



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, JULY 05, 2018 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with prayer said by the Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair -

(i) Visiting students and teachers from St. Albert's Girls, Ulanda School, Migori County.

"Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from St. Alberts's Girls, Ulanda School, Migori County.

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, wish them a fruitful visit.

I thank you."

(ii) Visiting students and teachers from Chugu Boys Secondary School, Meru County.

"Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Chugu Boys Secondary School, Meru County.

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, wish them a fruitful visit.

I thank you."

(iii) Visiting students and teachers from Toror Primary School, Uasin Gishu County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Toror Primary School, Uasin Gishu County.

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, wish them a fruitful visit.

I thank you.”

(iv) Visiting students and teachers from Kiserian Junior Seminary, Kajiado County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Kiserian Junior Seminary, Kajiado County.

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, wish them a fruitful visit.

I thank you.”

(v) Visiting students and teachers from St. Anne’s Gituba Girls Secondary School, Kirinyaga County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from St. Anne’s Gituba Girls Secondary School, Kirinyaga County.

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, wish them a fruitful visit.

I thank you.”

4. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE APPROVAL OF THE PETROLEUM BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2017)**

The Speaker conveyed the following Message from the National Assembly:-

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4), I have received the following message from the Speaker of the National Assembly

regarding the approval, by the National Assembly, of the Petroleum Bill (National Assembly Bill No. 48 of 2017)-

“PURSUANT to the provisions of Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS the Petroleum Bill (National Assembly Bill No. 48 of 2017) was published vide Kenya Gazette Supplement No. 186 of 6th December, 2017 as a Bill concerning county governments proposing to inter alia, provide a framework for the contracting, exploration, development and production of petroleum; cessation of upstream petroleum operations; to give effect to relevant articles of the Constitution in so far as they apply to upstream petroleum operations; and regulation of midstream and downstream petroleum.

AND WHEREAS the National Assembly considered and passed the said Bill on Tuesday, 12th June, 2018 with amendments in the form attached hereto;

NOW THEREFORE, in accordance with the provisions Article 110(4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.”

Honourable Senators, pursuant to Standing Order 151 which requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order 133, I direct that the Bill be listed for First Reading on Tuesday, 10th July, 2018.

I thank you.”

5. **PAPER LAID**

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

- i) Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Irrigation Bill (National Assembly Bills No. 46 of 2017).

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

- ii) Statement of the business of the Senate for the week commencing Tuesday, 10th July, 2018.

(Senate Deputy Majority Leader)

6. **STATEMENTS****a) Statements pursuant to Standing Order No. 46 (2)(a)**

- i) Nominated Senator (Sen. Mary Seneta, MP) made a statement regarding the frequent fire outbreaks in Gikomba market and other parts of Nairobi City County.

In her statement, the Senator condoled with the families who lost their loved ones in the fire that broke out in Gikomba market on 28th June 2018 and wished a quick recovery to those recuperating both in hospital and at homes.

The Senator raised concern on the rising fire incidences in the country and the state of fire disaster management recalling the fire that broke out in *Kijiji* in Langata Constituency on 27th January 2018 killing 5 people and destroying property and leaving thousands homeless; citing the response time and coordination of the persons, government agencies and institutions tasked with the prevention of fires, investigating fires and providing solutions to fire outbreaks to be slow or negligibly at County.

The Senator urged the National Government to investigate the cause of these frequent fire outbreaks and the Nairobi City county Government to put in place necessary measures to ensure that fire emergencies are attended to promptly to avoid casualties and cut down on losses.

Following requests by Senators for clarifications and additional information on the statement, the Speaker directed the matter to be investigated by the Standing Committee on National Security, Defence and Foreign Relations, and that the Committee report back to the Senate within thirty (30) days.

- ii) Nominated Senator (Sen. Mary Seneta, MP) made a statement regarding the notice to demolish houses allegedly built on riparian areas in Green Park Estate, Machakos County.

In her statement, the Senator raised concerns on the loss of property by residents of Green Park Estate during the recent rainy season. Of the greater concern was the twenty one (21) days Order by the Water Resources Management Authority (WRMA) requiring residents to vacate their homes alleging that they were built on riparian land. The residents argue that they went to court in 2013 and the court confirmed that their houses were built outside the boundaries of minimum and maximum distance allowance in respect to the riparian land.

The Senator called upon the Senate to take note of the matter and called upon the Committee on Land, Environment and Natural Resources to carry out investigations on the matter of use of riparian land. That there should be a uniform application of law on matters relating to riparian lands as it is the same agency which approves other developments in Nairobi, Machakos and Kajiado counties and other parts of the country.

- iii) The Senator for Nyamira County (Sen. Okong'o Mogeni, MP) made a statement regarding anti-malaria drugs stock-outs in the country.

In his statement, the Senator cited that in the last 15 years, the Kenyan Government has made great strides in preventing and controlling malaria. However, this progress has not been uniform as some parts of the country particularly Kisii, Nyamira, Bomet, Nandi and Trans-Nzoia counties are still plagued by serious seasonal cases of malaria.

The Senator raised concern that as more cases of malaria get reported, counties are likely to experience anti-malaria drugs stock-outs. Unless precaution is taken early, the country is likely to be confronted with a situation that will lead to fatalities especially in epidemic prone areas.

The Senator called upon the Senate to take note of the matter and appealed to the Kenya Medical Supplies Authority (KEMSA), the Ministry of Health (at national and county levels) and other relevant government agencies to take the necessary steps to ensure that the affected areas are assisted to make precautionary measures that will prevent malaria and that adequate stocks of anti-malaria drugs are available for those that may fall sick.

b) Statement Pursuant to Standing Order No. 46 (2)(c)

The Senate Deputy Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 10th July, 2018.

7. THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 8 OF 2018)

Motion made and Question proposed: -

THAT, the Disaster Risk Management Bill (Senate Bills No. 8 of 2018) be now read a Second Time.

(Sen. Mutula Kilonzo Jnr., MP and Sen. Sakaja Johnson, MP)

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Steve Lelegwe) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

- 8. SENATE ROSE** - at thirty minutes past six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, July 10, 2018 at 2.30 p.m.*