



**REPUBLIC OF KENYA**

**THE SENATE**

**ELEVENTH PARLIAMENT – (FOURTH SESSION)**

**VOTES AND PROCEEDINGS**

**TUESDAY, MARCH 01, 2016 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. **COMMUNICATION FROM THE CHAIR - VISITING DELEGATIONS FROM  
VARIOUS COUNTY ASSEMBLIES ON ATTACHMENT AT THE SENATE**

The Speaker conveyed the following communication from the Chair

"Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting staff from Kilifi , Nyamira County and West Pokot County Assemblies.

The County Assembly staffers are here on a five-day attachment visit in similar departments at the Senate.

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

They are:

From Kilifi County Assembly Sergeant-at-Arms Department

1. Stanley Tsuma - Senior Sergeant-at-Arms II
2. Omar Chuphi - Senior Sergeant-at-Arms II
3. Alfred Mumba - Senior Sergeant-at-Arms II
4. Samson Katana - Commissionaire

From Kericho County Assembly Sergeant-at-Arms Department-

1. Geoffrey Nyamiaka - Sergeant-at-Arms
2. George Bosire - Sergeant-at-Arms
3. Jackline Nyamboga - Commissionaire

From West Pokot County Assembly Speaker's Office -

1. Paul Kibet Mneria - Security Officer
2. David Ruto - Driver

I hope that they have a fruitful program.

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

I thank you."

#### 4. **STATEMENTS**

##### **Pursuant to Standing Order 45 (2) (b)**

- (i) The Senator for Machakos County (Sen. Johnson Muthama) sought a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding alleged harassment of residents of Machakos County by the police.
- (ii) The Senator for Machakos County (Sen. Johnson Muthama) sought a Statement from the Chairperson of the Standing Committee on Land and Natural Resources regarding the management of community and public land in Machakos County.
- (iii) The Senator for West Pokot County (Sen. (Prof.) John Lonyangapuo) sought a Statement from the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries regarding the supply of fertilizer and other farm inputs by the National Cereals and Produce Board.
- (iv) The Senator for West Pokot County (Sen. (Prof.) John Lonyangapuo) sought a Statement from the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries regarding the acute food shortage in West Pokot County.
- (v) A nominated Senator (Sen. Martha Wangari) sought a Statement from the Chairperson of the Standing Committee on Education regarding corporal punishment in schools.

(vi) The Senator for Meru County (Sen. Kiraitu Murungi) sought a Statement from the Chairperson of the Standing Committee on Roads and Transportation regarding the state of roads in Meru County.

(vii) The Senator for Murang'a County (Sen. Kembi Gitura) sought a Statement from the Chairperson of the Sessional Committee on County Public Accounts and Investment regarding the Report of the Special Committee on the proposed removal from office, by impeachment, of Honourable Mwangi Wa Iria, the Governor of Murang'a County dated 6<sup>th</sup> November, 2015.

5. **THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLY APPROVAL) BILL (SENATE BILL NO. 20 OF 2014)**

Order for Third Reading Read;

**THAT** the Public Appointments (County Assembly Approval) Bill (Senate Bill No. 20 of 2014) be now Read a Third Time.

*(Chairperson, Standing Committee on Labour and Social Welfare)*

Debate interrupted on Wednesday, 24<sup>th</sup> February, 2016 resumed on a Division;

The House proceeded to a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 74 (1) and 77 (7) and that the Division Bell be rung for thirty seconds;

Upon the expiry of thirty seconds, the Speaker directed that the doors be locked and Senators asked to log-in for electronic voting;

The 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 Speaker allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **"Yes"**-

1. Sen. Haji Mohamed
2. Sen. Karaba Dickson
3. Sen. Kembi Gitura
4. Sen. Adan Dullo Fatuma - on behalf of Isiolo County Delegation

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Billow Adan Kerrow
2. Sen. Boy Juma Boy
3. Sen. Haji Mohamed – voted verbally
4. Sen. Hargura Godana
5. Sen. Hassan Abdirahman
6. Sen. Karaba Dickson Daniel – voted verbally
7. Sen. Kembi Gitura James-Voted verbally
8. Sen. Khalwale Boni
9. Sen. Kimani Paul Wamatangi
10. Sen. Elachi Beatrice- on behalf of Nairobi County delegation
11. Sen. Adan Dullo Fatuma- voted verbally on behalf of Isiolo County delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Lesuuda Naisula -on behalf of Samburu County delegation
14. Sen. Lonyangapuo John
15. Sen. Machage Wilfred Gisuka
16. Sen. Mositet Peter
17. Sen. Muriuki Karue Muriuki
18. Sen. Murungi Kiraitu
19. Sen. Musila David
20. Sen. Muthama Johnson Nduya
21. Sen. Mwakulegwa Danson
22. Sen. Ndiema Henry Tiole
23. Sen. Ntutu Stephen Kanyinke
24. Sen. Okong'o Kennedy Mong'are
25. Sen. Orengo James
26. Sen. Wako Sitswila Amos
27. Sen. Wetangula Moses Masika

Question agreed to.

