amendment) Bill (Senate Bill No. 1 of 2014).

You may further recall that I informed the Senate that in accordance with Article 113(1) of the Constitution, I had appointed the following five Senators to a Mediation Committee to attempt to develop a version of the Bill that both Houses would pass, namely:-

- (1) Sen. Kipchumba Murkomen
- (2) Sen. Billow Kerrow
- (3) Sen. Beatrice Elachi
- (4) Sen. (Dr.) Boni Khalwale
- (5) Sen. Janet Ong'era

Hon. Senators, I would like to inform the House that I have revised the Senate membership to the Mediation Committee to four Senators as follows:-

- (1) Sen. Kipchumba Murkomen
- (2) Sen. Billow Kerrow
- (3) Sen. (Dr.) Boni Khalwale
- (4) Sen. Janet Ong'era

This is in order to ensure that we have an equal number of Members from each House in line with Article 113(1) of the Constitution. The National Assembly membership to the Committee is four.

The Members of the National Assembly to the Joint Mediation Committee are as follows:-

- (1) Hon. Wanjiku Muhia
- (2) Hon. Joseph Limo
- (3) Hon. Daniel Maanzo
- (4) Hon. Timothy Bosire

Thank you.

VISITING DELEGATION OF STAFF FROM

BUNGOMA COUNTY ASSEMBLY

**The Speaker** (Hon. Ethuro): Hon Members, I am also pleased to acknowledge and welcome to the Senate this afternoon a visiting delegation from staff of Bungoma County Assembly who are seated at the Speaker's Gallery. I request the officers that when your name is called out, you stand so that we may acknowledge you in our usual great Senate tradition.

Mr. Wamukota Situma	-	Serjeant-At-Arms
Mr. Robert Mumbwani	-	Commissionaire
Mr. Bennedict Kimwei	-	Commissionaire
Mr. Cornelius Nyongesa	-	Secretary
Ms. Winny Simuli	-	Secretary

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

Thank you.

Thursday, 24<sup>th</sup> September, 2015

### **COMMUNICATION FROM THE CHAIR**

VISITING DELEGATION OF STUDENTS AND TEACHERS FROM  
KARATINA D.E.B PRIMARY SCHOOL, NYERI COUNTY

**The Temporary Speaker** (Sen. (Dr.) Machage): Hon. Senators, I wish to recognize the presence of students and teachers From Karatina D.E.B primary school from Nyeri County, who are seated in the Public Gallery. In our tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

Thank you.

### **COMMUNICATION FROM THE CHAIR**

REPORT OF THE COMMISSION OF INQUIRY ON THE PETITION SEEKING  
THE SUSPENSION OF THE COUNTY GOVERNMENT OF MAKUENI COUNTY

**The Speaker** (Hon. Ethuro): I have a Communication to make on the Report of the Commission of Inquiry into the Petition seeking the suspension of the County Government of Makueni County.

You will recall that in the sitting of the Senate held on 15<sup>th</sup> September, 2015, the Senator for Makueni County, Sen. Mutula Kilonzo Jnr., rose on a point of order seeking the directions of the Chair with respect to the tabling of the report of the Commission of Inquiry on the Petition seeking to suspend the County Government of Makueni. The Senator observed that the report of the Commission of Inquiry had been presented to His Excellency the President and that although the report was in the public domain, it had not been forwarded to the Senate for tabling and consideration by the Senate.

The Senator expressed concern that apart from the recommendations of the Commission of Inquiry that the County Government be suspended, there were other recommendations in the report which require legislative intervention by the Senate. The Senator further expressed concern that the report had also raised some audit queries and other discrepancies of financial nature which require the intervention of the Senate in accordance with its oversight mandate provided for under Article 96 of the Constitution.

The Senator stated that the people of Makueni had waited for a year for a solution to the challenges besetting Makueni County and that the decision by His Excellency the President on the matter could not stop the Senate from seeking that the report be tabled in the Senate; not just for the sake of the residents of Makueni County, but also so that the rest of the country would understand the contents of the report. The Senator concluded by requesting the Speaker to give directions and ruling on the tabling of the said report.

In support of the point of order raised by Sen. Mutula Kilonzo Jnr., other Senators, namely; Sen. Billow, Sen. Wangari and Sen. (Dr.) Khalwale underscored that it was in the interest of Makueni County and the entire country that the report be tabled in the Senate so that

the Senate would take appropriate action on the recommendations of the report in terms of Article 96 of the Constitution.

Hon. Senators, it is in the public knowledge that on 3<sup>rd</sup> September, 2015, the Commission of Inquiry into the petition seeking the suspension of the County Government of Makueni County submitted its report to His Excellency the President. It is also in the public domain that one of the recommendations of the commission of inquiry was that pursuant to Article 192(2) of the Constitution, the County Government of Makueni be suspended. Article 192(1) of the Constitution says:-

“The President may suspend a county Government –

- a) in an emergency arising out of internal conflict or war; or
- b) in any other exceptional circumstances.”

Article 192(2) of the Constitution further provides that:-

“A county government shall not be suspended under clause (1)(b) unless an independent commission of inquiry has investigated allegations against the county government, the President is satisfied that the allegations are justified and the Senate has authorized the suspension.”

The County Governments Act Section 123 sets out the procedure relating to the suspension of a county government. Of particular interest is Section 123(7) which provides that:-

“The commission shall inquire into the matters before it expeditiously and report on the facts and make recommendations to the President”

Section 123(8) further provides that:-

“Upon receipt of the commission’s report and upon finding that justifiable grounds exist for the suspension of a county government; the President shall within seven days forward the report of the recommendations of the commission together with the petition for suspension of the county government to the Speaker of the Senate.”

Hon. Senators, it is evident from my reading of this provisions of the law that where, pursuant to Section 123(8) of the County Governments Act, the President is satisfied that justifiable grounds exist for suspension of a county government, the President is required to forward the report and recommendations of the commission of inquiry as well as the petition for suspension of the county government to the Speaker of the Senate.

Thereafter, in accordance with Section 123(9) of the County Governments Act, the Speaker would cause a Motion for the suspension of the county government to be laid before the Senate for consideration by the Senate.

It is noteworthy that while the County Governments Act sets out the process to be followed, where the President is satisfied that justifiable grounds exist for the suspension of a county government, no procedure is provided to govern scenarios where the President is not satisfied that justifiable reasons exist for the suspension of a county government.

The law as it is presently seems to require no further action on the part of the President where, as is the case with the Petition relating to the County Government of Makueni, the President is not satisfied that justifiable reasons exist for the suspension of a county government. There is no obligation under the law for the President to forward the subject report to the Senate.

Hon. Senators, for the reasons that were cited by Sen. Mutula Kilonzo Jnr. in his point of order, as well as the further reasons advanced by the other hon. Senators who spoke to the matter, this is an area that may require legislative review.

As the hon. Senators noted, the recommendations of the Commission of Inquiry, aside from stating whether or not a county government ought to be suspended, would most, probably, also make recommendations requiring legislative or other interventions by the Senate.

The recommendations may specifically relate to the subject county government, but may also apply to other or all county governments. It does not, therefore, appear logical that such recommendations will remain outside the knowledge of the Senate.

I, therefore, direct that the Standing Committee on Legal Affairs and Human Rights considers the procedure set out under Section 123 of the County Governments Act, and propose appropriate amendments that would ensure that the Senate is not fettered in the discharge of its functions under Articles 94 and 96 of the Constitution.

The Senate should, as part of its oversight mandate over the county governments, and as part of its mandate to represent the counties and to protect their interests and those of their governments, consider the report of an Independent Commission of Inquiry established under Article 192(2), whether or not, it recommends a suspension of a county government, and whether or not, the President is satisfied that justifiable grounds exist for suspension of a county government. This being a matter that is critical to the system of devolved governments, I further direct that the Committee tables its report on this matter on or before 29<sup>th</sup> October 2015.

Hon. Senators, with regard to the report of the commission of inquiry into the petition seeking the suspension of the County Government of Makueni, although in the circumstances, there is no requirement for the forwarding of the report to the Senate, all is not lost. The Speaker has contacted the Presidency and the Presidency has agreed to send the report to the House.

*(Applause)*

Our Standing Orders also provide various mechanisms through which the Senate could interrogate the issues that require legislative or oversight interventions by the Senate. For example, nothing in our Standing Orders would bar a Senator from requesting a statement from the relevant committee chairperson on this matter in terms of Standing Order No.45(2)(b). Similarly, an interested Senator may give notice of an appropriate motion on this matter for deliberation by the Senate. Standing Order No. 45(2)(a) relating to statements by a Senator on a county issue or an issue of general topical concern, may also provide an avenue by which the matter could be deliberated.

Hon. Senators, this and other options in our Standing Orders, remain available to the interested Senators.

I thank you.

*(Applause)*

Tuesday, 29<sup>th</sup> September, 2015

## COMMUNICATION FROM THE CHAIR

VISITING DELEGATION BY MEMBERS OF STAFF  
FROM NYANDARUA COUNTY ASSEMBLY

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I am pleased to acknowledge and welcome to the Senate this afternoon, Members of staff from Nyandarua County Assembly who are seated in the Speaker's Gallery. The officers are here on an attachment programme undertaken by the Senate pursuant to its mandate of assisting counties to build their capacity.

I request the officers to stand up when I call out their names, so that they can be acknowledged in our usual Senate tradition. They are:-

Mr. Stephen Mwangi	-	Serjeant-at-Arms
Mr. Daniel Kamau	-	Serjeant-at-Arms
Mrs. Leah Njenga	-	Serjeant-at-Arms
Mr. Benjamin Gatonga	-	Serjeant-at-Arms
Mr. Lois Njenga	-	ICT Officer
Ms. Martha Wacuka	-	ICT Officer
Ms. Chepkoech Gladys	-	ICT Officer

*(Applause)*

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

Thank you.

## COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF STAFF  
FROM BUNGOMA COUNTY ASSEMBLY

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I have a brief Communication to make.

I am pleased to acknowledge and welcome to the Senate this afternoon visiting staff of Bungoma County Assembly, who are seated in the Public Gallery. The officers are visiting the Senate on attachment.

