



**REPUBLIC OF KENYA**

**THE SENATE**

**ELEVENTH PARLIAMENT – THIRD SESSION**

**VOTES AND PROCEEDINGS**

**(SPECIAL SITTING OF THE SENATE)**

**THURSDAY, APRIL 09, 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. **COMMUNICATION FROM THE CHAIR ON THE SPECIAL SITTING OF THE SENATE TO CONSIDER THE DIVISION OF REVENUE BILL, 2015**

The Deputy Speaker made the following Communication from the Chair-

“Honourable 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 of you has 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 may recall that, the Division of Revenue Bill (National Assembly Bill No. 11 of 2015) was read a 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.

For your information Hon. Senators, Standing Order 160 (3) provides that-

***“The Senate shall proceed upon and conclude its consideration of 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.

Honourable Senators,

By a letter dated 2<sup>nd</sup> April, 2015, and pursuant to Standing Order 29 (1) of the Senate Standing Orders, the Senate Majority and Minority Leaders supported by seventeen (17) 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 Leaders, the Speaker was satisfied that it met the requirements of Standing Order 29 (2). It is in this respect that the Speaker convened this special sitting of the Senate, by *Gazette* Notice No. 2323 of 7<sup>th</sup> April, 2015, which was carried in a Special Issue of the *Gazette* of the same day.

Hon. Senators, as required by Standing Order 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 Bills No. 11 of 2015, as passed by the National Assembly, without amendments, on 25<sup>th</sup> March, 2015.

Honourable Senators, as specified in the *Gazette* Notice and in accordance with standing order 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, Honourable Senators will observe that at 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.

Honourable Senators,

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

I thank you".

4. PAPERS LAID

The following Paper was laid on the Table of the Senate-

Report of the Standing Committee on Finance, Commerce and Budget on the Division of Revenue Bill (National Assembly Bill No. 11 of 2015).

*(Chairperson, Standing Committee on Finance, Commerce and Budget)*

5. THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2015)

Order for Second Reading Read;

Motion made and Question proposed-

**THAT**, the Division of Revenue Bill (National Assembly Bill No. 11 of 2015) be now read a second time.

*(Chairperson, Standing Committee on Finance, Commerce and Budget - on behalf of the Senate Majority Leader)*

Debate Arising;

Raising a point of order the Senator for Kajiado County (Sen. Peter Mositet) claimed to move-

**THAT**, pursuant to Standing Order 98 (1), the mover be called upon to reply.

And the Temporary Speaker (Sen. (Dr.) Machage) acceding to his request;

Question put and **negatived.**

Debate interrupted resumed;

There being no more Senators willing to contribute; the Mover replied.

Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for five minutes;

After the expiry of five minutes, the Deputy Speaker directed that the bar be drawn and the doors be locked and requested Senators to log-in using their cards;

The Deputy Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”, “No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Deputy Speaker allowed five Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as **“Yes”**-

1. Sen. Kilonzo Mutula Jr
2. Sen. Mungai James
3. Sen. Muriuki Karue
4. Sen. Obure Chistopher Mogere
5. Sen. Wako Amos

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES – 31

NOES - 1

ABSTENTIONS - 0

**AYES**

1. Sen. Billow Kerrow
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chiaba Abu Mohamed
5. Sen. Elachi Beatrice - on behalf of Nairobi City County delegation
6. Sen. Hargura Godana
7. Sen. Kajwang' Moses
8. Sen. Kariuki Godfrey Gitahi
9. Sen. Kembi-Gitura James
10. Sen. Khalwale Boni
11. Sen. Kilonzo Mutula Jr – voted verbally
12. Sen. Kindiki Kithure
13. Sen. Kuti Mohamed
14. Sen. Lesan Wilfred
15. Sen. Machage Wilfred
16. Sen. Madzayo Stewart
17. Sen. Moi Gideon Kipsielei
18. Sen. Mositet Peter
19. Sen. Mungai James – voted verbally
20. Sen. Murkomen Kipchumba
21. Sen. Muriuki Karue – voted verbally
22. Sen. Murungi Kiraitu
23. Sen. Musila David
24. Sen. Mutahi Kagwe
25. Sen. Mwakulegwa Danson Mwazo
26. Sen. Ndiema Henry
27. Sen. Ntutu Stephen
28. Sen. Obure Christopher Mogere – voted verbally
29. Sen. Okong'o Kennedy Mong'are
30. Sen. Wako Amos – voted verbally
31. Sen. Wetang'ula Moses Masika

**NOES**

Sen. Hassan Omar Hassan

Bill read a Second Time and committed to the Committee of the Whole, today.

