



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, FEBRUARY 10, 2016 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **NOTICE OF MOTION** – (The Senate Majority Leader)

THAT, pursuant to Standing Order 16, the Senate approves the nomination of Senator Stephen Sang to replace Senator Kipchumba Murkomen as a member of the Chairpersons Panel and to further preside over the Senate in the absence of the Speaker and the Deputy Speaker pursuant to Article 107(1)(c) of the Constitution and Standing Order 18 of the Senate.

4. **NOTICE OF MOTION** – (The Senate Majority Leader)

THAT, pursuant to Standing Order Nos. 177(3) & 179(1), the Senate approves the nomination of Sen. Onesmus Kipchumba Murkomen, by the Rules and Business Committee, to be a member of the Standing Committee on Energy to replace Sen. Charles Keter, former Senator for Kericho County.

5. **NOTICE OF MOTION** – (The Senate Majority Leader)

THAT, pursuant to Standing Order Nos. 177, 179 and 210, the Senate approves the following Senators nominated by the Rules and Business Committee to serve in the respective Sessional Committees as indicated below:-

A. COUNTY PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE

1. Sen. Wamatangi Kimani
2. Sen. Stephen Ole Ntutu

3. Sen. (Eng.) Karue Muriuki
4. Sen. (Prof.) John Lonyangapuo
5. Sen. Wangari Martha
6. Sen. (Dr.) Khalwale Boni
7. Sen. Omar Hassan
8. Sen. Sitswila Wako Amos
9. Sen. Nyong'o Anyang'
10. Sen. Mong'are Okong'o Kennedy
11. Sen. George Khaniri

B. COMMITTEE ON DEVOLVED GOVERNMENT

1. Sen. Murkomen Kipchumba
2. Sen. Lesuuda Naisula
3. Sen. Kerrow Billow
4. Sen. Beatrice Elachi
5. Sen. (Prof.) Wilfred Lesan
6. Sen. Sitswila Wako Amos
7. Sen. Janet Ong'era
8. Sen. Omar Hassan
9. Sen. Tirole Ndiema Henry

C. COMMITTEE ON IMPLEMENTATION

1. Sen. Haji Mohammed Yusuf
2. Sen. Bule A. Ali
3. Sen. Chelule Liza
4. Sen. Mbura Emma Gertrude
5. Sen. (Dr.) Kariuki Godfrey Gitahi
6. Sen. Ali Hassan Abdirahman
7. Sen. James Orengo
8. Sen. Muthama Johnson
9. Sen. Nyongesa Kanainza Daisy

D. COMMITTEE ON DELEGATED LEGISLATION

1. Sen. Sang Stephen
2. Sen. Gwendu Joy
3. Sen. Onchwang'i Hosea
4. Sen. Mbura Emma Gertrude
5. Sen. Karaba Daniel
6. Sen. Madzayo Stewart
7. Sen. Sijeny Judith
8. Sen. Musila David
9. Sen. Omondi Godliver Nanjira

6. STATEMENTS PURSUANT TO STANDING ORDER 45 (2) (b)

- a) The Senator for Vihiga County (Sen. George Khaniri) sought a Statement from the Chairperson of the Standing Committee on Health regarding the status of the National Government's Kshs. 38 billion project to lease medical equipment for county hospitals.

- b) The Senator for Vihiga County (Sen. George Khaniri) sought a Statement from the Chairperson of the Standing Committee on Land and Natural Resources regarding the status of possession of land title deeds and lease certificates by public schools in Kenya.
- c) The Senator for Bungoma County (Sen. Moses Wetang'ula) sought a Statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget regarding the continued issuance by the Central Bank of Kenya of currency bearing the portraits of individuals.
- d) The Senator for Bungoma County (Sen. Moses Wetang'ula) sought a Statement from the Chairperson of the Sessional Committee on Devolved Government regarding the status of Internally Displaced Persons (IDPs) in the former Nyanza, Western, Turkana and Coast Regions.
- e) The Senator for Kisii County (Sen. Christopher Obure) sought a Statement from the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries regarding the fate of money belonging to small scale tea farmers held in a fixed deposit account of the Kenya Tea Development Agency (KTDA) at Imperial Bank which is under receivership.

7. **PROCEDURAL MOTION ON THE LIMITATION OF DEBATE ON MOTIONS**

(The Senate Majority Leader)

Motion made and Question Proposed;

THAT, pursuant to Standing Order 100 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

And there being no Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 72, the Speaker informed the House that the Motion did not affect Counties.