I request the officers that when their names are called out, they stand up so that they may be acknowledged in our usual Senate tradition.

1.	Calistus Wanjala	-	Serjeant-At-Arms
2.	Mildred Wasari	-	Serjeant-At-Arms
3.	Martin Omusee	-	Serjeant-At-Arms
4.	Ruth Kubeba	-	Secretary, Clerk's Office

5. Beatrice Mainya

- Secretary, Speaker's Office

As you appreciate, one of our mandates is to help counties to build capacity and it is in that context that they are here. I take this opportunity, on behalf of the Senate and my own, to wish the delegation a happy and fruitful visit in this Senate.

*(Applause)*

Wednesday, 30<sup>th</sup> September, 2015

## COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM MALAWI PARLIAMENTARY  
SERVICE COMMISSION

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I have a short communication to make.

Hon. Senators, I am pleased to acknowledge and welcome to the Senate this afternoon, a delegation from the Malawi Parliamentary Service Commission who are seated in the Speaker's Gallery. These hon. Members are here on a benchmarking visit. I request the Members of the delegation to stand when their names are called out so that they are acknowledged in the usual Senate tradition.

1. Hon. Vitus G. Dzoole, MP - Leader of delegation
2. Hon. Aaron Sangala, MP
3. Hon. Ralph Jooma, MP
4. Hon. Abubakar Mbaya, MP

The delegation is accompanied by the following officers-

1. Mr. J. Mdala- Chief Policy and Planning Officer; and
2. Ms. L. Jambo- Secretary to the Deputy Clerk of Parliament

Hon. Senators, as you all know, Kenya and Malawi have had very cordial relations. Our Parliaments have a lot to learn from each other. I take this opportunity on behalf of the Senate and on my own behalf to wish the delegation a happy and fruitful visit to the Senate.

I thank you.

## COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF PUPILS FROM  
ROCKFIELDS PRIMARY SCHOOL

**The Temporary Speaker** (Sen. Mositet): This is the time I am receiving the Communication from the Clerk's office and fortunately or unfortunately, the students are not from Kisumu. I do not know how you identified them Sen. (Prof.) Anyang-Nyong'o from there.

Hon. Senators, I wish to recognise the presence of Class Eight pupils from Rockfields School from Nairobi City County seated in the Public Gallery who are visiting the Senate today. As you all know, the tradition of receiving and welcoming visitors to Parliament is a long time tradition and we shall endeavour to continue upholding it.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the pupils and teachers of Rockfields School.

*(Applause)*



Thursday, 1<sup>st</sup> October, 2015

## COMMUNICATION FROM THE CHAIR

ADDRESS TO A JOINT SITTING OF PARLIAMENT BY  
H.E (DR.) JAKAYA MRISHO KIKWETE, PRESIDENT  
OF THE UNITED REPUBLIC OF TANZANIA

**The Speaker** (Hon. Ethuro): Hon. Senators, I have a communication to make on the Joint Sittings of Parliament on Tuesday 6<sup>th</sup> October, 2015 at 2.30 p.m. for purposes of address by visiting dignitary. The Speakers of the two Houses of Parliament have received a request from the Office of the President to allow His Excellency (Dr.) Jakaya Mrisho Kikwete, President of the United Republic of Tanzania to address a Joint Sitting of the Houses of Parliament on Tuesday 6<sup>th</sup> October, 2015. His Excellency President Kikwete will be on a State Visit to Kenya.

Hon. Senators, Standing Order No.25(2) states as follows:-

“The Speaker may, in consultation with the Speaker of the National Assembly, arrange for a Joint Sitting of Parliament for purposes of an address by a visiting Head of State or such other visiting dignitary.”

In this respect, I wish to inform the House that the Speaker of the National Assembly and I, have consulted and consented to the request. This is, therefore, to invite all Senators to a Joint Sitting of the Houses of Parliament which will be held on Tuesday 6<sup>th</sup> October, 2015 in the National Assembly Chamber, Main Parliament Building at 2.30 p.m. for the purpose of an address by His Excellency (Dr.) Jakaya Mrisho Kikwete, President of the United Republic of Tanzania.

This being the first time that a visiting Head of State will be formally addressing our Parliament, I wish to take this earliest opportunity to request all of you Senators to avail yourselves for this auspicious occasion. If what I heard from the Floor is anything to go by, I can assume that it is an affirmation.

Due to the normal legislative agenda before the Senate, particularly on the various Bills, the Senate will continue with its normal sitting shortly after the address by His Excellency the President of Tanzania.

I thank you.

## COMMUNICATION FROM THE CHAIR

PROCEDURE FOR DISPOSAL OF PRESIDENTIAL MEMORANDA ON  
THE PUBLIC AUDIT BILL AND THE PUBLIC PROCUREMENT  
AND ASSETS DISPOSAL BILL

**The Speaker** (Hon. Ethuro): Hon. Senators, I wish to make a communication with respect to His Excellency the President’s memoranda on the Public Audit Bill (National

Assembly Bill No.38/2014) and the Public Procurement and Asset Disposal Bill (National Assembly Bills No. 40/2014).

This communication is intended to give guidance on the procedure for the disposal of the Presidential Memoranda on the two Bills. As you recall, pursuant to Article 112(1)(b) of the Constitution, the Senate passed both Bills with amendments on 20<sup>th</sup> May, 2015, and subsequently, forwarded the Bills to the National Assembly for concurrence on 22<sup>nd</sup> May, 2015.

The National Assembly did not concur with some of the Senate's proposals to the Public Audit Bill (National Assembly Bill No.38 of 2014). Accordingly, the Bill was referred to a Mediation Committee to develop a version of the Bill that would be presented to both Houses for approval. The Mediation Committee on the Public Audit Bill was constituted on 26<sup>th</sup> May, 2015. Its report was tabled in the Senate on 27<sup>th</sup> May, 2015. All these culminated in the presentation of both Bills to the President for assent on 27<sup>th</sup> May, 2015.

In a communication issued on 23<sup>rd</sup> July, 2015, I informed the Senate that I had received a message from the National Assembly regarding the receipt of a Presidential Memoranda on the Public Procurement and Asset Disposal Bill 2015. The message from the Speaker of the National Assembly stated as follows:

“Pursuant to the provisions of Standing Orders Nos.41 and 142 of the National Assembly Standing Orders, I hereby convey the following message from the National Assembly;

THAT WHEREAS in exercise of powers conferred on him by Article 115 of the Constitution, His Excellency the President refused to assent to the Public Procurement and Asset Disposal Bill 2015 (National Assembly Bill No.40/2014) and referred the Bill to Parliament for reconsideration;

AND WHEREAS the National Assembly on Thursday, June 18, 2015, reconsidered and passed the Bill, fully accommodating the President's reservations and without proposing any amendments to the said reservations;

NOW THEREFORE, in furtherance of the provisions of Article 115(3) and (4), I hereby forward the memoranda of the President containing his reservations to the Bill to the Senate for reconsideration.

In the same communication, I ruled on the procedure for the disposal of the memoranda. In so doing, I specifically observed that the Standing Orders for both Houses provide for the establishment of a Joint Committee to consider the President's reservations on a Bill.

Consequently, I informed the House of the Senate's membership to the Joint Committee and a Message to this effect was forwarded to the National Assembly on 24<sup>th</sup> June, 2015.

On 14<sup>th</sup> July, 2015, I reported to this House that I had received a message from the National Assembly informing this House of receipt by the National Assembly of a presidential memorandum on the Public Audit Bill. The message stated as follows:

“PURSUANT to the provisions of Standing Order Nos.41 and 142 of the National Assembly, I hereby convey the following message from the national Assembly:-

THAT WHEREAS in exercise conferred on him by Article 115 of the Constitution, His Excellency the President refused to assent to the Public Audit Bill (National Assembly Bill No.38/2014) and referred the Bill to Parliament for reconsideration;

AND WHEREAS the National Assembly on Tuesday, June 23<sup>rd</sup> – Thursday 25<sup>th</sup>, 2015, reconsidered and passed the Bill, fully accommodating the President's reservations and without proposing any amendments to the said reservations;

NOW THEREFORE, in accordance with the provisions under Article 115(3) and (4) of the Constitution, I hereby forward the memorandum of the President containing his reservations to the Bill to the Senate for reconsideration.”

I also reported that I received a Message from the Speaker of the National Assembly regarding the appointment of Members of the Joint Committee on the Presidential Memorandum on the Public Audit Bill (National Assembly Bill No.40 of 2014) and the Public Procurement and Asset Disposal Bill (National Assembly Bill No. 40 of 2014).

The Joint Committee held its first sitting on 6<sup>th</sup> August, 2015. In accordance to Standing Order 158(2) of the Senate Standing Orders, which is replicated in the National Assembly Standing Orders as Standing Order No.155(2). The Senate and the National Assembly were to receive the report of the Committee within 14 days which lapsed on 20<sup>th</sup> August, 2015 without the Joint Committee tabling a report as contemplated under Standing Order No.158(2) of the Senate Standing Orders. What then is the fate of the Presidential Memoranda in the absence of a report by the Joint Committee?

Hon. Senators, Standing Order No.158(5) provides that, “where the Joint Committee fails to submit a report under paragraph 2 or the report of the Joint Committee is to the effect that the Committee has failed to agree to the President’s reservations or where the Joint Committee fails to agree on a version of proposed amendments to the President’s reservations, the President’s reservations shall be taken to have been approved by Parliament upon laying of the report on the table of the Senate under paragraph 2.

Hon. Senators, you will recall that in the communication issued on 23<sup>rd</sup> July, 2015, I observed that Standing Order No.158(5), though it may be aimed at ensuring expeditious disposal of a Presidential Memorandum, does not accord with the Constitution. This is because Article 115 of the Constitution requires that each House of Parliament specifically pronounces itself on a Presidential Memorandum. I, therefore, rule that to the extent that the Standing Order No.158(5) provides for a “*deeming*” of approval by the Senate of the President’s reservations upon laying of the report on the table of the Senate without considering by the senate, it does not accord with Article 115 of the Constitution and must, therefore, yield to Article 115.

