



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, MARCH 15, 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. **ADMINISTRATION OF OATH**

The Speaker administered the Oath of Office to the Senator-elect for Kericho County, Cheruiyot Aaron Kipkirui, pursuant to Article 74 of the Constitution and Senate Standing Order 3(5).

4. **PAPERS LAID**

The following Papers were laid on the Table of the Senate;

- i) Report of the Standing Committee on National Security and Foreign Relations on a study visit to Russia.

(Vice-Chairperson, Standing Committee on National Security and Foreign Relations)

- ii) Report of the Mediation Committee on the Mining Bill (National Assembly Bill No. 9 of 2014).

(Sen. Henry Ndiema, on behalf of the Chairperson of the Mediation Committee)

- iii) Report of the Standing Committee on Education on the Kenya National Examinations Council (Amendment No. 2) Bill, 2015.

(Chairperson, Standing Committee on Education)

5. **NOTICE OF MOTION** – (Vice-Chairperson, Standing Committee on National Security and foreign Relations)

THAT, the Senate adopts the Report of the Standing Committee on National Security and Foreign Relations on a Study Visit to Russia, laid on the Table of the Senate on Tuesday, 15th March, 2016.

6. **NOTICE OF MOTION** – (Sen. Henry Ndiema)

THAT, the Senate adopts the Report of the Mediation Committee on the Mining Bill (National Assembly Bill No. 9 of 2014), laid on the Table of the Senate on Tuesday, 15th March, 2016.

7. **STATEMENTS**

i) **Statement pursuant to standing order 45 (2) (a)**

Nominated Senator (Sen. Joy Gwendu) issued a statement on an issue of general topical concern, relating to societal moral decay, specifically the so-called 'Project X'.

ii) **Statements pursuant to standing order 45 (2) (b)**

- a) The Senator for Samburu County (Sen. Sammy Leshore) sought a statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget regarding public private partnership projects in Kenya.
- b) The Senator for Marsabit County (Sen. Godana Hargura) sought a statement from the Chairperson of the Standing Committee on Land and Natural Resources regarding the construction of Badasa Dam in Marsabit County.
- c) The Senator for Marsabit County (Sen. Godana Hargura) sought a statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget regarding the allocation of Constituency Development Fund (CDF) in Marsabit County.
- d) The Senator for Marsabit County (Sen. Godana Hargura) sought a statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget regarding the allocation of Uwezo Fund and Youth Enterprise Development Fund in Marsabit County.
- e) Nominated Senator (Sen. Martha Wangari) sought a statement from the Chairperson of the Standing Committee on Land and Natural Resources regarding human-wildlife conflict around Kigio Wildlife Conservancy in Gilgil Sub-County in Nakuru County.

- f) The Chairperson of the Standing Committee on Education issued a statement on remittance of teachers' deductions by the Teachers Service Commission (TSC) to teachers' SACCOs.

In the statement, the Chairperson informed the House that TSC had experienced delays in remitting teachers' salary deductions to SACCOs up to September 2015 due to release of insufficient funds by the National Treasury to cover the full payroll.

The Chairperson further informed the House that this situation was remedied through timely exchequer releases with effect from October 2015, following which all teachers' SACCO deductions had been remitted in full and within the statutory deadlines.

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

Order for Second Reading read;

Motion made and Question proposed:-

THAT, the National Cereals and Produce Board (Amendment) Bill (Senate Bill No.15 of 2015) be now read a Second Time.

(Sen. (Dr.) Zipporah Kittony – 25.02.16)

Debate interrupted on Thursday, 8th March, 2016 resumed on a Division;

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

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

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 Standing Order 74 (5), the Speaker allowed eight Senators to record their vote verbally.

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

- 1) Sen. Chelule Liza
- 2) Sen. Elachi Beatrice
- 3) Sen. Karaba Dickson Daniel
- 4) Sen. Kimani Paul Wamatangi
- 5) Sen. Kindiki Kithure
- 6) Sen. Leshore Sammy Prisa
- 7) Sen. Mohamud Halima Abdile
- 8) Sen. Ntutu Stephen

