



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FIFTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, MARCH 03, 2017 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 (Sen. Stephen Sang).
3. **COMMUNICATIONS FROM THE CHAIR**

The Temporary Speaker (Sen. Sang) conveyed the following communications from the Chair:-

a) State of The Nation Address to Parliament by H. E the President

“Honourable Senators,

As you may be aware, Article 132(1)(b) of the Constitution and Standing Order 22(1) of the Senate Standing Orders, requires the President to address a Special Sitting of Parliament once every year and at any other time.

By a letter referenced SH/9/VOL VI 37 of 15th February, 2017 and addressed to the Clerks of Parliament, the Office of the President requested to have the Presidential Address to Parliament scheduled for Wednesday, 15th March, 2017. A Gazette Notice will shortly be issued convening the Special Joint Sitting of Parliament.

Honourable Senators,

This is therefore to inform you that a Special Sitting of Parliament will be held on **Wednesday, 15th March, 2017 at 2.30 pm**, in the National Assembly Chamber.

Honourable Senators, this is an important occasion in the calendar of Parliament that provides an opportunity for H.E the President to deliver the State of the Nation Address and to address the Legislature and the people of

Kenya on critical matters concerning the country. I therefore urge you to attend the Special Sitting.

Honourable Senators,

More significantly for the Senate, H.E. the President will also on the same day officially open the refurbished Senate Chamber, as well as the New Wing of Parliament.

As you may recall, the Senate occupied this official Senate Chamber in the main building of Parliament on 1st July, 2014, having previously sat at the KICC and later at the County Hall Chamber. This day was noted as a major milestone in claiming and entrenching the bicameral system of governance in Kenya, after a hiatus of about 50 years.

I therefore request Hon. Senators to avail themselves during this occasion.

Honourable Senators,

Due to limited sitting space, Senators and Members of the National Assembly will be at liberty to invite one guest each to the occasion. In this regard, you are hereby requested to provide the names of such guests to facilitate the preparation of formal invitation cards. The names should be submitted to the Office of the Clerk by **Thursday, 9th March, 2017**.

Honourable Senators,

The Special Sitting has also necessitated a re-arrangement of parking. Consequently, the current Senators' parking area here at the Main Parliament Building will not be available for parking by Senators on Wednesday, 15th March, 2017. Alternative parking arrangements within the precincts of Parliament are being made, and will be communicated to Senators before the Special Sitting.

I thank you."

b) Visitors from the Norwegian Council of Children and Youth Organisations

"Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery, this afternoon, visitors from the Norwegian Council of Children and Youth Organisations. They are;

1. Ms.Embla Mathisen; and
2. Ms.Solveig – Marie Haland

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. **PAPER LAID**

The following paper was laid on the Table of the Senate:-

- 1) Statement of the Business of the Senate for the week commencing 28th March, 2017.

(Sen. (Prof.) John Lonyangapuo on behalf of the Senate Majority Leader)

5. **NOTICE OF MOTION** – (Sen. Martha Wangari on behalf of the Leader of Majority)

THAT –

ACKNOWLEDGING that the East African Legislative Assembly (EALA) is established under Article 9 of the Treaty for the Establishment of the East African Community as one of the key organs and institutions of the Community responsible for the Community’s legislative matters;

RECOGNIZING that Article 50 of the Treaty provides for the election of Members of EALA by respective Partner States’ Legislatures in accordance with their parliamentary procedures for a term of five years;

AWARE that the five-year term of the current 3rd East African Legislative Assembly is due to expire on June 04, 2017;

FURTHER AWARE that the East African Legislative Assembly Elections Act, 2011 contemplates conclusion of the election of Members of a new Assembly to be within ninety (90) days before the expiry of the term of the subsisting Assembly;

NOTING that the current Election Rules were adopted by the National Assembly in April, 2012 and therefore do not take cognizance of the bicameral nature of the Kenyan Parliament;

COGNIZANT of the need to urgently conclude the election process within the statutory timelines;

NOW THEREFORE, in accordance with the provisions of Rule 9 of the Houses of Parliament (Joint Sitzings) Rules, the House Resolves to establish a Joint Select Committee consisting of seven (7) Members from each House of Parliament and that-

- (i) the mandate of the said Joint committee shall be to:

- a) review the procedure and rules for election of Members of EALA contained in the Treaty for the Establishment of the East African Community (Election of Members of the Assembly) Rules, 2012 in light of Kenya's bicameral nature;
- b) on the basis of the review in (a) above, propose appropriate procedures and rules for election of persons to represent the Republic of Kenya at EALA;
- c) within fourteen (14) days, submit a report to the Houses of Parliament containing the revised rules of procedure;
- d) suggest appropriate timelines for purposes of notifications, nominations and elections; and
- e) consider the nominees, oversee the election process and report to the House within the timelines stipulated in the Elections Rules.