In the circumstances, I invoke Standing Order No.1 to find that where a Joint Committee fails to submit a report under paragraph 2, or if the report of the Joint Committee is to the effect that the committee has failed to agree to the President’s reservations or where the joint committee fails to agree on a version of proposed amendments to the Presidents reservations, the Senate shall consider a motion that, the Senate approves the Bill fully accommodating the President’s reservations. This Motion may be moved by a member of the Joint Committee, the Senate Majority Leader, or a Senator designated by the Senate Majority Leader.

In accordance with the Motion, the Senate may:-

1. Pursuant to Article 115(2) of the Constitution, amend the Bill in light of the President’s reservations or amend the Bill in a manner that fully accommodates the President’s reservations. This will require the vote of a majority of the delegation in the Senate which is 24 delegations.

2. Pursuant to Article 115(4) of the Constitution, pass the Bill a second time without amendments or with amendments that do not fully accommodate the President’s reservations. This would require the vote of two-thirds of the delegations in the Senate which is 31 delegations.

There are, however, two questions that arise from this: First, what would be the fate of the President’s reservations where the Senate does not obtain the 24 delegations required to accept the President’s reservations?

Secondly, what would be the fate of the President's reservations where the Senate does not obtain the 31 delegations required to reject the President's reservations?

In either case, is it possible to deem an acceptance or a rejection by the Senate by dint of failing to obtain the requisite numbers? The answer is in the negative.

Article 115 of the Constitution would appear to require that the Senate must pronounce itself on the President's reservations by either accepting or rejecting the reservations. There is no room for deeming of either an acceptance or a rejection. A specific resolution must be made by the Senate.

Consequently, the only action that would take the agenda forward is either an acceptance or a rejection of the President's reservations by the requisite numbers. It would appear that any other action that does not result in an outright acceptance or rejection of the President's reservations, would put the Bill in a constitutional purgatory requiring some new action that will reignite and bring the legislative process to a close. In this regard, the following may occur:-

(1) Since it is evident from the rendition of Article 115 of the Constitution that the legislative process on any Bill only comes to an end when there is an agreement between the legislature and the Executive; having found none, this may provide the occasion for further consultations between the Legislature and the Executive on the President's reservations. Such consultations may result in a resubmission of the Motion at an appropriate time in accordance with the Standing Orders.

(2) It is also possible that the situation could mark the end of the life of the Bill as published and instead result in the introduction of a new Bill which could either exclude the contested provisions or include the provisions in a negotiated format.

(3) The failure to accept or reject the President's reservations may be an indicator that Parliament does not intend to enact new legislation on the matters covered in the Bill and that it would rather retain the existing legislative framework. The legislative process would, therefore, come to an end.

The above notwithstanding, it is important that hon. Senators bear in mind that the two Bills in question are subject to the constitutional timelines stipulated in Article 261 of the Constitution as read with the Fifth Schedule to the Constitution. Thus legislation on these matters, whether in the form of the two published Bills or in the form of new Bills requires to be enacted by Parliament on or before 27<sup>th</sup> August, 2016.

Hon. Senators, having said this, I now direct that the matter of the two Bills be placed on the Order Paper next week for the giving of Notice of Motion in the manner I have explained.

I thank you.

Tuesday, 6<sup>th</sup> October, 2015 – Joint Sitting

## COMMUNICATION FROM THE CHAIR

### REASON FOR CONVENING OF JOINT SITTING OF PARLIAMENT

**The Speaker of the National Assembly** (Hon. Muturi): Your Excellency, Hon. (Dr.) Jakaya Mrisho Kikwete, President of the Republic of Tanzania, hon. Speaker of the Senate, hon. Ekwee Ethuro, Speaker of the East Africa Legislative Assembly (EALA), Hon. Daniel Fred Kidega, Hon. members of Parliament, Hon. Members of the East Africa Legislative Assembly (EALA) here present, the former Prime Minister of the Republic of Kenya, Hon. Raila Amolo Odinga, Hon. Kalonzo Musyoka, former Vice President of Kenya, distinguished guests, ladies and gentlemen; last week, the Speakers of the Houses of Parliament received a request from the Executive to invoke the provision of Standing Order No.25(1) of the National Assembly Standing Orders and Standing Order No. 25(2) of the Senate Standing Orders relating to address by visiting dignitary so as to accord an opportunity to His Excellency the President of The United Republic of Tanzania who is on an state visit in Kenya to address our Parliament.

Hon. Members, having consented to the request, the Speakers of the Houses of Parliament called for the Joint Sitting of Parliament and consequently, I gave notice of the Joint Sitting via Kenya Gazette Notice No.7371 dated 1<sup>st</sup> October, 2015 to the Members of the National Assembly. The Speaker of the Senate, via Kenya Gazette Notice No.7372, of 1<sup>st</sup> October, 2015, gave notice of this Joint Sitting before our senators.

In this respect, hon. Members, I declare this Joint Sitting properly convened and it is now my singular honour and privilege, to invite His Excellency Hon. (Dr.) Jakaya Mrisho Kikwete, President of the United Republic of Tanzania to address this Joint Sitting of Parliament.

I thank you.

Your Excellency!

*(Applause)*

Wednesday, 7th October, 2015

## COMMUNICATION FROM THE CHAIR

### ADMISSIBILITY OF SEN. MURUNGI'S MOTION ON ESTABLISHMENT OF A TASK FORCE TO SURVEY AND FIX BEACONS FOR ALL COUNTY BOUNDARIES

**The Speaker** (Hon. Ethuro): Hon. Senators, I have a Communication to make on the notice of Motion by Sen. Murungi.

On Tuesday, 22<sup>nd</sup> September, 2015, the Senator for Meru County, Sen. Kiraitu Murungi gave a Notice of Motion whose main thrust is to request the Office of the President and the Ministry of Lands, Housing and Urban Development to establish a task force to survey, mark and fix beacons for all county boundaries.

Thereafter, several Senators, including Sen.(Dr.) Machage, Sen. Murkomen, Sen. Khaniri and Sen. Mutula Kilonzo Jnr. raised reservations on whether the Notice of Motion was proper in terms of procedure, and whether it was constitutional, given the framework regarding alteration of county boundaries as provided for in Article 188 of the Constitution. In addition, there were assertions that a similar Motion, sponsored by Sen. Mutula Kilonzo Jnr., had been passed by the House and that, indeed, a Bill on county boundaries was on the verge of introduction to the Senate.

Hon. Senators, I will allow the Senators at the Bar to enter the Chamber given that some of them seem to be much appreciated in this Communication.

*(Sen. M. Kilonzo Jnr., Sen. (Dr.) Khalwale and  
Sen. Melly entered the Chamber)*

*(Sen. (Dr.) Khalwale continued standing in his place)*

Order, Sen. (Dr.) Khalwale! If I were you, when courtesies are extended to you, you take the earliest opportunity to appreciate them by sitting.

Hon. Senators, let me begin by giving a chronology of events surrounding this matter. First, a Motion was earlier filed by Sen. Mutula Kilonzo Jnr. urging the Standing Committee on Legal Affairs and Human Rights to initiate and prioritize the drafting of legislation within 90 days to provide for an independent commission to inquire into, examine and identify the boundaries of counties taking into account the criteria set out in Article 188(2) of the Constitution. The Motion was subsequently approved by the House.

Secondly, I am aware that the Standing Committee on Legal Affairs and Human Rights has done a great deal of work to implement the resolution of the House and that a Bill has been drafted in that regard. However, the Bill has not been introduced to the House yet by way of First Reading as required under Standing Order No.129.

Hon. Senators, it is important to note that the Motion by Sen. Mutula Kilonzo Jnr. and the Bill being developed by the Committee aim to establish an independent Commission to consider the boundaries of counties in accordance with Article 188 of the Constitution. Let me repeat for emphasis that the Motion by Sen. Mutula Kilonzo Jnr. and the attendant Bill being developed by

the Committee aim to establish an independent commission to consider the boundaries of counties in accordance with Article 188 of the Constitution.

I, therefore, would like to clarify that what Sen. Murungi's Motion is seeking is to have the boundaries as they now stand clearly surveyed, marked and beacons fixed. For the avoidance of doubt, he is not seeking to have the boundaries altered as doing so without the recommendations of an independent commission would violate the provision of Article 188 of the Constitution. This is, therefore, in my considered opinion, a different matter altogether because, regardless of any disputes and any proposals that may be made for the alteration of county boundaries, counties remain in existence and there are boundaries.

It may be such that the process of survey and marking would be affected and be difficult to undertake while disputes exist. That goes to the merits of the Motion and is a matter for the Senate to determine in the debate and for the Senate to make a decision.

Hon. Senators, arising from the foregoing, therefore, I am satisfied that there is no contradiction in the Motions by Sen. Mutula Kilonzo Jnr. and Sen. Murungi. They can both proceed. Indeed, Sen. Mutula Kilonzo Jnr.'s Motion was passed by the House. So, even as you entertain Sen. Murungi's Motion, you will already put into account what you had already decided as a House.

I thank you.

Thursday, 8<sup>th</sup> October, 2015

## COMMUNICATION FROM THE CHAIR

### VISITING DELEGATION OF STAFF FROM TURKANA COUNTY ASSEMBLY

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Members, I would like to acknowledge the presence in the Public Gallery this afternoon of a visiting delegation of county assembly staff from Turkana County Assembly. The county assembly staffers are here on a one week attachment programme at the parliamentary library and human resources department.

Since they are in the Public Gallery, I will not ask them to stand and be recognised because they were not able to be in the Speaker's Gallery for reasons that are known to them.

I hope that the delegation has had a fruitful programme. On behalf of the Senate and my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay and that they will learn from the Senate which is continuing to render its services of human resource development in the counties.

I thank you.



Tuesday, 13<sup>th</sup> October, 2015

## COMMUNICATION FROM THE CHAIR

### LIMITATION OF DEBATE ON THE ADDRESS BY THE PRESIDENT

**The Speaker** (Hon. Ethuro): Hon. Senators, as you may recall, pursuant to Standing Order 25, the President of the United Republic of Tanzania, H.E. (Dr.) Jakaya Mrisho Kikwete, addressed a Joint Sitting of Parliament on 6<sup>th</sup> October, 2015. I would like to guide the House on how we shall proceed on this matter as it is the next order.

