



**REPUBLIC OF KENYA**

**THE SENATE**

**ELEVENTH PARLIAMENT – THIRD SESSION**

**VOTES AND PROCEEDINGS**

**THURSDAY, NOVEMBER 05, 2015 AT 2.30 P.M**

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

The Deputy Speaker conveyed the following communications from the Chair:-

i). **Visiting members of Staff from the Parliament of Mozambique**

"Honourable Senators,

I wish to recognize the presence of the members of staff from the Parliament of Mozambique who are here on a peer visit to the CPST and Human Resource Department of Kenyan Parliament to learn and share experiences. The staff are seated at the Speakers gallery.

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.

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

1. Raquel Taela – Director, Human Resources and Leader of the Delegation;

2. Acacio Beleza – Director, CPST of Mozambique; and
3. Inocencio Fainda – Technical member of the CPST of Mozambique

On behalf of the Senate and on my own behalf, I extend a warm welcome to the staff from Mozambique Parliament.

I thank you.”

ii). **Special Sitting of the Senate to Consider the Report of the Special Committee on the Proposed Removal From Office of the Governor of Murang'a County**

“Honourable Senators,

As you may be aware, 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 day for a special sitting of the Senate to consider the Report of the Special Committee on the Proposed Removal from Office of the Governor of Murang'a County.

After my Communication, several Senators canvassed the matter and urged the Speaker 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 Leader and the Senate Minority Leader and give a way forward.

Honourable Senators,

I have consulted and taken your views into consideration. I therefore wish to inform you that, pursuant to Standing Order 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 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. 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.

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 Honourable Senators to attend the special sitting of the Senate.

I thank you."

#### 4. **PETITIONS**

Pursuant to Standing Order 220(1) (a) the Deputy Speaker reported the following Petitions to the Senate:-

- a) Petition by the Speaker of Vihiga County Assembly concerning taxation of allowances and other Benefits paid to Members and staff of the County Assembly;
- b) Petition by the Kenya National Union of Nurses from Uasin Gishu County, regarding challenges facing the Health services sector in the county.

#### 5. **PAPERS LAID**

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

- a) The Business of the Senate for the week commencing 10<sup>th</sup> November, 2015  
*(Sen. Keter on behalf of the Senate Majority Leader)*
- b) The Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the Financial Operations of Homa-Bay County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014)
- c) The Report of the Auditor General on the Financial Statements of County Government of Narok for the sixteen (16) months period ended 30 June, 2014;
- d) The Report of the Auditor General on the Financial Statements of County Government of Kericho for the sixteen (16) months period ended 30 June, 2014;

- e) The Report of the Auditor General on the Financial Statements of County Government of Kilifi for the sixteen (16) months period ended 30 June, 2014;
- f) The Report of the Auditor General on the Financial Statements of County Government of Lamu for the sixteen (16) months period ended 30 June, 2014;
- g) The Report of the Auditor General on the Financial Statements of County Government of Laikipia for the sixteen (16) months period ended 30 June, 2014;
- h) The Report of the Auditor General on the Financial Statements of County Government of Kirinyaga for the sixteen (16) months period ended 30 June, 2014.

*(Chairperson, Sessional Committee on County Public Accounts and Investments)*

6. **STATEMENT**

Pursuant to the provisions of Standing Order 45(2) (c), the Senate Deputy Majority Leader, issued a Statement regarding the Business of the Senate for the week commencing November 10, 2015.

7. **THE CONSTITUTION OF KENYA (AMENDMENT) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2013)**

Order for First Reading read;

Bill read a First Time and referred to the relevant Standing Committee without Question put pursuant to the Standing Orders.

8. **THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2014)**

Order for First Reading read;

Bill read a First Time and referred to the relevant Standing Committee without Question put pursuant to the Standing Orders.