(ii) the Committee shall formulate its own rules of procedure;

(iii) the Offices of the Clerks of both Houses shall provide secretariat services in accordance with the Standing Orders; and

(iv) the following Senators shall represent the Senate in the Joint Committee:

- 1) Sen. Kimani Wamatangi;
- 2) Sen. Peter Mositet;
- 3) Sen. Kipchumba Murkomen;
- 4) Sen. Mshenga Mvita;
- 5) Sen. Mutula Kilonzo Jnr;
- 6) Sen. Elizabeth Ongoro; and
- 7) Sen. Henry Ole Ndiema.

6. **STATEMENTS**

(a) Statement Pursuant to Standing Order 45(2)(b)

The Senator for West Pokot County (Sen. (Prof.) John Lonyangapuo) sought a statement from the Chairperson of the Standing Committee on Labor and Social Welfare on the plight of supermarket workers in Kenya.

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

The Senator for West Pokot County (Sen. (Prof.) John Lonyangapuo) issued a Statement of the business of the Senate for the week commencing 28th March, 2017 on behalf of the Senate Majority Leader.

7. **MOTION - APPOINTMENT OF MEMBERS TO THE JOINT SELECT COMMITTEE ON ELECTION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

Motion made and Question proposed;

THAT –

ACKNOWLEDGING that the East African Legislative Assembly (EALA) is established under Article 9 of the Treaty for the Establishment of the East African Community as one of the key organs and institutions of the Community responsible for the Community's legislative matters;

RECOGNIZING that Article 50 of the Treaty provides for the election of Members of EALA by respective Partner States' Legislatures in accordance with their parliamentary procedures for a term of five years;

AWARE that the five-year term of the current 3rd East African Legislative Assembly is due to expire on June 04, 2017;

FURTHER AWARE that the East African Legislative Assembly Elections Act, 2011 contemplates conclusion of the election of Members of a new Assembly to be within ninety (90) days before the expiry of the term of the subsisting Assembly;

NOTING that the current Election Rules were adopted by the National Assembly in April, 2012 and therefore do not take cognizance of the bicameral nature of the Kenyan Parliament;

COGNIZANT of the need to urgently conclude the election process within the statutory timelines;

NOW THEREFORE, in accordance with the provisions of Rule 9 of the Houses of Parliament (Joint Sittings) Rules, the House Resolves to establish a Joint Select Committee consisting of seven (7) Members from each House of Parliament and that-

- (i) the mandate of the said Joint committee shall be to:
 - a) review the procedure and rules for election of Members of EALA contained in the Treaty for the Establishment of the East African Community (Election of Members of the Assembly) Rules, 2012 in light of Kenya's bicameral nature;
 - b) on the basis of the review in (a) above, propose appropriate procedures and rules for election of persons to represent the Republic of Kenya at EALA;
 - c) within fourteen (14) days, submit a report to the Houses of Parliament containing the revised rules of procedure;
 - d) suggest appropriate timelines for purposes of notifications, nominations and elections; and
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- 2) Sen. Peter Mositet;
- 3) Sen. Kipchumba Murkomen;
- 4) Sen. Mshenga Mvita;
- 5) Sen. Mutula Kilonzo Jnr;
- 6) Sen. Elizabeth Ongoro; and
- 7) Sen. Henry Ole Ndiema.

(Sen. Martha Wangari, on behalf of the Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 72, the Temporary Speaker (Sen. Ongoro) informed the House that the Motion did not affect counties.

Question put and **agreed to.**

RESOLVED ACCORDINGLY

THAT –

ACKNOWLEDGING that the East African Legislative Assembly (EALA) is established under Article 9 of the Treaty for the Establishment of the East African Community as one of the key organs and institutions of the Community responsible for the Community's legislative matters;

RECOGNIZING that Article 50 of the Treaty provides for the election of Members of EALA by respective Partner States' Legislatures in accordance with their parliamentary procedures for a term of five years;

AWARE that the five-year term of the current 3rd East African Legislative Assembly is due to expire on June 04, 2017;

FURTHER AWARE that the East African Legislative Assembly Elections Act, 2011 contemplates conclusion of the election of Members of a new Assembly to be within ninety (90) days before the expiry of the term of the subsisting Assembly;

NOTING that the current Election Rules were adopted by the National Assembly in April, 2012 and therefore do not take cognizance of the bicameral nature of the Kenyan Parliament;

COGNIZANT of the need to urgently conclude the election process within the statutory timelines;

NOW THEREFORE, in accordance with the provisions of Rule 9 of the Houses of Parliament (Joint Sittings) Rules, the House Resolves to establish a Joint Select Committee consisting of seven (7) Members from each House of Parliament and that-