Hon. Senators, Standing Order No. 25(3) state as follows:-

“Standing Order No.23 (*President entering or leaving the Chamber*) and 24 (*President’s Address to Parliament*) shall, with necessary modifications, apply to a visiting Head of State or such other dignitary.”

Standing Order No.24 (5) and (6) state as follows:-

“(5) Whenever the President delivers an Address to Parliament, a Senator may, as soon as practicable thereafter, lay the Presidential Address on the Table of the Senate following reading of such Address.

(6) A Senator may give a notice of Motion, that “The Thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President” but debate on the Address shall not exceed three sitting days.”

Hon. Senators, on Thursday, 8<sup>th</sup> October, 2015, the Senate Majority Leader lay the speech by H.E. (Dr.) Jakaya Mrisho Kikwete on the Table and gave a notice of Motion that the Thanks of the Senate be recorded for the Address to Parliament by the President of the United Republic of Tanzania delivered on Tuesday, 6<sup>th</sup> October, 2015.

Pursuant to Standing Order No. 25 (3), I now direct that the said Motion will be limited to a maximum of two hours with 10 minutes for the Senate Majority Leader, 10 minutes for the Senate Minority Leader and five minutes for each other Senator speaking. Five minutes before the time expires, the Mover shall be called upon to reply. I encourage the presiding officer to vary the time accordingly depending on the mood of the House.

I thank you.

Wednesday, 14<sup>th</sup> October, 2015

**COMMUNICATION FROM THE CHAIR**

VISITING DELEGATION FROM TANGAZA  
UNIVERSITY COLLEGE

**The Speaker** (Hon. Ethuro): Hon. Senators, I wish to recognize the presence of visiting staff and students from Tangaza University College seated in the Speaker's Gallery. The students have visited the Senate today as part of their study on Sustainable and Collaborative Leadership for Development.

I commend them for choosing the Senate as a House of Parliament to gain a few tips on collaborative leadership as a concept we have been implementing as a House. In our long standing tradition of receiving and welcoming visitors, I take this opportunity, on behalf of the Senate and on my own behalf, to extend a warm welcome to the staff and the students of Tangaza University College. I wish them a fruitful visit to our House.

*(Applause)*

Wednesday, 21st October, 2015

**COMMUNICATION FROM THE CHAIR**

VISITING DELEGATION OF STAFF FROM MANDERA  
COUNTY ASSEMBLY

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I have a Communication to make.

I would like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting county assembly staff from Mandera County. The county assembly staff are here on a one week attachment programme at the Directorate of Committee Services, the Serjeant-at-Arms and the Hansard Department. I request each member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition. They are as follows:-

- |                                 |   |                       |
|---------------------------------|---|-----------------------|
| 1. Mr. Hassan Abdullahi Abdulla | - | Clerk Assistant I     |
| 2. Mr. Abdi Shakur Dakane Maow  | - | Clerk Assistant I     |
| 3. Ms. Fatuma Alio Sheikh       | - | Serjeant-at-Arms      |
| 4. Mr. Bashir Ibrahim Gabow     | - | Serjeant-at-Arms      |
| 5. Mr. Abdifatah Ali Ibrahim    | - | Deputy Hansard Editor |
| 6. Mr. Ahmed Ali Mayow          | - | Hansard Recorder      |

I hope they are having a fruitful programme. On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

*(Applause)*

Thursday, 22<sup>nd</sup> October, 2015

## COMMUNICATIONS FROM THE CHAIR

### VISITING DELEGATION OF MEMBERS AND STAFF FROM KISII COUNTY ASSEMBLY BROADCASTING COMMITTEE

Hon. Senators, this afternoon, I would like to acknowledge the presence in the Speaker's Gallery of visiting Members and staff from Kisii County Assembly Broadcasting Committee.

The Members and staff are here on a two day benchmarking visit to the Joint Committee on Parliamentary Broadcasting and Library.

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

Hon. Alfred Onguti	Chairperson
Hon. Jane Kinanga	Vice Chair
Hon. Philip Motonu	Member

I hope that they have a fruitful programme. On my own behalf and that of the Senate, I welcome them to the Senate and wish them well for the remainder of their stay.

*(Applause)*

### COMMITTAL OF THE PETITION TO THE SENATE BY THE JUSTICE AND LEGAL AFFAIRS COMMITTEE OF VIHIGA COUNTY ASSEMBLY

Hon. Senators, you may recall that yesterday, the Senator for Vihiga County, Sen. George Khaniri presented a Petition to the Senate on behalf of the Justice and Legal Affairs Committee of the Vihiga County Assembly. The Petition is on the alleged violation by the National Registration Bureau of the right of residents of Vihiga County to registration and issuance of national identity cards.

You may recall further that pursuant to Standing Order No.227(1), I directed that the petition be committed to the relevant Standing Committee, that is the Standing Committee on National Security and Foreign Relations.

Upon conclusion of my direction, you will recall that the Chairperson of the Standing Committee on Legal Affairs and Human Rights sought to have his Committee work together with the Standing Committee on National Security and Foreign Relations in considering the Petition, citing the reason that the Petition was from the counterpart Committee of the Vihiga County Assembly.

Upon further perusal of the Petition, I have established that, indeed, there are a number of areas in it that touch on the mandate of the Standing Committee on Legal Affairs and Human Rights although on the overall, the Petition still falls under the Standing Committee on National Security and Foreign Relations.

Consequently, I now further direct that, in considering the Petition, the Standing Committee on National Security and Foreign Relations works jointly with the Standing Committee on Legal Affairs and Human Rights. However, in terms of submission of a report to the Senate in accordance with Standing Order No.227(1), the Standing Committee on National Security and Foreign Relations will be required to submit the report.

I thank you.

## COMMUNICATION FROM THE CHAIR

### STATUS OF CASH TRANSFER PROGRAMMES

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, as you may recall, the issue of cash transfer programmes for vulnerable groups has generated a lot of interest in this House with numerous concerns being raised on the status of its implementation. Consequently, the Standing Committee on Labour and Social Welfare has invited the acting Cabinet Secretary (CS) for Labour, Social Security and Services to a meeting of the Committee to deliberate on the matter. The meeting is aimed at seeking clarification on a number of pertinent issues, among them:-

(1) The formula used to divide and allocate the national resources allocated towards cash transfer programmes per county and constituency.

(2) The claim that there are persons who are benefited from cash transfer programmes yet they do not meet the set criteria.

(3) The mode of transfer of the monies to beneficiaries and what mechanisms the Ministry has put in place to ensure that the rightful beneficiaries receive the money.

(4) To provide audit reports for the cash transfer programmes for vulnerable groups.

The meeting is scheduled for Tuesday, 27<sup>th</sup> October, 2015, at 10.00 a.m., in this Chamber. All Senators are invited to the meeting. I urge all of us to attend and participate in the deliberations on this very important matter.

I thank you.

Tuesday, 27<sup>th</sup> October, 2015

## COMMUNICATION FROM THE CHAIR

### VISITING DELEGATION OF STAFF FROM LAMU COUNTY ASSEMBLY

**The Speaker** (Hon. Ethuro): Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting county assembly staff from Lamu County. The County Assembly staff is here on a one week attachment programme. They will be attached to the Directorate of Committee Services, the Directorate of Legislative and Procedural Service and the Directorate of Information and Research Services. I request each one of them to stand when called out so that they may be acknowledged in our great Senate tradition.

- (1) Mr. Ali Ahmed Said, Principal Clerk Assistant;
- (2) Mr. Swaleh Rubea, Clerk Assistant III;
- (3) Mr. Athman Elema Molmocha, Clerk Assistant III;
- (4) Mr. Yasir M. Sheyumbe, Clerk Assistant III; and,
- (5) Ms. FatmaAthman Haji, Records Management Officer.

On behalf of the Senate and on my own behalf, I welcome you to the Senate and wish you a fruitful engagement for the remainder of your stay. I thank you.

*(Applause)*

Wednesday, 28<sup>th</sup> October, 2015

## COMMUNICATIONS FROM THE CHAIR

### VISITING DELEGATION FROM VIHIGA COUNTY ASSEMBLY

**The Speaker** (Hon. Ethuro): Hon. Senators, before we proceed, I have a communication to make. The first two are similar, just to recognise and acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting members and staff from Vihiga County Assembly, Committee on Justice and Legal Affairs. The County Assembly Members and staff are here on a two-day benchmarking visit with the Committee on Legal Affairs and Human Rights. I request each Member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition. They are:

- |                               |                  |
|-------------------------------|------------------|
| 1. Hon. Khalid Khamisi Balala | Chair            |
| 2. Hon. Venna Kaisha          | Vice Chair       |
| 3. Hon. Andrew Ahuga          | Member           |
| 4. Hon. Rhoda Omufumu         | Member           |
| 5. Hon. Reuben Ombima         | Member           |
| 6. Hon. Elizabeth Muhonja     | Member           |
| 7. Shera Didi                 | Legal Counsel    |
| 8. George Kibisu              | Serjeant-at-Arms |
| 9. James Ngeresa              | Committee Clerk  |

On behalf of the Senate and on my own behalf, I welcome them to the Senate and I wish them a fruitful deliberation during their stay at the Senate.

### VISITING DELEGATION KILIFI COUNTY ASSEMBLY

Hon Members, similarly, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting members and staff from the Kilifi County Assembly Committee on Justice and Legal Affairs. The County Assembly Members and staff are here on a two-day benchmarking visit with the Committee on Legal Affairs and Human Rights.