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES - 29

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Bule Ali Abdi
2. Sen. Cheruiyot Aaron Kipkurui
3. Sen. Hargura Godana
4. Sen. Mohamud Halima Abdile – voted verbally on behalf of Wajir County delegation
5. Sen. Kajwang' Moses
6. Sen. Karaba Dickson Daniel – voted verbally
7. Sen. Khalwale Boni
8. Sen. Khaniri George
9. Sen. Kimani Paul Wamatangi – voted verbally
10. Sen. Kindiki Kithure – voted verbally
11. Sen. Elachi Beatrice – voted verbally on behalf of Nairobi County delegation
12. Sen. Kiyonga John Munyes
13. Sen. Kuti Mohamed Abdi
14. Sen. Leshore Sammy Prisa – voted verbally
15. Sen. Lonyangapuo John Krop
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Mositet Peter Korinko
19. Sen. Chelule Liza – voted verbally on behalf of Nakuru County delegation
20. Sen. Murungi Kiraitu
21. Sen. Musila David
22. Sen. Mutahi Kagwe
23. Sen. Muthama Johnson Nduya
24. Sen. Ndiema Henry Tiole
25. Sen. Stutu Stephen – voted verbally
26. Sen. Nyong'o Peter Anyang'
27. Sen. Obure Christopher Mogere
28. Sen. Sang' Stephen Kipyego
29. Sen. Wetang'ula Moses Masika

Bill read a Second Time and committed to the Committee of the Whole tomorrow

9. **THE COUNTY LIBRARY SERVICES BILL (SENATE BILL NO. 6 OF 2015)**

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 Gwendu – 01.03.16)

Debate interrupted on Thursday, 9th March, 2016 resumed on a Division;

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

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

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 Standing Order 74 (5), the Speaker allowed six Senators to record their vote verbally.

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

- 1) Sen. Elachi Beatrice
- 2) Sen. Karaba Dickson Daniel
- 3) Sen. Kindiki Kithure
- 4) Sen. Leshore Sammy Prisa
- 5) Sen. Ntutu Stephen
- 6) Sen. Sang' Stephen Kipyego

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES - 29

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Bule Ali Abdi
2. Sen. Cheruiyot Aaron Kipkurui
3. Sen. Hargura Godana
4. Sen. Mohamud Halima Abdile – voted on behalf of Wajir County delegation
5. Sen. Kajwang' Moses
6. Sen. Karaba Dickson Daniel – voted verbally
7. Sen. Khalwale Boni
8. Sen. Khaniri George
9. Sen. Kimani Paul Wamatangi – voted verbally
10. Sen. Kindiki Kithure – voted verbally
11. Sen. Elachi Beatrice – voted verbally on behalf of Nairobi County delegation
12. Sen. Kiyonga John Munyes
13. Sen. Kuti Mohamed Abdi

14. Sen. Leshore Sammy Prisa – voted verbally
15. Sen. Lonyangapuo John Krop
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Mositet Peter Korinko
19. Sen. Chelule Liza – voted verbally
20. Sen. Murungi Kiraitu
21. Sen. Musila David
22. Sen. Mutahi Kagwe
23. Sen. Muthama Johnson Nduya
24. Sen. Ndiema Henry Tiole
25. Sen. Ntutu Stephen – voted verbally
26. Sen. Nyong'o Peter Anyang'
27. Sen. Obure Christopher Mogere
28. Sen. Sang' Stephen Kipyego
29. Sen. Wetang'ula Moses Masika

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

10. **COMMITTEE OF THE WHOLE**

IN THE COMMITTEE

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

The Kenya National Examinations Council (Amendment) Bill (Senate Bill No.7 of 2015)

Progress Report.

Motion made and Question proposed-

THAT, the Committee of the whole House do report progress and seek leave to sit again tomorrow.

(Sen. David Musila)

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

Question put and agreed to.

11. **HOUSE RESUMED** – Temporary Speaker – (Sen. Sang) – in the Chair

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

Progress Reported.

Motion made and Question proposed-

THAT, the House do agree with the Committee in the said Report.
(*Sen. David Musila*)

There being no other Senator willing to contribute;

Before the question was put and pursuant to Standing Order 72, the Temporary Speaker (Sen. Sang) ruled that the question did not affect counties;

Question put and agreed to.

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)

Order for Committee read.

Order deferred.

14. **COMMITTEE OF THE WHOLE**

THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILL NO. 42 OF 2014)

(Sen. Stephen Sang)

Order for Committee read.

Order deferred.

15. **COMMITTEE OF THE WHOLE**

THE WATER BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2014)

(The Senate Majority Leader)

Order for Committee read.