**6. COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. Kipchumba Murkomen– in the Chair)

**The Division of Revenue Bill (National Assembly Bill No. 11 of 2015)****Clauses 3, 4, 5 and 6**

Motion made and question proposed-

**THAT**, Clauses **3, 4, 5** and **6** be part of the Bill.

The House proceeded to a division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in using their cards;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 74 (5), the Acting Chairperson allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as **“Yes”**-

1. Sen. Kilonzo Mutula Jr
2. Sen. Kariuki Godfrey Gitahi

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES - 28

NOES - 0

ABSTENTIONS - 1

**AYES**

1. Sen. Billow Kerrow
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chiaba Abu Mohamed
5. Sen. Elachi Beatrice - on behalf of Nairobi City County delegation
6. Sen. Hargura Godana
7. Sen. Kajwang' Moses
8. Sen. Kariuki Godfrey Gitahi – voted verbally
9. Sen. Khalwale Boni
10. Sen. Kilonzo Mutula Jr – voted verbally
11. Sen. Kuti Mohamed
12. Sen. Lesan Wilfred
13. Sen. Machage Wilfred
14. Sen. Madzayo Stewart
15. Sen. Moi Gideon Kipsielei
16. Sen. Mositet Peter
17. Sen. Mungai James
18. Sen. Murkomen Kipchumba
19. Sen. Murungi Kiraitu
20. Sen. Musila David
21. Sen. Mutahi Kagwe
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry
24. Sen. Ntutu Stephen
25. Sen. Obure Christopher Mogere
26. Sen. Okong'o Kennedy Mong'are
27. Sen. Wako Amos
28. Sen. Wetang'ula Moses Masika

**ABSTENSION**

Sen. Hassan Omar

**Schedule**

Motion made and question proposed-

**THAT**, the Schedule be part of the Bill.

**Amendment proposed**

Motion made and question proposed-

**THAT**, the Bill be amended by deleting the Schedule and substituting therefore with the following new Schedule-

## SCHEDULE

(s.4)

**ALLOCATION OF REVENUE RAISED NATIONALLY BETWEEN THE  
NATIONAL AND COUNTY GOVERNMENTS FOR THE FINANCIAL YEAR  
2015/16**

Type/Level of Allocation	Amount in Ksh.	Percentage (%) of 2012/13 Audited Revenue(i.e. Ksh. 776.9 billion)
<b>National Government</b> Of which:	<b>976,925,500,000</b>	
<i>Free Maternal Health Care</i>	4,298,000,000	
<i>Leasing of Medical Equipment</i>	4,500,000,000	
<i>Level-5 Hospitals</i>	3,600,480,000	
<i>Healthcare facilities</i>	900,000,000	
<i>compensation for forgone user fees</i>		
<i>County Emergency Funds</i>	4,400,000,000	
<b>Equalisation Fund</b>	<b>6,000,000,000</b>	<b>0.80%</b>
<b>County Equitable Share</b>	<b>259,774,500,000</b>	<b>33%</b>
<b>Total Shareable Revenue</b>	<b>1,242,700,000,000</b>	

**MEMO ITEMS**

County Equitable Share	259,774,500,000	
Conditional Allocations ( <i>of which</i> ):	31,669,685,204	
1. <i>Free Maternal Health Care</i>	4,298,000,000	
2. <i>Leasing of Medical Equipment</i>	4,500,000,000	
3. <i>Level-5 Hospitals</i>	3,600,480,000	
4. <i>Allocation from Fuel Levy Fund</i>		
( <i>15%</i> )	3,300,000,000	
5. <i>Healthcare facilities</i>		
<i>compensation for forgone user fees</i>	900,000,000	
6. <i>Conditional Allocations - loans</i>		
<i>and grants</i>	10,671,205,204	
7. <i>County Emergency Funds</i>	4,400,000,000	
<b>Total County Allocations</b>	<b>291,444,185,204</b>	<b>37%</b>

*(Sen. Billow Kerow on behalf of the Senate Majority Leader)*

Debate arising;

The House proceeded to a Division on the proposed amendment.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in using their cards;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 74 (5), the Acting Chairperson allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as **“Yes”**-

1. Sen. Kilonzo Mutula Jr
2. Sen. Muriuki Karue
3. Sen. Musila David
4. Sen. Wako Amos

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 30

NOES - 0

ABSTENTIONS - 1

**AYES**

1. Sen. Billow Kerrow
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chiaba Abu Mohamed
5. Sen. Elachi Beatrice - on behalf of Nairobi City County delegation
6. Sen. Hargura Godana
7. Sen. Kajwang' Moses
8. Sen. Kariuki Godfrey Gitahi
9. Sen. Khalwale Boni
10. Sen. Kilonzo Mutula Jr – voted verbally
11. Sen. Kindiki Kithure
12. Sen. Kuti Mohamed
13. Sen. Lesan Wilfred
14. Sen. Machage Wilfred
15. Sen. Madzayo Stewart
16. Sen. Moi Gideon Kipsielei
17. Sen. Mositet Peter
18. Sen. Mungai James
19. Sen. Murkomen Kipchumba
20. Sen. Muriuki Karue – voted verbally
21. Sen. Murungi Kiraitu
22. Sen. Musila David – voted verbally
23. Sen. Mutahi Kagwe
24. Sen. Mwakulegwa Danson Mwazo



25. Sen. Ndiema Henry
26. Sen. Ntutu Stephen
27. Sen. Obure Christopher Mogere
28. Sen. Okong'o Kennedy Mong'are
29. Sen. Wako Amos – Voted Verbally
30. Sen. Wetang'ula Moses Masika