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

They are:-

- |                                   |                  |
|-----------------------------------|------------------|
| 1. Hon. Valentine M. Matsaki      | Chairperson      |
| 2. Hon. Barka A. Mohammed         | Vice Chairperson |
| 3. Hon. Stephen Bahati Mlanda     | Member           |
| 4. Hon. Esther Dzidza             | Member           |
| 5. Hon. Adamson Mwathethe Kadenge | Member           |
| 6. Hon. Grace Mbodza Chihanga     | Member           |
| 7. Hon. Anderson Ngombo Kithi     | Member           |
| 8. Hon. Nixon Mramba              | Member           |
| 9. Hon. Cosmas F. Kenga           | Member           |

10. Rashid Mbetu	Senior Legal Counsel
11. Lillian Ngala	Clerk Assistant I
12. Eric Libendi	Committee Clerk
13. Mercy Kuria	Research Officer
14. Elizabeth Tatu	Hansard Reporter
15. Elijah Koi	Commissionaire

On behalf of the Senate and on my own behalf, I welcome them to the Senate and I wish them fruitful deliberations during their sojourn in the Senate.

I thank you.

## COMMUNICATION FROM THE CHAIR

### PROCEDURE FOR DISPOSAL OF PRESIDENTIAL MEMORANDA ON THE PUBLIC AUDIT BILL AND THE PUBLIC PROCUREMENT AND ASSETS DISPOSAL BILL

**The Speaker** (Hon. Ethuro): Hon. Senators, I also have another communication to make. On 1<sup>st</sup> October, 201, I issued a communication detailing the procedure to be followed on the disposal of the Presidential Memorandum on the Public Audit Bill, 2014, and the Public Procurement and Asset Disposal Bill, 2014.

In the Communication, I noted that the Joint Committee had failed to agree on the President's reservations and consequently ruled that the two Memoranda be scheduled for consideration on the week starting 6<sup>th</sup> October, 2015.

After my Communication, several Senators, including Sen. Hassan Omar Hassan, Sen. Moses Wetang'ula, Sen. James Orengo and Sen. (Dr.) Boni Khalwale, canvassed the matter and urged the Speaker to stay the consideration of the Memoranda to allow consideration of the following issues –

1. Whether the President, who is not a Member of Parliament (unlike in the repealed Constitution) can participate in law making, by exercising veto power?
2. Whether the reservations in the Presidential Memoranda can include introduction of new sections that were not contemplated in the Bill as passed in the first instance?
3. Whether the new clauses introduced in the Memorandum need to go through the usual legislative processes of First, Second and Third Readings.

I undertook then to give further guidance on the matter before the Senate could consider the Presidential Memoranda.

Hon. Senators, I have considered the issues raised and I wish to give the following guidance-

- i) On whether the President can participate in law making, I wish to state that Article 115 of the Constitution gives the President a legislative mandate of Assent and Referral of Bills. Thus the veto power is rightfully exercised by the President. This has always been the case even in the repealed Constitution.

This answers to the matter raised making reference to the former Constitution in force immediately before the coming into force of the current Constitution. Section 46(4) of the repealed Constitution stated as follows-



“Where the President refuses to assent to a Bill he shall, within fourteen days of the refusal, submit a memorandum to the Speaker indicating the specific provisions of the Bill which in his opinion should be reconsidered by the National Assembly, including his recommendation for amendments.”

- ii) On whether the President can introduce new clauses in the Memoranda, I wish to state that Article 115(1)(b) provides that the President shall-

"refer the Bill back to Parliament for reconsideration by Parliament, noting any reservations that the President has concerning the Bill".

This means that the President can only object to what is already in the Bill and in proposing how to deal with the reservations, he may propose amendments to the specific clauses, including such other consequential amendments in form of new clauses. Therefore, new clauses in place of those in the Bill can be proposed so long as they are within the scope of the Bill.

- iii) On whether the New Clauses have to follow all the legislative stages, I wish to state that at the stage of reservations, a Bill will have been passed by Parliament. By considering the Memorandum, Parliament is not re-opening debate on a Bill, but restricting itself to the “reservations”. In my view, the new clauses need not go through the entire legislative process of First, Second and Third Readings.

Arising from this and upon further reflection and given the fact that the Joint Committee appointed to consider the Memoranda failed to submit a report, I now direct that the Memoranda on the two Bills be placed in the Order Paper for Thursday, 29<sup>th</sup> October, 2015, for consideration in Committee of the Whole.

As has been the practice, at the Committee Stage, each proposal by the President will be considered and voted on independently. It is important to note that Senators may amend the President’s proposals, but will require the support of at least two-thirds of the delegations in line with Article 115(4)(b) of the Constitution.

I thank you.

Wednesday, 28<sup>th</sup> October, 2015 – Special Sitting

## COMMUNICATION FROM THE CHAIR

### PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE GOVERNOR OF MURANG'A COUNTY

**The Speaker** (Hon. Ethuro): Hon. Senators, I have the following Communication to make on the proposed removal from office by impeachment of the Governor of Murang'a County.

Hon. Senators, by a letter received in the Office of the Speaker of the Senate on Wednesday, 21<sup>st</sup> October, 2015, the Speaker of the County Assembly of Murang'a informed the Speaker of the Senate of the approval of a Motion by the County Assembly of Murang'a for the removal from office, by impeachment, of the Governor of Murang'a County.

In terms of Article 181 of the Constitution, Section 33(3)(a) of the County Governments Act, 2012 and Standing Order No.68 (1) (a) of the Senate Standing Orders, the Speaker of the Senate is required, and I quote"-

"Within seven days after receiving notice of a resolution from the Speaker of a county assembly, to convene a meeting of the Senate to hear charges against the Governor."

Hon. Senators, pursuant to Section 33(3)(a) of the County Governments Act, 2012 and Standing Order No.68(1)(a) of the Senate Standing Orders, I convened this sitting of the Senate through Kenya Gazette Notice No.8100, published on 27<sup>th</sup> October, 2015.

Hon. Senators, pursuant to Section 33(3) of the County Governments Act, 2012 and the same Standing Order of the Senate, I hereby proceed to read the charges against Hon. Mwangi wa Iria, the Governor of Murang'a County.

**Ground 1: Gross Violation of the Constitution of Kenya, 2010, the County Governments Act, 2012, the Public Finance Management Act, 2012 and the Public Procurement and Disposal Act, 2005.**

Particulars include, and I hope Sen. Hassan Omar Hassan is listening attentively as per yesterday's intervention:-

(i) Lack of accountability for the management and use of county resources by incurring unsustainable debts to the tune of Kshs2.5 billion which were not disclosed in the Debt Management Paper, 2015 and the County Fiscal Strategy Paper, 2015, thus violating Article 201(e) of the Constitution of Kenya, 2010, Section 123 and Section 107(2) (e) of the Public Finance Management Act, 2012. Further scrutiny of the Debt Owing Report submitted by the County Executive Committee Member for Finance, IT and Planning as at 14<sup>th</sup> August, 2015 indicated violation of Article 226(5) of the Constitution of Kenya, 2010, since some programmes in the debt report already had an appropriation in the budget for the Financial Year 2014/2015 only to re-appear in the said debts, a clear indication of misappropriation of funds for the projects. For instance, Gakoigo Stadium, under the Department of Youth and Sports, was allocated Kshs30 million in the Financial Year 2014/2015 yet it had incurred a total debt of Kshs59 million and no monies had been paid. This positions the county at a very precarious situation which may lead to the auctioning of county assets.

(ii) Violation of Article 201(a) and (d) of the Constitution of Kenya, 2010, that stipulates principles of public finance and Section 5 and 130(1)(b)(i) of the Public Finance Management

Act, 2012. The County Governor allowed misappropriation of county funds by spending public funds in private commercial entities. The report of the Auditor-General on the financial operations of Murang'a County Executive for the period 1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014, shows that the County Executive contributed a total of Kshs28,489,800 to Murang'a Investment Co-operative Society *Shilingi kwa Shilingi*. The expenditure was incurred in respect of advertisements to promote the co-operative society and invite the general public to purchase shares in the co-operative. Further details of the same are contained in the Report of the County Assembly on the Murang'a Investment Cooperative Society, *Shilingi kwa Shilingi*.

The Society is registered under the Co-operative Societies Act, Cap.490, Section 6(3) of the Laws of Kenya. The Society is an autonomous body independent of the County Executive and according to the Auditor-General's Report, it was not clear, therefore, the circumstances under which the County Executive was funding it. This was in contravention of Section 5(1) of the Public Finance Management Act, 2012 as the Society was not declared a county corporation.

Let me allow the Members to enter.

*(Several hon. Senators entered the Chamber)*

(iii) Violation of the Constitution of Kenya, 2010, Articles 201(a), (d), (e), on the principles of public finance and Article 226(5) on audit of public entities, Article 227(1) on procurement of goods and services and the Public Procurement and Disposal Act, 2005 by failing to adhere to the principles of public finance management and procurement of public goods and services. In the Financial Year 2014/2015, as stated in the County Governments Budget Implementation Review Reports of the Controller of Budget, the County Executive, under the stewardship of the County Governor, incurred advertisement expenditure amounting to Kshs247 million against an approved budget of Kshs7 million as at 31<sup>st</sup> March, 2015 - that is, Kshs114 million and Kshs133 million in the half year and third quarter report, respectively – thus, further undermining the principles of fiscal prudence as stipulated in Article 201(d) of the Constitution of Kenya, 2010 and Section 107(2) of the Public Finance Management Act of 2012.

(iv) Violation of Article 183(2) and (3) of the Constitution of Kenya, 2010 and Section 30(3)(b) of the County Governments Act, 2012 through failure to provide leadership to the County Executive Committee on the generation of county policies, plans, legislations and full and regular reports, regarding key programmes such as the Napier Grass, A.I. Crushes, among others.

(v) Failure to establish the County Budget and Economic Forum as stipulated under Section 137 of the Public Finance Management Act 2012. As a result, the County Governor has failed to consult with the public over the preparation of county plans, budgets, economy and financial management at the county level thereby violating the provisions of Sections 87, 91 and 115 of the County Governments Act, 2012 and more importantly, Articles 10 of and 201(a) of the Constitution that require public participation in decision making.