Bill Read a Third Time and passed.

6. **THE HIV AND AIDS PREVENTION AND CONTROL (AMENDMENT) BILL**  
**(SENATE BILL NO. 4 OF 2015)**

Order for Third Reading Read;

**THAT** the HIV and AIDS Prevention and Control (Amendment) Bill (Senate Bill No. 4 of 2015) be now Read a Third Time

*(Sen. (Dr.) Wilfred Machage)*

Debate interrupted on Wednesday, 24<sup>th</sup> February, 2016 resumed on a Division;

The House proceeded to a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 74 (1) and 77 (7) and that the Division Bell be rung for thirty seconds;

Upon the expiry of thirty seconds, the Speaker directed that the doors be locked and Senators asked to log-in for electronic voting;

The 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 Speaker allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **"Yes"**-

1. Sen. Haji Mohamed
2. Sen. Kembi Gitura
3. Sen. Adan Dullo Fatuma - on behalf of Isiolo County Delegation

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTIONS – NIL

### **AYES**

1. Sen. Billow Adan Kerrow
2. Sen. Boy Juma Boy
3. Sen. Haji Mohamed – voted verbally
4. Sen. Hargura Godana
5. Sen. Hassan Abdirahman
6. Sen. Karaba Dickson Daniel
7. Sen. Kembi Gitura James - voted verbally
8. Sen. Khalwale Boni
9. Sen. Kimani Paul Wamatangi
10. Sen. Elachi Beatrice - on behalf of Nairobi County delegation
11. Sen. Adan Dullo Fatuma- voted verbally on behalf of Isiolo County delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Lesuuda Naisula - on behalf of Samburu County delegation
14. Sen. Lonyangapuo John
15. Sen. Machage Wilfred Gisuka
16. Sen. Mositet Peter

17. Sen. Muriuki Karue Muriuki
18. Sen. Murungi Kiraitu
19. Sen. Musila David
20. Sen. Muthama Johnson Nduya
21. Sen. Mwakulegwa Danson
22. Sen. Ndiema Henry Tiole
23. Sen. Ntutu Stephen Kanyinke
24. Sen. Okong'o Kennedy Mong'are
25. Sen. Orengo James
26. Sen. Wako Sitswila Amos
27. Sen. Wetangula Moses Masika

Question agreed to.

Bill Read a Third Time and passed.

7. **THE COUNTY INDUSTRIAL DEVELOPMENT BILL (SENATE BILL NO. 7 OF 2014)**

Order for Third Reading Read;

**THAT** the County Industrial Development Bill (Senate Bill No. 7 of 2014) be now Read a Third Time.

*(Sen. (Eng.) Muriuki Karue)*

Debate interrupted on Wednesday, 24<sup>th</sup> February, 2016 resumed on a Division;

The House proceeded to a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 74 (1) and 77 (7) and that the Division Bell be rung for thirty seconds;

Upon the expiry of thirty seconds, the Speaker directed that the doors be locked and Senators asked to log-in for electronic voting;

The 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 Speaker allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **"Yes"**-

1. Sen. Haji Mohamed
2. Sen. Kembi Gitura
3. Sen. Adan Dullo Fatuma - on behalf of Isiolo County Delegation
4. Sen. Wako Sitswila Amos

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Billow Adan Kerrow
2. Sen. Boy Juma Boy
3. Sen. Haji Mohamed – voted verbally
4. Sen. Hargura Godana
5. Sen. Hassan Abdirahman
6. Sen. Karaba Dickson Daniel
7. Sen. Kembi Gitura James - voted verbally
8. Sen. Khalwale Boni
9. Sen. Kimani Paul Wamatangi
10. Sen. Elachi Beatrice - on behalf of Nairobi County delegation
11. Sen. Adan Dullo Fatuma- voted verbally on behalf of Isiolo County delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Lesuuda Naisula - on behalf of Samburu County delegation
14. Sen. Lonyangapuo John
15. Sen. Machage Wilfred Gisuka
16. Sen. Mositet Peter
17. Sen. Muriuki Karue Muriuki
18. Sen. Murungi Kiraitu
19. Sen. Musila David
20. Sen. Muthama Johnson Nduya
21. Sen. Mwakulegwa Danson
22. Sen. Ndiema Henry Tiole
23. Sen. Ntutu Stephen Kanyinke
24. Sen. Okong'o Kennedy Mong'are
25. Sen. Orengo James
26. Sen. Wako Sitswila Amos – voted verbally
27. Sen. Wetangula Moses Masika

Question agreed to.

