



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, APRIL 13, 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. **MESSAGES**

The Speaker conveyed the following Messages to the Senate-

- a) **APPROVAL OF THE MEDIATED VERSION OF THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2013)**

Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 40 (3) and (4), I received the following message from the Speaker of the National Assembly regarding the approval of the Report of the Mediation Committee on the Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 33 of 2013)-

"PURSUANT to the provisions of Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS, the Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 33 of 2013) was referred to a Mediation Committee on Wednesday, 13th October, 2015;

AND WHEREAS, the National Assembly, by way of resolution passed on Tuesday, 29th March, 2016, **approved** the mediated version of the said Bill in the form developed by the Mediation Committee;

NOW THEREFORE, in accordance with the provisions of Standing Order 150(4)(b) of the National Assembly Standing Orders and Article 113 of the Constitution, I hereby **convey** the said decision of the National Assembly".

Honourable Senators,

This Message was received on 31st March, 2016 when the Senate was on recess. Pursuant to Standing Order 40 (5) of the Senate Standing Orders, I transmitted the message to you, all Honourable Senators.

Consequently, the report is listed in the Order Paper at order No. 10. I therefore, appeal to you to process it expeditiously.

I thank you"

b) **THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)**

Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 40 (3) and (4), I received the following message from the Speaker of the National Assembly regarding the passage, by the Assembly, of the Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015).

"PURSUANT to the provisions of standing orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following message from the National Assembly-

THAT WHEREAS, the Natural Resources (Classes of Transaction Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015) was published *vide* the Kenya *Gazette* Supplement No. 139 of 18th August, 2015 to actualize the requirements of Article 71 of the Constitution by providing for classes of transactions subject to ratification;

AND WHEREAS, the National Assembly considered and passed the said Bill on Wednesday, 9th March, 2016 **with amendments** in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110 (4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration".

Honourable Senators,

This Message was received on 31st March, 2016 when the Senate was on recess. Pursuant to Standing Order 40 (5) of the Senate Standing Orders, I transmitted the message to you, all Honourable Senators.

Honourable Senators,

Standing Order No. 148 requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No. 129.

I therefore direct that the Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015) be read a First time, **tomorrow**, Thursday, 14th April, 2016.

Honourable Senators,

I also wish to bring to your attention that this Bill is one of the Bills required to be enacted within 5 years of the enactment of the Constitution. This timeline lapsed on 27th August, 2015 but the National Assembly, by resolution, extended the timeline by one year.

I thank you.

4. **PAPERS**

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

- a) End Term Report of the Transition to Devolved System of Government in Kenya (2012-2016);
- b) Final Report of Costing of Government Functions 2015.
(Chairperson, Sessional Committee on Devolved Government)

5. **STATEMENTS**

Pursuant to Standing Order 45 (2) (b)

- a) The Senator for West Pokot County (Sen. (Prof.) John Lonyangapuo) sought a Statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget regarding the contribution of the manufacturing industry to the country's Gross Domestic Product(GDP).
- b) 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 status of agro-processing industries in arid and Semi-Arid areas in counties.

- c) The Senator for West Pokot County (Sen. (Prof.) John Lonyangapuo) sought a Statement from the Chairperson of the Standing Committee on Land and Natural Resources regarding the Construction of the Pokot Cement plant.
- d) The Chairperson of the Standing Committee on Finance, Commerce and Budget issued a Statement on Public Private Partnerships (PPP).

In the statement, the Chairperson informed the House that, since coming into force of the PPP Act on 8th February, 2013, the PPP programme in Kenya had gained solid traction with potentially bankable PPP projects developing across various economic sectors and County Governments over the last three years. The Chairperson outlined several such projects, including Kenyatta University Students Hostels; the 960MW Coal fired Power Plant in Lamu; a Multi-storey car park and commercial facility within Nairobi CBD and Phase 1 Roads Annuity Programme, among others.

Regarding the cost of the PPP projects, the Chairperson stated that only the Kenyatta University Students Hostels had a signed PPP Agreement and was valued at 52.5 million US dollars.

The Chairperson also outlined the legal framework safeguarding the interests of both the public and private investors in PPP projects and further gave a list of several institutions which had been created and operationalized under the PPP Act, 2013.

The Chairperson further informed the House that the Government had provided several incentives to support private investors undertaking PPP projects and had also put in place measures to ensure that projects under PPP were viable financially, technically, socially, environmentally and legally so as to safeguard public interest.

6. MOTION – ADDRESS OF H. E THE PRESIDENT - (2ND DAY)

Motion made and Question proposed;

THAT, pursuant to the provisions of Standing Order 24 (6), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President delivered on Thursday, 31st March, 2016.

(Senate Majority Leader- 12.4.2016)

Debate interrupted on Tuesday, 12th April, 2016 resumed;

There being no other Senator wishing to contribute;

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

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, pursuant to the provisions of Standing Order 24 (6), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President delivered on Thursday, 31st March, 2016.

7. **MOTION- ADOPTION OF THE REPORT ON THE SECOND BASIS FOR
EQUITABLE SHARING OF REVENUE AMONG THE COUNTY GOVERNMENTS**

Motion made and Question proposed-

THAT, the Senate adopts the Report of the Standing Committee on Finance, Commerce and Budget on the second basis for equitable sharing of Revenue among the County Governments laid on the Table of the House on Wednesday, 30th March, 2016.

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

Debate arising;

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

8. **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
Thursday, April 14, 2016 at 2.30 p.m.*

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