(vi) Violation of Articles 176(1) and 185 of the Constitution of Kenya, 2010 by disregarding the County Assembly as an arm of the County Government and undermining its legislative authority, through requisition of monies and not remitting the same, hence crippling the operations of the Assembly and undermining the independence of the latter. This, by extension, violates Articles 6 and 10 of the Constitution of Kenya, 2010 that underpins the spirit of mutual respect, cooperation and consultation on all governance structures. This is evident from requisitions made in the following periods that were never remitted:-

- (a) Kshs44,347,764 in the Financial Year, 2013/2014 (annexed);
- (b) Kshs28,779,000 in the Financial Year 2014/2015 (annexed), and;
- (c) Kshs51, 843,000 in the Financial Year 2015/2016 (annexed).

This misappropriation and misdirecting of funds indicates lack of good intentions towards the Assembly and creating a monarchy system, an endeavour to curtail the oversight role of the Assembly, violating Article 73(b) of the Constitution of Kenya, 2010 which requires a state officer to serve the people and not power to rule over them. This further violates Article 174 of the Constitution of Kenya 2010, which requires county governments to provide democratic and accountable exercise of power.

(vii) Violation of Section Four of the County Governments Act, 2012, that requires the County Executive Committee to develop legislation on county symbols, for example, the Murang'a County Symbols Act. After the Murang'a County Symbols Bill was passed in the Assembly and consequently gazetted into an Act, the County Executive so far has failed to implement the approved symbols in all their communication artefacts.

(viii) Violation of Article 227(1) of the Constitution of Kenya 2010. It was done through procurement of goods and services by state organs and public entities and Section 135(1) of the Public Finance Management Act 2012, by disregarding cost effectiveness and over-spending in the departments of Finance, IT and Economic Planning, Transport, Energy, Infrastructure, Public Service and Administration, among others, as indicated in the Third Quarter Budget Review Implementation Report for the FY2014/2015 from the Office of the Controller of Budget. Such expenditure should have been ratified through a supplementary budget or justified by the respective departments

(ix) Violation of Articles 186(1), 189(2) and 226(5) of the Constitution of Kenya 2010 by approving/directing/diverting public funds to non-devolved functions contrary to Schedule 4(2) of the Constitution of Kenya 2010. For example, construction works at Kahuhia Girls High School that were split nine times, amounting to Kshs31 million. Also, conversion of public primary schools into boarding schools, among others.

(x) Violation of Article 227(1) of the Constitution of Kenya 2010 and Section 30 of the Public Procurement and Disposal Act, 2005 through splitting of tenders with different LPO numbers for the same contractor. For instance, the proposed opening of Kahuruko-Ngatho Junction under the Department of Transport and Infrastructure was split 11 times with different LPO numbers according to the debt owing report from the County Executive Committee Member (CEC), Finance, IT and Planning as at 14<sup>th</sup> August, 2015.

(xi) Violation of Articles 10, 183 and 201 of the Constitution of Kenya 2010 on priorities through public participation, legislative framework and fiscal prudence and accountability, respectively. Also, Section 29 of the Public Procurement and Disposal Act, 2005, through evading of open tender method by purchasing of land along the Kenol-Kabati Road worth Kshs340 million through request for quotations, without stipulated reasons for using alternative procurement procedures in writing by the Tender Committee. Fraudulent procurement procedures of the Artificial Insemination (AI) crushes under the Livestock Development Programme amounting to Kshs61,690,000, among other goods and services.

*(Sen. Haji and Sen. (Prof.) Anyang'-Nyong'o bowed to the Bar and entered into the House when the Speaker was on his feet)*

(xii) Contravention of Article 201(a) and (e) of the Constitution of Kenya 2010, on principles of public finance in regard to accountability, responsible finance management and clear fiscal reporting and Section 155(5) of the Public Finance Management Act, 2013, by failing to ensure that an Internal Audit Committee is established. This has exposed the County Executive operations to lack of checks and balances in financial controls, especially in the County Treasury and lack of decentralized payment systems, particularly in the departmental level. This is evidenced by irregular practices such as the opening of unauthorized bank accounts, contrary to the guidelines of the Transition Authority, lack of maintaining of cashbooks for some accounts and surrendered imprests, lack of adherence to the budget implementation, among other irregularities, also highlighted in the report of the Auditor General 2013/2014 and the Controller of Budget Third Quarter Report 2013/2014. This heightened impunity on the part of the County Governor has resulted in continued loss of public funds.

Tuesday, 3<sup>rd</sup> November, 2015

**COMMUNICATION FROM THE CHAIR**

VISITING DELEGATION FROM HOMA BAY  
COUNTY ASSEMBLY

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I would like to acknowledge the presence of the delegation of visiting Members and staff from Homa Bay County Assembly Committee on Social Welfare and Equal Opportunities seated in the Speaker's Gallery this afternoon.

*(Applause)*

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 of the delegation to stand when called out so that they can be acknowledged in the usual Senate tradition.

1. Hon. Julius Nyabok- Chairperson
2. Hon. John Kwanya- Vice Chairperson
3. Hon. Tom Omoto- Member
  4. Hon. James Oyugi- Member
  5. Hon. Zacharaya Olango- 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 the following staff;

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

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.

Tuesday, 3<sup>rd</sup> November, 2015

**COMMUNICATION FROM THE CHAIR**

VISITING DELEGATION OF STUDENTS AND  
TEACHERS FROM GITUAMBA PRIMARY SCHOOL

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I wish to recognise the presence of students and teachers from Gituamba Primary School in Nyeri County seated in the Public Gallery. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate, and on own my behalf, I wish them a fruitful visit.

The issue of recognising people in the Public Gallery arose, as Sen. (Dr.) Khalwale will recall. When it is schools and teachers – because they come here to learn – we recognise their presence and, particularly, wish that it will be a learning curve for the young students. We hope that they will learn something from visiting the Senate, particularly, the debating Chamber, to see how we operate business here. Therefore, I wish to welcome them very sincerely and hope that they will learn something from their visit this afternoon.

Thank you.

*(Applause)*

**COMMUNICATION FROM THE CHAIR**

SPECIAL SITTING OF THE SENATE ON  
SATURDAY, 7<sup>TH</sup> NOVEMBER, 2015

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I have a communication to make. As you may be aware on Wednesday, 28<sup>th</sup> October 2015, the Senate in its morning sitting debated and approved a Motion for the establishment of a Special Committee on the proposed removal from office of the Governor of Murang'a County. The Committee, thereafter, commenced its sittings.

Under Section 33(4) of the County Governments Act and Standing Order No.68(2) of the Senate, the Special Committee is required to investigate the matter and report to the Senate within 10 days on whether it finds the particulars of the allegations against the Governor to have been substantiated.

Hon. Senators, I wish to inform you that pursuant to Standing Orders No.29(1) on the request of the Senate Majority Leader and the support of the requisite number of Senators, have appointed Saturday, 7<sup>th</sup> November, 2015 as a day for a special sitting of the Senate. The sitting shall be held in the Senate Chamber, the Main Parliament Buildings, Nairobi, commencing at 11.00 a.m.

The business to be transacted at the sitting shall be the consideration of the Report of the Special Committee on the proposed removal from office of the Governor of Murang'a County. In accordance with Standing Order 29(5), this shall be the only business on that day and, thereafter, the Senate shall adjourn to the next sitting day as per the approved calendar.

A *Gazette* Notice on the matter has been issued and I urge honourable Senators to attend the Special Sitting of the Senate.  
Thank you.



Thursday, 5<sup>th</sup> November, 2015

## COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF STAFF FROM THE  
PARLIAMENT OF MOZAMBIQUE

**The Deputy Speaker** (Sen. Kembi Gitura): I have a brief Communication to make.

Hon. Senators, I wish to recognize the presence of the members of staff from the Parliament of Mozambique who are here on brief visits to the Center for Parliamentary Studies and Training (CPST) and the Human Resources Department of the Kenyan Parliament, to learn and share experiences. They are seated at the Speaker's Gallery.

As you all know, the tradition of receiving and welcoming visitors to Parliament is a long tradition which we shall endeavor and continue upholding. I request each member of the delegation to stand when called out so that they can be acknowledged in the usual Senate tradition. If I miss to pronounce the names, I be forgiven.

The officers are:

1. Raquel Taela - Director Human Resources and leader of delegation.
2. Acacio Beleza - Director of CPST, Mozambique, and;
3. Inocencio Fainda - Technical member of CPST of Mozambique. On behalf of the Senate and on my own behalf, I extend a warm welcome to the staff from the Mozambique Parliament.

*(Applause)*

## COMMUNICATION FROM THE CHAIR

SPECIAL SITTING OF THE SENATE TO CONSIDER THE REPORT OF  
THE SPECIAL COMMITTEE ON THE PROPOSED REMOVAL FROM  
OFFICE OF THE GOVERNOR FOR MURANG'A COUNTY

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I have a communication to make on a Special Sitting of the Senate to consider the report of the Special Committee on the Proposed Removal from Office of the Governor for Murang'a County.

Hon. Senators, as you may be aware, or as you may recall, yesterday Wednesday, 4<sup>th</sup> November, 2015, I issued a communication to the effect that I had appointed Saturday, 7<sup>th</sup> November, 2015 as a date for a Special Sitting of the Senate to consider the report of the Special Committee on the proposed removal from Office of the Governor for Murang'a County. After my communication, several of you canvassed the matter from the Floor and urged me to reconsider the decision to have the Special Sitting on Saturday, 7<sup>th</sup> November, 2015. I undertook to consult with the Senate Majority and Minority Leaders and give a way forward, pursuant to the said canvassing that was in the House.

Hon. Senators, I have consulted and taken your views into consideration. I, therefore, wish to inform you that pursuant to Standing Order No.29(1) on further request of the Senate Majority Leader and with the support of the requisite number of Senators, I have appointed

Friday, 6<sup>th</sup> November, 2015, as a day for the making of a Special Sitting of the Senate. The sitting shall be held in the Senate Chamber, Main Parliament Buildings, Nairobi, commencing at 3.00 p.m. to allow the Special Committee to finish its work.

The business to be transacted at the sitting shall be consideration of the report of the Special Committee on the Proposed Removal from office of the Governor for Murang'a County. In accordance with Standing Order No.29(5), this shall be the only business on that day, and thereafter, the Senate shall adjourn to the next sitting day as per the approved calendar.