Bill Read a Third Time and passed.

8. **MOTION – ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2013)**

Motion made and question proposed;

**THAT**, the Senate adopts the Report of the Mediation Committee on the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013) laid on the table of the House on Thursday, 3<sup>rd</sup> December, 2015.

*(Vice-Chairperson, Mediation Committee – 24.2.16)*

Debate interrupted on Wednesday, 24<sup>th</sup> February, 2016 resumed on a Division;

The House proceeded to a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 74 (1) and 77 (7) and that the Division Bell be rung for thirty seconds;

Upon the expiry of thirty seconds, the Speaker directed that the doors be locked and Senators asked to log-in for electronic voting;

The 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 Speaker allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **"Yes"**-

1. Sen. Haji Mohamed
2. Sen. Kembi Gitura
3. Sen. Adan Dullo Fatuma - on behalf of Isiolo County Delegation

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTIONS – NIL

### **AYES**

1. Sen. Billow Adan Kerrow
2. Sen. Boy Juma Boy
3. Sen. Haji Mohamed – voted verbally
4. Sen. Hargura Godana
5. Sen. Hassan Abdirahman
6. Sen. Karaba Dickson Daniel
7. Sen. Kembi Gitura James - voted verbally
8. Sen. Khalwale Boni
9. Sen. Kimani Paul Wamatangi
10. Sen. Elachi Beatrice - on behalf of Nairobi County delegation
11. Sen. Adan Dullo Fatuma- voted verbally on behalf of Isiolo County delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Lesuuda Naisula - on behalf of Samburu County delegation
14. Sen. Lonyangapuo John
15. Sen. Machage Wilfred Gisuka
16. Sen. Mositet Peter
17. Sen. Muriuki Karue Muriuki



18. Sen. Murungi Kiraitu
19. Sen. Musila David
20. Sen. Muthama Johnson Nduya
21. Sen. Mwakulegwa Danson
22. Sen. Ndiema Henry Tiole
23. Sen. Ntutu Stephen Kanyinke
24. Sen. Okong'o Kennedy Mong'are
25. Sen. Orengo James
26. Sen. Wako Sitswila Amos
27. Sen. Wetangula Moses Masika

Question agreed to.

### **RESOLVED ACCORDINGLY**

**THAT**, the Senate adopts the Report of the Mediation Committee on the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013) laid on the table of the House on Thursday, 3<sup>rd</sup> December, 2015.

### **9. MOTION – ADOPTION OF THE REPORT OF THE AD-HOC SELECT COMMITTEE ON COUNTY HEADQUARTERS**

Motion made and question proposed;

**THAT**, this House adopts the Report of the Ad-Hoc Select Committee on County Headquarters laid on the Table of the Senate on Thursday, 3<sup>rd</sup> December, 2015;

*(Chairperson, Ad-Hoc Select Committee on County Headquarters – 24.2.16)*

Debate interrupted on Wednesday, 24<sup>th</sup> February, 2016 resumed on a Division;

The House proceeded to a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 74 (1) and 77 (7) and that the Division Bell be rung for thirty seconds;

Upon the expiry of thirty seconds, the Speaker directed that the doors be locked and Senators asked to log-in for electronic voting;

The 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 Speaker allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **"Yes"**-

1. Sen. Haji Mohamed
2. Sen. Kembi Gitura
3. Sen. Adan Dullo Fatuma - on behalf of Isiolo County Delegation

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Billow Adan Kerrow
2. Sen. Boy Juma Boy
3. Sen. Haji Mohamed – voted verbally
4. Sen. Hargura Godana
5. Sen. Hassan Abdirahman
6. Sen. Karaba Dickson Daniel
7. Sen. Kembi Gitura James - voted verbally
8. Sen. Khalwale Boni
9. Sen. Kimani Paul Wamatangi
10. Sen. Elachi Beatrice - on behalf of Nairobi County delegation
11. Sen. Adan Dullo Fatuma- voted verbally on behalf of Isiolo County delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Lesuuda Naisula - on behalf of Samburu County delegation
14. Sen. Lonyangapuo John
15. Sen. Machage Wilfred Gisuka
16. Sen. Mositet Peter
17. Sen. Muriuki Karue Muriuki
18. Sen. Murungi Kiraitu
19. Sen. Musila David
20. Sen. Muthama Johnson Nduya
21. Sen. Mwakulegwa Danson
22. Sen. Ndiema Henry Tiole
23. Sen. Ntutu Stephen Kanyinke
24. Sen. Okong'o Kennedy Mong'are
25. Sen. Orengo James
26. Sen. Wako Sitswila Amos
27. Sen. Wetangula Moses Masika

Question agreed to.