Question put and agreed to.

RESOLVED ACCORDINGLY-

THAT, pursuant to Standing Order 100 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

8. **PROCEDURAL MOTION ON THE LIMITATION OF DEBATE ON ADJOURNMENT MOTION**

(The Senate Majority Leader)

Motion made and Question Proposed;

THAT, notwithstanding the provisions of Standing Order 100 (4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

Debate arising;

Amendment proposed

THAT, the Motion be amended by deleting the word "fifteen" appearing on the fifth line and inserting in place thereof the word "ten".

(Sen. George Khaniri)

Debate arising;

Rising in his place on a point of order, the Senator for Kisumu County (Sen. (Prof.) Anyang Nyong'o) claimed to move that "the Mover be now called upon to reply";

And the Deputy Speaker acceding to the claim;

Question put and agreed to.

Thereupon, the Mover replied;

Before the Question was put, and pursuant to Standing Order No. 72, the Deputy Speaker informed the Senate that the amendment to the Motion did not affect Counties.

Question of the amendment put and agreed to.

Question of the Motion as amended proposed;

Debate arising;

And there being no other Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 72, the Deputy Speaker informed the Senate that the Motion did not affect Counties;

Question of the Motion, as amended, put and agreed to.

RESOLVED ACCORDINGLY-

THAT, notwithstanding the provisions of Standing Order 100 (4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than ten minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

9. **PROCEDURAL MOTION ON THE LIMITATION OF DEBATE ON THE ADDRESS BY THE PRESIDENT**
(The Senate Majority Leader)

Motion made and Question Proposed;

THAT, pursuant to Standing Order 100 (1), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

Debate arising;

And there being no other Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 72, the Speaker informed the House that the Motion did not affect Counties.

Question put and agreed to.

RESOLVED ACCORDINGLY-

THAT, pursuant to Standing Order 100 (1), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

10. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 21 OF 2015)**

(Sen. (Prof.) John Lonyangapuo)

Order for First Reading read;

Bill read a First Time and committed to the relevant Standing Committee.

11. **THE CONSTITUTION OF KENYA (AMENDMENT) BILL, (SENATE BILL NO. 16 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Constitution of Kenya (Amendment) Bill, (Senate Bill No. 16 of 2015) be now read a Second Time.

(Sen. Judith Sijeny)

PAPER LAID

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

Implementing the Constitutional Two-Thirds Gender Principle: The Cost of Representation.

(Sen. Sijeny, while moving the Motion for Second Reading of the Constitution of Kenya (Amendment) Bill (Senate Bill No. 16 of 2015)

Rising in his place on a point of order, the Senator for Kakamega County (Sen. (Dr.) Boni Khalwale) sought the Deputy Speaker's guidance on the House debating the Bill, on the basis that the subject matter of the

amendment proposed to the Constitution was one that would require to be subjected to a referendum, pursuant to Article 255 of the Constitution.

And the Deputy Speaker, having considered the claim, directed that debate on the Bill be deferred until a determination on the point of order raised was made.

12. **THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILL NO. 1 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Employment (Amendment) Bill (Senate Bill No. 1 of 2015) be now read a Second Time.

(Sen. Martha Wangari)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order, pursuant to Standing Order 54 (3), the Mover (Sen. Wangari) requested the Deputy Speaker to defer putting of the question to another day;

And the Deputy Speaker acceding to the request deferred putting of the question to a later date.

13. **THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILL NO. 3 OF 2015)**

(Chairperson, Standing Committee on Health)

Order for Second Reading deferred.

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

Order for Second Reading deferred.

15. **THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILL NO. 11 OF 2015)**

(Sen. Mutula Kilonzo Jr.)

Order for Second Reading deferred.

16. **THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) (NO.2) BILL (SENATE BILL NO. 14 OF 2015)**

(Sen. Christopher Obure)

Order for Second Reading deferred.

17. **THE NATIONAL CEREALS AND PRODUCE BOARD (AMENDMENT) BILL**
(SENATE BILL NO. 15 OF 2015)

(Sen. (Dr.) Zipporah Kittony)

Order for Second Reading deferred.

And there being no other business on the Order Paper, the Deputy Speaker adjourned the Senate without Question put pursuant to the Standing Orders.

18. **SENATE ROSE** - at thirty seven minutes past five O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Thursday, February 11, 2015 at 2.30 p.m.*

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