Gazette Notice No.8228 dated 4<sup>th</sup> November, 2015, has been revoked and a new Gazette Notice on the matter has been issued. I urge all the hon. Senators to attend the Special Sitting of the Senate.

In the meantime, hon. Senators, all Committee meetings and other engagements of the Senate scheduled for tomorrow afternoon are hereby cancelled.

Thank you.

*(Applause)*

Friday, 6<sup>th</sup> November, 2015 – Special Sitting

**COMMUNICATION FROM THE CHAIR**

SUSPENSION OF SITTING TO ALLOW THE SPECIAL  
COMMITTEE ON IMPEACHMENT OF MURANG’A  
GOVERNOR TO CONCLUDE ITS REPORT

**The Speaker** (Hon. Ethuro): Order, hon. Senators. As you may be aware, we are assembled here today pursuant to Standing Order No.29(1) on the request of the Senate Majority Leader with the support of the requisite number of Senators to receive and consider the report from the Special Committee on the proposed removal from office of the Governor of Murang’a County.

Let me start by commending all of you for attending this Special Sitting to consider this very important matter. However, I am informed by the Special Committee that they have not concluded work on the report and the same will not be ready for tabling until 6.00 p.m. Under the circumstances, and using the powers granted to me by Standing Order No.1, I hereby suspend this sitting until 6.30 p.m.

*(Several hon. Senators stood up in their places)*

Order, Members, I have not finished. I would urge all hon. Senators to reconvene here in the Chamber at 6.30 p.m.

I thank you.

**COMMUNICATION FROM THE CHAIR**

PROCEDURE FOR CONSIDERATION OF THE REPORT OF THE SPECIAL  
COMMITTEE ON THE PROPOSED REMOVAL FROM OFFICE OF THE  
GOVERNOR OF MURANG’A COUNTY

**The Speaker** (Hon. Ethuro): Hon. Senators, this is a Communication on the procedure for consideration of the Report of the Special Committee on the proposed removal from office of the Governor of Murang’a County.

As you are aware, we are assembled here pursuant to Standing Order No. 21 (1) on the request of the Senate Majority Leader, with the support of the requisite number of Senators to receive and consider the Report from the Special Committee on the proposed removal from office of the Governor of Murang’a County.

You will also recall that this is not the first time the Senate is conducting business of this nature. We shall, therefore, proceed alongside similar lines as we have done in the past when the Senate received a similar report from a Special Committee. As in earlier case, the Chairperson of the Special Committee will first lay the Report of the Special Committee when Order No.2 for Papers is read. I believe we are still on the Order No. 1 on the Communication from the Chair.

Subsequently, traditionally, we have been giving you time to read the Report. This time I wish to vary a bit. The Chairman will tell us what is in his Report so that we shall determine

which way because there are two ways of proceeding. We shall, therefore, proceed with the Report to be laid. It will then be known to the House except the Committee Members that already know it. We have two procedures provided for by Section 33 (6) of the County Governments Act and our Standing Order No. 68 (4) which will apply. The contents of the Report will determine which of the two procedures we will follow.

Hon. Senators, both Section 33 (6) of the County Governments Act and Standing Order No. 68 (4) provide as follows:-

“If the Special Committee reports that the particulars of any allegation against the Governor:

(a) have not been substantiated, further proceedings shall not be taken under this section in respect of that particular allegation or

(b) have been substantiated, the Senate shall, after according the Governor an opportunity to be heard, vote on the charges.”

I will after the Report has been tabled, therefore, guide the House accordingly.

Tuesday, 10<sup>th</sup> November, 2015

## COMMUNICATION FROM THE CHAIR

VISITING DELEGATIONS OF MCAs AND STAFF  
FROM VARIOUS COUNTY ASSEMBLIES

**The Speaker** (Hon. Ethuro): Hon. Senators, before I proceed to the next Order, I wish to recognize the presence, in the Speaker's Gallery this afternoon of visiting County Assembly Members and staff from various counties, namely, Vihiga County Assembly, Nyamira County Assembly, Nyandarua County Assembly and Makueni County Assembly.

Hon. Senators, the county assemblies are here on benchmarking visits and attachment to the Senate under the capacity building programme. I request to recognize each member of the delegation and ask them to stand when called out, so that they may be acknowledged in the normal Senate tradition.

From Vihiga County Assembly Public Accounts Committee, we have the following:-

Hon. Tom Atingo	-	Chairperson
Hon. Vincent Atsiaya	-	Vice Chairperson
Hon. Jackson Musunga		
Hon. Richard Mwhiga		
Hon Pamela Amunga		
Hon. Joshua Olao		
Hon. Wycliffe Masini		
Hon. Andrew Ahuga		
Hon. Gladys Analo		
Hon. Clyde Kweya		
Hon. Maureen Ambetsa		

They are accompanied by the following staff:-

Racheal Siamba  
Brenda Ajema  
Daisy Nyandiko

*(Applause)*

From Nyamira County Assembly House Business Committee, we have the following:-

Hon. Joash Nyamongo	-	Chair and Speaker.
Hon. Andrew Magangi	-	Deputy Speaker.
Hon. Raban Masira	-	Majority Leader.
Hon. Jackson Mogusu	-	Minority Leader.
Hon. James Peter Maroro	-	Majority Chief Whip
Hon. Fred Nyachae	-	Minority Whip
Hon. Ezra Mochiemo		
Hon. Zipporah Osoro		
Hon. Beuttah Omanga		
Hon. Naomi Ondieki		
Hon. Alfaro Ngeresa		

Hon. Lucy Onsusu  
Hon. Kenneth Nyameno  
Hon. Samuel Nyanchama  
Hon. Boniface Ombori  
Hon. William Abuya  
Hon. Rachael Asumari.

They are accompanied the following staff:-

Daniel Orina  
Sheila Obare  
Willy Onkoba

From Nyandarua County Assembly, we have the following staff:-

Stanley Kimeria  
Denis Adung'o  
Faith Kamori  
Paul Muia.

*(Applause)*

From Makueni County Assembly, we have Monica M. Munene.

*(Applause)*

On behalf of the Senate, and on my own behalf, I welcome all of them to our House and wish them fruitful deliberations for the remainder of their stay.

I thank you.

Wednesday, 11<sup>th</sup> November, 2015

**COMMUNICATION FROM THE CHAIR**

VISITING DELEGATION OF THE WOMEN  
CAUCUS FROM THE PARLIAMENT OF ZIMBABWE

**The Speaker** (Hon. Ethuro): Hon. Senators, I am pleased to acknowledge and to welcome to the Senate this afternoon, a delegation of the Women Caucus from the Parliament of Zimbabwe, who are seated at the Speaker's Gallery. The members are here on a study visit.

I request members of the delegation to stand when their names are called out, so that they may be acknowledged in our usual Senate tradition.

1. Hon. Monica Mutsvangwa - Chairperson of the Women's Caucus
2. Hon. Pauline Mpariwa - Deputy Chair of the Women's Caucus
3. Hon. Priscilla Mushonga - Member of the Women's Caucus
4. Hon. Judith Mawire - Member of the Women's Caucus

The delegation is accompanied by Ms. Farai Hondonga, the Secretary to the delegation.

Hon. Senators, 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.

Tuesday, 17<sup>th</sup> November, 2015

## COMMUNICATIONS FROM THE CHAIR

### VISITING DELEGATION FROM BUNGOMA COUNTY ASSEMBLY

**The Speaker** (Hon. Ethuro): Hon. Senators, I would like to acknowledge in the Speaker's Gallery this afternoon, the visiting delegation from Bungoma County Assembly. I request each Member of the delegation to stand when called out so that they may be acknowledged in the normal Senate tradition.

They are:

#### **Procedure and Rules Committee**

- |                         |   |                |
|-------------------------|---|----------------|
| 1. Hon. John Makali     | - | Speaker        |
| 2. Hon. Jane Chebet     | - | Deputy Speaker |
| 3. Hon. Gentrix Naliaka | - | Member         |
| 4. Hon. Moses Wakala    | - | Member         |
| 5. Hon. Sammy Chemwei   | - | Member         |

#### **Powers and Privileges Committee**

- |                                   |   |                        |
|-----------------------------------|---|------------------------|
| 1. Hon. James Barasa Mukhongo     | - | Vice Chairperson       |
| 2. Hon. Henry Majimbo Okumu       | - | Member/Minority Leader |
| 3. Hon. John Wanjala Musakali     | - | Member                 |
| 4. Hon. Chrisantus Wechuli Simiyu | - | Member                 |
| 5. Hon. Elly Tindi Manasseh       | - | Member                 |
| 6. Hon. Joseph Nyongesa Juma      | - | Member                 |
| 7. Hon. Jane Cheperenger          | - | Member                 |
| 8. Hon. Protus Waswa Wafula       | - | Member                 |

They are accompanied by the following staff:-

John Ongwea Mosongo, Tome Francis Simiyu, Dennis Waswa Wanjala, Celestine Mochong, Caroline Wamalwa, Absalom Wendo and Robert Mwambani.

On behalf of the Senate and on my own behalf, I welcome them to the Senate and I wish them fruitful deliberations for the remainder of their stay.

### VISITING COUNTY ASSEMBLY STAFF FROM VARIOUS COUNTIES ON ATTACHMENT AT THE SENATE AS PART OF THE COUNTY LEGISLATIVE STAFF ATTACHMENT PROGRAMME

Hon. Senators, the Kwale, Busia, Turkana, Murang'a, Makueni, Homa Bay, Isiolo, Mandera, Elgeyo Marakwet County Assemblies' staff are on an attachment programme organized by my office through the Senate County Liaison Office. I wish them a fruitful programme while they are at the Senate.



Thursday, 19<sup>th</sup> November, 2015

## COMMUNICATION FROM THE CHAIR

### VISITING DELEGATION OF MEMBERS OF VARIOUS COUNTY ASSEMBLIES

**The Deputy Speaker** (Sen. Kembi Gitura): Order, Senators. I have a short Communication to make.

I would like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting delegation of Members from Kilifi, Embu, Siaya, Tharaka-Nithi, Meru and Bungoma county assemblies. The Members are here on a capacity building.