**RESOLVED ACCORDINGLY**

**THAT**, this House adopts the Report of the Ad-Hoc Select Committee on County Headquarters laid on the Table of the Senate on Thursday, 3<sup>rd</sup> December, 2015.

10. MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE, COMMERCE AND BUDGET ON THE MEDIUM TERM BUDGET POLICY STATEMENT, 2016

Motion made and Question proposed;

**THAT**, this House adopts the Report of the Standing Committee on Finance, Commerce and Budget on the Medium Term Budget Policy Statement, 2016 laid on the Table of the Senate on Thursday, 25<sup>th</sup> February, 2016.

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

Debate arising;

Amendment proposed;

Motion made and Question proposed;

**THAT**, the Motion be amended by deleting the fullstop at the end thereof and inserting therein the following words –

Subject to amending the recommendation of the committee on paragraph 109(F)(iii) on page 49 by deleting all the words after the word “recommends” on the fourth line and inserting the following words in place thereof-

“that the official average rate of growth of revenue over the last four years of 13% should be used at the minimum to compute the equitable share for 2016/17;”

*(Sen. (Dr.) Boni Khalwale)*

Debate arising;

And there being no other Senator wishing to contribute;

Before the Question on the amendment was put and pursuant to Standing Order No. 72, the Temporary Speaker (Sen. Peter Mositet) informed the

Senate that the Motion affected counties and that voting would be by delegations.

Rising in his place on a point of order, the Senator for Kakamega County, (Sen. (Dr.) Boni Khalwale) requested for deferment of putting of the Question to the following day, pursuant to Standing Order 54(3).

And the Temporary Speaker (Sen. Peter Mositet) acceding to the request nominated Wednesday, 2<sup>nd</sup> March, 2016 as the day when the Question of the amendment shall be put.

11. **ADJOURNMENT OF DEBATE PURSUANT PROVISIONS OF STANDING ORDER 99(1)**

Rising in his place on a point of order, the Chairperson of the Standing Committee on Finance, Commerce and Budget (Sen. Billow Kerrow) claimed to move **"THAT**, the debate be now adjourned".

Question put and agreed to;

12. **COMMITTEE OF THE WHOLE**

**THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL (SENATE BILL NO. 7 OF 2015)**

(Sen. David Musila)

Resumption of Debate interrupted on Thursday, 18<sup>th</sup> February, 2016;

(Division)

Order deferred leave of the House.

13. **COMMITTEE OF THE WHOLE**  
**THE OFFICE OF THE COUNTY ATTORNEY BILL, (SENATE BILL NO. 37 OF 2014)**

(Chairperson, Standing Committee on Legal Affairs and Human Rights)

Resumption of Debate interrupted on Tuesday, 18<sup>th</sup> February, 2016;

(Division)

Order deferred by leave of the House.

14. **COMMITTEE OF THE WHOLE**  
**THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILL NO. 42 OF 2014)**

(Sen. Stephen Sang)

Resumption of debate interrupted on Tuesday, 18<sup>th</sup> February, 2016;

(Division)

Order deferred leave of the House.

15. **COMMITTEE OF THE WHOLE**  
**THE WATER BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2014)**  
(The Senate Majority Leader)

Resumption of debate interrupted on Tuesday, 3<sup>rd</sup> December, 2015;

Order deferred leave of the House.

16. **THE NATIONAL CEREALS AND PRODUCE BOARD (AMENDMENT) BILL (SENATE BILL NO. 15 OF 2015)**  
(Sen. Dr. Zipporah Kittony)

(Second Reading)

Resumption of debate interrupted on Tuesday, 25<sup>th</sup> February, 2016;

Order deferred leave of the House.

17. **THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2015)**  
(Sen Eng. Muriuki Karue)

(Second Reading)

Order deferred by leave of the House.

18. **THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 10 OF 2015)**  
(Chairperson, Sessional Committee on Delegated Legislation)

(Second Reading)

Order deferred by leave of the House.

19. **THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL (SENATE BILL NO. 9 OF 2015)**  
(Sen. Martha Wangari)

Order for Second Reading read;

Order deferred.

20. **THE COUNTY LIBRARY SERVICES BILL (SENATE BILL NO. 6 OF 2015)**  
(Sen. Joy Gwendo)

Order for Second Reading read;

Motion made and Question proposed-

**That**, the County Library Services Bill (Senate Bill No. 6 of 2015) be now read a Second Time.

*(Sen. Joy Gwendo)*

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

21. 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  
Wednesday, March 2, 2016 at 2.30 p.m.*

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