**ABSTENSION**

Sen. Hassan Omar

**Clause 2, the Title and Clause 1**

Motion made and question proposed-

**THAT**, Clause 2, the Title and Clause 1 be part of the Bill.

The House proceeded to a division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in using their cards;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 74 (5), the Acting Chairperson allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as **“Yes”**-

1. Sen. Kilonzo Mutula Jr
2. Sen. Muriuki Karue

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES - 30

NOES - 0

ABSTENTIONS - 1

**AYES**

1. Sen. Billow Kerrow
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chiaba Abu Mohamed
5. Sen. Elachi Beatrice - on behalf of Nairobi City County delegation

6. Sen. Hargura Godana
7. Sen. Kajwang' Moses
8. Sen. Kariuki Godfrey Gitahi
9. Sen. Khalwale Boni
10. Sen. Kilonzo Mutula Jr – voted verbally
11. Sen. Kindiki Kithure
12. Sen. Kuti Mohamed
13. Sen. Lesan Wilfred
14. Sen. Machage Wilfred
15. Sen. Madzayo Stewart
16. Sen. Moi Gideon Kipsielei
17. Sen. Mositet Peter
18. Sen. Mungai James
19. Sen. Murkomen Kipchumba
20. Sen. Muriuki Karue – voted verbally
21. Sen. Murungi Kiraitu
22. Sen. Musila David
23. Sen. Mutahi Kagwe
24. Sen. Mwakulegwa Danson Mwazo
25. Sen. Ndiema Henry
26. Sen. Ntutu Stephen
27. Sen. Obure Christopher Mogere
28. Sen. Okong'o Kennedy Mong'are
29. Sen. Wako Amos – voted verbally
30. Sen. Wetang'ula Moses Masika

**ABSTENSION**

Sen. Omar Hassan

Motion made-

**That**, the Bill be reported with amendments.

Before the question was put and pursuant to Standing Order 72, the Acting Chairperson of Committees (Sen. Murkomen) ruled that the question did not affect counties;

Question put and agreed to.

7. **HOUSE RESUMED** - (The Deputy Speaker in the Chair)

8. **THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2015)**

Bill reported with amendments.

Motion made and Question proposed-

**THAT**, the Senate do agree with the Committee of the Whole in the said Report.

*(Sen. Billow Kerrow)*

Debate arising;

**Amendment proposed**

**THAT**, the Motion be amended by inserting the following words at the end thereof –

**“subject to the recommital of the Schedule of the Bill to the Committee of the whole”.**

*(Senate Majority Leader)*

Debate arising;

Before the question was put and pursuant to Standing Order 72, the Deputy Speaker ruled that the question did not affect counties;

Question on the proposed amendment put and negatived.

Debate interrupted resumed;

Question put and agreed to.

Motion made and Question proposed –

**THAT**, the Division of Revenue Bill (National Assembly Bill No. 11 of 2015) be now read a Third Time.

*(Sen. Billow Kerrow)*

Debate Arising;

The House proceeded to a division.

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 74 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Deputy Speaker directed that the doors be locked and Senators asked to log-in using their cards;

The Deputy Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 74 (5), the Deputy Speaker allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as **“Yes”**-

1. Sen. Muriuki Karue
2. Sen. David Musila

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES - 31

NOES - 0

ABSTENTIONS - 1

**AYES**

1. Sen. Billow Kerrow
2. Sen. Boy Juma Boy
3. Sen. Bule Abdi
4. Sen. Chiaba Abu Mohamed
5. Sen. Elachi Beatrice - on behalf of Nairobi City County delegation
6. Sen. Hargura Godana
7. Sen. Kajwang' Moses
8. Sen. Kariuki Godfrey Gitahi
9. Sen. Kembi-Gitura
10. Sen. Khalwale Boni
11. Sen. Kilonzo Mutula Jr
12. Sen. Kindiki Kithure
13. Sen. Kuti Mohamed
14. Sen. Lesan Wilfred
15. Sen. Machage Wilfred
16. Sen. Madzayo Stewart
17. Sen. Moi Gideon Kipsielei
18. Sen. Mositet Peter
19. Sen. Mungai James
20. Sen. Murkomen Kipchumba
21. Sen. Muriuki Karue – voted verbally
22. Sen. Murungi Kiraitu
23. Sen. Musila David – voted verbally
24. Sen. Mutahi Kagwe
25. Sen. Mwakulegwa Danson Mwazo
26. Sen. Ndiema Henry
27. Sen. Ntutu Stephen
28. Sen. Obure Christopher Mogere
29. Sen. Okong'o Kennedy Mong'are
30. Sen. Wako Amos
31. Sen. Wetang'ula Moses Masika

**ABSTENSION**

Sen. Omar Hassan

Bill read a Third Time and passed.

There being no other business, the Deputy Speaker adjourned the Senate at nine O'clock without Question put pursuant to the Standing Orders.

9. SENATE ROSE - at nine O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on  
Tuesday, April 28, 2015 at 2.30 p.m*

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