9. **MOTION-** (Sen. Kiraitu Murungi)

**THAT**, GIVEN the clear provisions of Article 6 (1) and the First Schedule which establishes the 47 counties of the Republic of Kenya;

**CONSIDERING** the clear provisions of the Districts and Provinces Act (Cap 105 A) of 1992 which specifically delineates the geographical boundaries of each county;

**NOTING** the provisions of Article 188 of the Constitution, which clearly state that the boundaries of a county may be altered only by a resolution of an Independent Commission set up for that purpose by Parliament and with the support of at least two-thirds members of the National Assembly and two-thirds of the county delegations in the Senate;

**FURTHER NOTING** that the boundaries in counties have not been surveyed and no beacons have been fixed;

**CONCERNED** that failure by the National Government to mark and fix the county boundaries has led to endless and sometimes violent conflicts, in which innocent Kenyans have been killed and their property destroyed, and is generally perpetuating poverty and underdevelopment in counties;

**THIS HOUSE** urges the Office of the President and the Ministry of Land, Housing and Urban Development to urgently establish a Task Force to survey, mark and fix beacons for all the county boundaries and to submit a report of the said Task Force to this House on or before 31<sup>st</sup> March, 2016.

Order deferred.

10. **MOTION- COMMENDATION TO SEN. HAROLD KIPCHUMBA ON BEING NAMED THE 2015 UN PERSON OF THE YEAR FOR HIS SUPPORT FOR MASS IMMUNIZATION CAMPAIGNS IN THE COUNTRY**

Motion made and Question proposed;

**THAT**, COGNIZANT that Mr. Harold Kipchumba, a former Senator in the Parliament of Kenya, has been instrumental in engaging public support for mass immunization campaigns aimed at eradicating and eliminating diseases such as polio and tetanus as well as the introduction of new vaccines into the Kenya Expanded Programme of Immunizations Services (EPI);

**AWARE** that Sen. Kipchumba has, through dialogue and media appeal, persuaded communities and groups that were, by reason of their

religious and cultural beliefs or practices, initially opposed to polio as well as other EPI vaccines immunization, to embrace the practice;

**ACKNOWLEDGING** that Sen. Kipchumba's unwavering advocacy and lobbying to various stakeholders, both at national and county government levels, was instrumental in helping to achieve 93% polio immunization coverage of children under 5 years of age during the August, 2015 polio campaign;

**NOTING** that Sen. Kipchumba has become the face of vaccine-preventable disease eradication and elimination efforts in Kenya and has identified 15 polio survivors as immunization champions and enlisted their support to take his message "Immunisation is not a choice, it is a right" throughout the country;

**FURTHER AWARE** that both the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO) Kenya Country offices nominated Sen. Kipchumba for the 2015 United Nations Person of the Year Award in recognition of his efforts cited herein and he was subsequently named for the award;

**NOW THEREFORE**, the Senate heartily congratulates Sen. Harold K. Kipchumba for being the 2015 UN Person of the Year and records its commendation for his efforts in the public support for mass immunization campaigns in the country.

*(Sen. (Prof.) Anyang' Nyong'o)*

Debate arising;

There being no other Senator wishing to speak;

Mover replied;

Before the Question was put and pursuant to Standing Order 72(1), the Temporary Speaker (Sen. Murkomen) informed the House that the Motion did not affect counties.

Question put and agreed to

**RESOLVED ACCORDINGLY**

**THAT**, COGNIZANT that Mr. Harold Kipchumba, a former Senator in the Parliament of Kenya, has been instrumental in engaging public support for mass immunization campaign aimed at eradicating and eliminating diseases such as polio and tetanus as well as the introduction of new vaccines into the Kenya Expanded Programme of Immunizations Services (EPI);

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**NOW THEREFORE**, the Senate heartily congratulates Sen. Harold K. Kipchumba for being the 2015 UN Person of the Year and records its commendation for his efforts in the public support for mass immunization campaigns in the country.

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

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

**MEMORANDUM**

*The Speaker will take the Chair on  
Friday, November 06, 2015 at 3 p.m.*

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