I request each Member of the delegation to stand when called out so that they may be acknowledged by the Senate. I request that they stand so that we make one round of applause that is reasonable.

Kilifi County Members, please, stand up when you are called. The Members are as follows:-

- |                                  |   |             |
|----------------------------------|---|-------------|
| 1. Hon. Theophillus Kalama Fondo | - | Chairperson |
| 2. Hon. Duncan Kaingu            | - | Member      |
| 3. Hon. Grace Kwekwe Mwangome    | - | Member      |
| 4. Hon. Gibson Matano Herbert    | - | Member      |
| 5. Hon. Bakari Ali Mwinyi        | - | Member      |
| 6. Hon. Jared Kaunda Chokwe      | - | Member      |
| 7. Hon. Kahindi Geoffrey Muhambi | - | Member      |

Please, remain standing.

The Members are accompanied by:

- |                          |   |                           |
|--------------------------|---|---------------------------|
| 1. William Katana Nyanje | - | Principal Clerk Assistant |
| 2. Stanley Tsuma         | - | Serjeant-At-Arms          |
| 3. Sammie Mwadziwe       | - | Hansard Reporter          |

*(Applause)*

From Tharaka-Nithi County, the delegation consists of:-

- |                            |   |               |
|----------------------------|---|---------------|
| 1. Hon. Erastus Kinyua     | - | Chairman      |
| 2. Hon. Naomi Kawira       | - | Vice Chairman |
| 3. Hon. Royford Muchiri    | - | Member        |
| 4. Hon. Agostino Ngaku     | - | Member        |
| 5. Hon. Peter Mwabu        | - | Member        |
| 6. Hon. James Mutembe      | - | Member        |
| 7. Hon. Stephanina Ciamati | - | Member        |

The Members are accompanied by

1. Mr. Paul Thirika

*(Applause)*

From Bungoma County, the delegation consists of:-

1. Hon. John Makali - Speaker to the County  
Assembly of Bungoma
2. Hon. Ben kipkut - Chairperson
3. Hon. Jack Kawa - Vice chairperson
4. Hon. Protus Waswa - Member
5. Hon. Sammy Chemwey - Member
6. Hon. Gentry Maindi - Member
7. Hon. Frederick Wanyonyi - Member
8. Hon. James Mukhongo - Member
9. Hon. Ruth Mwenya - Member
10. Hon. Dorice Nanyokya - Member
11. Hon. Julius Barasa - Member
12. Hon. Everlyne Mutiembu - Member
13. Hon. Moses Wabwile - Member
14. Hon. Julius Wanjala - Member
15. Hon. Edith Shitandi - Member
16. Hon. Charles Muramara - Member
17. Hon. Reginalda Wanyonyi - Member
18. Hon. Caroline Wacu - Member

The Members are accompanied by:-

1. Mr. John Mosongo - Clerk to the County  
Assembly  
of Bungoma
2. Mr. Oscar Sifuma - Committee Clerk
3. Mr. Nicolas Maghas - Research Officer
4. Ms. Celestine Moshong' - Legal Clerk
5. Mr. Elvis Werunga - Hansard Officer
6. Mr. Martin Omusee - Commissioner

*(Applause)*

Those from Siaya County Assembly include:-

1. Hon. Sylvester Madialo - Chairman
2. Hon. Booker Minami - Vice Chairman

It looks like the delegation from Siaya is not in the Speaker's Gallery.

Then from Embu County, we have:-

1. Rose Ntwiga
2. Peter Kithu

They do not seem to be here yet. Then from Meru County we have:-

1. Hon. Samson Thuramira - Chairperson
2. Hon. Maore Ngore - Member
3. Hon. Eunice Karema - Member
4. Hon. Julius Kabira - Member

I hope that all of you are having a fruitful programme. On behalf of the Senate and on my own behalf, I welcome you to the Senate and wish you a fruitful visit.  
Thank you.

Tuesday, 2<sup>nd</sup> December, 2015

### COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF STAFF FROM  
KILIFI COUNTY ASSEMBLY

**The Temporary Speaker** (Sen. (Dr.) Machage): Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting Hansard officers of Kilifi County Assembly who are here on a study tour. I request each member of staff to stand when called out so that they may be acknowledged in the Senate tradition. They are:-

1. Mr. George Kumbatha
2. Ms. Matilda Mwendwa
3. Ms. Peris Kache
4. Mr. Raphael Rimba
5. Mr. Samuel Mwadziwe

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

Thank you.

*(Applause)*

### COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF STUDENTS AND TEACHERS FROM  
MOI GIRLS BOARDING SCHOOL, BAR KORWA, KISUMU COUNTY

**The Temporary Speaker** (Sen. (Dr.) Machage): Hon. Members, as I was reminded to appreciate the presence of a school with us today, I wish to recognize the presence of the students and teachers of Moi Girls boarding school, Bar Korwa in Kisumu County who are seated in the public gallery. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate and on my own behalf, I wish them a fruitful visit.

Thursday, 3<sup>rd</sup> December, 2015

**COMMUNICATION FROM THE CHAIR**

SUPPLEMENTARY ORDER PAPER

**The Temporary Speaker** (Sen (Dr.) Machage): Hon. Senators, we have a Supplementary Order Paper which I did approve and there is little rearrangement on what had been written yesterday. My request is that we need to finish all the work that we have on this Order Paper this morning because they are all of important, especially the Motion by Sen. (Prof.) Anyang'- Nyong'o and others.

So, my request is that the House gives us the opportunity to move fast and try to finish what is on the Order Paper.

Wednesday, 16<sup>th</sup> December, 2015

## COMMUNICATION FROM THE CHAIR

CONVENING OF SPECIAL SITTING OF THE SENATE TO CONSIDER THE WATER BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2014), THE PRESIDENT'S MEMORANDA ON THE PUBLIC PROCUREMENT AND ASSET DISPOSAL BILL (NATIONAL ASSEMBLY BILL NO.40 OF 2014) AND THE PUBLIC AUDIT BILL, (NATIONAL ASSEMBLY BILL NO.38 OF 2014)

**The Speaker** (Hon. Ethuro): Hon. Senators, I have a communication to make on the Special Sitting of the Senate to consider the Water Bill (National Assembly Bill No. 7 of 2014), the President's Memoranda on the Public Procurement and Asset Disposal Bill (National Assembly Bill No.40 of 2014) and the Public Audit Bill, (National Assembly Bill No.38 of 2014).

Hon. Senators, I wish to welcome you from recess and thank you for finding time to attend this Special Sitting of the Senate. I am sure each of you has scheduled major county events and it is because of the value attached to the business of the Senate, especially the consideration of key pieces of legislation like the ones before us today that you have created this time to be here.

By letter dated 15<sup>th</sup> December, 2015 and pursuant to Standing Order No.29(1) of the Senate Standing Orders, the Senate Majority Leader, supported by the requisite number of Senators requested the Speaker to appoint this day, Wednesday, 16<sup>th</sup> December, 2015 as a day for a Special Sitting of the Senate to consider the following:-

- (i) The Water Bill (National Assembly Bill No.7 of 2014)
- (ii) The Public Procurement and Asset Disposal Bill (National Assembly Bill No.40 of 2014) and,
- (iii) The Public Audit Bill, (National Assembly Bill No.38 of 2014).

Following consideration of the request by the Senate Majority Leader, I was satisfied that it met the requirements of Standing Order No. 29(2). It is in this respect that I convened this Special Sitting of the Senate by Gazette Notice No.9266 of 15<sup>th</sup> December, 2015 which was carried in a Special Issue of the Gazette of the same day.

Hon. Senators, as required by Standing Order No. 29(5), the notice specified that the business to be transacted at this sitting would be the consideration of the Water Bill (National Assembly Bill No.7 of 2014), the Presidential Memoranda on the Public Procurement and Asset Disposal Bill (National Assembly Bill No.40 of 2014) and the Public Audit Bill, (National Assembly Bill No.38 of 2014).

Hon. Senators, as specified in the Gazette Notice and in accordance with Standing Order No.29(5) of the Senate Standing Orders, the business specified in the notice shall be the only business before the Senate during this Special Sitting following which the Senate shall stand adjourned until Tuesday, 9<sup>th</sup> February, 2016 at 2.30 p.m. in accordance with the Senate calendar.

Indeed, hon. Senators, you will observe that at Order Nos.2, 3 and 4 in today's Order Paper, pursuant to the provisions of the Standing Orders and as indicated in the Gazette Notice, the business to be transacted is the consideration of the Water Bill (National Assembly Bill No.7 of 2014) and the Presidential Memoranda on the Public Procurement and Asset Disposal Bill

(National Assembly Bill No.40 of 2014) and, the Public Audit Bill, (National Assembly Bill No.38 of 2014).

I thank you.

## **COMMUNICATION FROM THE CHAIR**

### **SUSPENSION OF SENATE COMMITTEE SITTINGS**

**The Deputy Speaker** (Sen. Kembi-Gitura): I have a short communication to make on the suspension of sittings of the Committees of the Senate.

Hon. Senators, as you are aware on Thursday, 3<sup>rd</sup> December, 2015, the Senate proceeded on recess until Tuesday, 9<sup>th</sup> February, 2016, as per the Senate calendar. It has been a long and hectic year for us. I am sure that every one of us is looking forward to take a well-deserved break to relax during the festive season.

The recess at the end of the Session provides an opportunity for us to reflect on the achievements and challenges through the year. We can only do this when our minds are relaxed and devoid of the hustle and bustle of our busy schedule.

Hon. Senators, I believe we are looking forward to the December festivities with our families, friends and constituents. I, therefore, direct all Senate Committees to suspend their sittings as from 18<sup>th</sup> December, 2015 to 15<sup>th</sup> January, 2016. This will enable Senators to take a break from the heavy business of the Senate and be with their families and voters.

In the same breath, it is an opportunity for the officers to take their annual leave and join their families and friends during the Christmas season, as well as invigorate and recharge in readiness for the next Session in 2016.

Hon. Senators, it is with great pleasure now that I wish to extend to you a Merry Christmas and a prosperous year, 2016

I thank you.