Order deferred.

16. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

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

The Universities (Amendment) Bill (Senate Bill No. 31 of 2014)

Clauses 2-4 - vote deferred

New Clause 3A

THAT the Bill be amended by inserting the following new clause immediately after clause 3-

Amendment of section 14 of No. 42 of 2012. **3A.** Section 14 of the principal Act is amended by inserting the following new sub-section immediately after subsection (3)-
(4) The Commission shall not issue to an applicant a letter of interim authority where that applicant is a public mid-level learning institution.

(Vice-Chairperson, Committee on Education)

Motion made and Question proposed;

THAT, the New Clause 3A be now read a Second Time;

(Vice-Chairperson, Committee on Education)

New Clause 3A - vote deferred

New Clause 3B

THAT the Bill be amended by inserting the following new clause immediately after new clause 3A-

Amendment of section 19 of No. 42 of 2012. **3B.** Section 19 of the principal Act is amended-
(a) in subsection (1) by deleting paragraph (c) and substituting therefore the following new paragraph-
(c)reject the application if satisfied that the applicant-
(i) is a public mid-level learning institution; or
(ii) does not meet the requirements for the establishment of a university.
(b) by inserting the following new sub-section immediately after sub-section (3)-
(4) The President shall not grant a Charter where such a grant would result in the conversion of a public mid-level institution to a university.

(Vice-Chairperson, Committee on Education)

Motion made and Question proposed;

THAT, the New Clause 3B be now read a Second Time;

(Vice-Chairperson, Committee on Education)

New Clause 3B - vote deferred

New Clause 3C

THAT the Bill be amended by inserting the following new clause immediately after new clause 3B-

Repeal of section 25 of No. 42 of 2012. **3C.** The principal Act is amended by deleting section 25.

(Vice-Chairperson, Committee on Education)

Motion made and Question proposed;

THAT, the New Clause 3C be now read a Second Time;

(Vice-Chairperson, Committee on Education)

New Clause 3C - vote deferred

New Clause 5

Motion made and Question proposed;

THAT, the New Clause 5 be now read a Second Time;

(Chairperson, Committee on Education)

Consideration of the proposed new Clause deferred.

The Title and Clause 1 - vote deferred

Progress report

Motion made;

THAT the Committee of the Whole reports progress on its consideration of the Universities (Amendment) Bill (Senate Bill No. 31 of 2014) and seek leave to sit again tomorrow.

(Vice- Chairperson of the Standing Committee on Education)

Question put and agreed to.

17. **HOUSE RESUMED** – Temporary Speaker – (Sen. Mositet) – in the Chair

18. **THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2014)**

Progress Reported.

Motion made and Question proposed-

THAT the House do agree with the Committee in the said report.

(Vice- Chairperson of the Standing Committee on Education)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 72, the Temporary Speaker (Sen. Mositot) ruled that the question did not affect counties;

Question put and **agreed to.**

19. **THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 10 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the County Statutory Instruments Bill (Senate Bill No. 10 of 2015) be now read a Second Time.

(Chairperson, Sessional Committee on Delegated Legislation - 10.03.2016)

Debate interrupted on Thursday, 10th March, 2016 resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order, the Chairperson of the Sessional Committee on Delegated Legislation requested for deferment of putting of the Question to the following day, pursuant to Standing Order 54(3).

And the Temporary Speaker (Sen. Ongoro) acceding to the request, nominated Wednesday, 16th March, 2016 as the day the Question shall be put.

20. **THE ORDER OF PRECEDENCE AND TITLES BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2014)**

(The Senate Majority Leader)

Order for Second Reading Read;

Order deferred.

21. **THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2015)**

(Sen. Kimani Wamatangi)

Order for Second Reading Read;

Order deferred.

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

Order for Second Reading Read;

Order deferred.

23. THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.43 OF 2013)
(The Senate Majority Leader)

Order for Second Reading Read;

Order deferred.

24. THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2014)
(The Senate Majority Leader)

Order for Second Reading Read;

Order deferred.

There being no other business, the Temporary Speaker (Sen. Ongoro) adjourned the Senate at ten minutes past Six O'clock without Question put, pursuant to the Standing Orders.

25. SENATE ROSE - at ten minutes past Six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Wednesday, March 16, 2016 at 2.30 p.m.*

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