- (i) the mandate of the said Joint committee shall be to:
 - a) review the procedure and rules for election of Members of EALA contained in the Treaty for the Establishment of the East African Community (Election of Members of the Assembly) Rules, 2012 in light of Kenya's bicameral nature;
 - b) on the basis of the review in (a) above, propose appropriate procedures and rules for election of persons to represent the Republic of Kenya at EALA;
 - c) within fourteen (14) days, submit a report to the Houses of Parliament containing the revised rules of procedure;
 - d) suggest appropriate timelines for purposes of notifications, nominations and elections; and
 - e) consider the nominees, oversee the election process and report to the House within the timelines stipulated in the Elections Rules.
- f) the Committee shall formulate its own rules of procedure;
- g) the Offices of the Clerks of both Houses shall provide secretariat services in accordance with the Standing Orders; and
- h) the following Senators shall represent the Senate in the Joint Committee:
 - 1) Sen. Kimani Wamatangi;
 - 2) Sen. Peter Mositet;
 - 3) Sen. Kipchumba Murkomen;
 - 4) Sen. Mshenga Mvita;
 - 5) Sen. Mutula Kilonzo Jnr;
 - 6) Sen. Elizabeth Ongoro; and
 - 7) Sen. Henry Ole Ndiema.

8. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE APPOINTMENT OF MEMBERS TO THE JOINT SELECT COMMITTEE ON ELECTION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

The Temporary Speaker (Sen. Ongoro) conveyed the following Message from the National Assembly –

“Hon. Senators, I wish to report to the Senate that, pursuant to Standing Order 40 (2) (3) and (4), I have received the following message from the Speaker of the National Assembly regarding the appointment of members to the Joint Select Committee on the election of Members to the East African Legislative Assembly (EALA).

“PURSUANT to the provisions of Standing Order 41 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS Article 50 of the Treaty for the Establishment of the East African Community establishes the East African Legislative Assembly (EALA) and provides for the election of Members of EALA by respective Partner States’ Legislatures in accordance with their parliamentary procedures for a term of five years;

AND WHEREAS, cognizant that the five-year term of the current 3rd East African Legislative Assembly is due to expire on June 04, 2017, in furtherance to the provisions of Rule 9 of the Houses of Parliament (Joint Sittings) Rules and Standing Order 213 of the National Assembly Standing Orders, the National Assembly, by a resolution passed on Wednesday, March 01, 2017, resolved to establish a Joint Committee to consider certain matters related to the election of Members of EALA in light of Kenya’s bicameral nature and comprising of the following seven (7) Members on the part of the National Assembly-

- 1) The Hon. Katoo Ole Metito, EGH, MP – Co-Chairperson*
- 2) The Hon. Samuel Chepkong’a, MP;*
- 3) The Hon. Wanjiku Muhia, MP;*
- 4) The Hon. Ali Wario, MP;*
- 5) The Hon. Florence Mutua, MP;*
- 6) The Hon. Daniel Maanzo, MP; and*
- 7) The Hon. Wafula Wamunyinyi, MP*

NOW THEREFORE, in accordance with the said provisions of the Standing Orders and Houses of Parliament (Joint Rules), I hereby convey the National Assembly’s resolution to the Senate and invite the Senate to also expedite the establishment of the Joint Committee.”

Hon. Senators, it is noteworthy that the Senate has similarly today, Thursday, 2nd March, 2017 resolved to establish a Joint Committee and has approved its membership to the Committee. The Joint Committee will now be able to commence its work so as to ensure that, in accordance with Article 50 of the EAC Treaty, the election of Kenya’s membership to the East African Legislative Assembly is concluded.

I thank you.”

9. **MOTION-ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON THE INQUIRY INTO THE FINANCIAL OPERATIONS OF KIAMBU, BUSIA, TANA RIVER, TRANS NZOIA, NYANDARUA, MIGORI, KWALE, KISUMU, SAMBURU AND KERICHO COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2013/2014 (1ST JULY, 2013 TO 30TH JUNE, 2014)**

Motion made and Question proposed-

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the financial operations of Kiambu, Busia, Tana River, Trans Nzoia, Nyandarua, Migori, Kwale, Kisumu, Samburu and Kericho County Executives for the Financial year 2013/2014 (1st July, 2013 to 30th June, 2014) laid on the Table of the Senate on Thursday, 23rd February, 2017.

*(Chairperson, Sessional Committee on County Public Accounts and Investments:
28-02-2017)*

Debate interrupted on Tuesday 28th February, 2017 resumed;

Adjournment of debate pursuant to Standing Order 99(1):

Raising a point of order, the Senator for West Pokot County (Sen. (Prof.) Lonyangapuo) claimed to move- **“That**, the debate be now adjourned”, pursuant to Standing Order 99(1).

And the Temporary Speaker (Sen. Ongoro) acceding to the claim;

Motion made and Question proposed;

“THAT , the debate be now adjourned”,

(Sen. Prof. Lonyangapuo)

Question put and agreed to.

10. **MOTION - ADJOURNMENT OF THE SENATE PURSUANT TO STANDING ORDER 28 (3)**

Motion made and question proposed;

THAT, pursuant to Standing Order 28 (3), the Senate do adjourn until Tuesday, 28th March, 2017.

(Sen. (Prof.) John Lonyangapuo, on behalf of the Senate Majority Leader)

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Ongoro) 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.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, March 28, 2017 at 2.30 p.m.*

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