



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, MAY 19, 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**

The Speaker issued the following communications from the Chair;

i. Visiting Students and Teachers from Lodwar High School

"Honorable Senators,

I wish to recognize the presence of the Pupils and Teachers from Lodwar High School from Turkana County seated in the Public gallery who are visiting the Senate today.

As you all know Hon. Senators, the tradition of receiving and welcoming visitors to Parliament is a long time tradition and one we shall endeavor to continue upholding.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the Pupils and Teachers of Lodwar High School.

I Thank You."

ii. Visiting Members of the Kajiado County Assembly (Committee On Powers and Privileges)

"Honorable Senators,

I am pleased to acknowledge and to welcome to the Senate this afternoon, the Members and a Clerk Assistant of Kajiado County Assembly who are seated in the Speaker's Gallery.

I request that when their names are called out, they stand so that they may be acknowledged in our usual Senate tradition.

1. Hon. Charity Mosiany - Leader of Delegation
2. Hon. Mwathi Pere
3. Hon. Kipaika Musa
4. Hon. Emily Lesian
5. Hon. Sayianka Kosei
6. Mr. David Omwagwe - Committee Clerk

Honorable Senators,

I take this opportunity on behalf of the Senate and on my own behalf, to wish the Members and the Clerk Assistant of Kajiado County Assembly a happy and fruitful visit."

iii. **A Kamukunji that will be held on Thursday 21st May, 2015**

"Honourable Senators,

I wish to inform you that there will be a *Kamukunji* for all Senators to be held on, Thursday, 21st May, 2015 in the Senate Chamber, Main Parliament Buildings, at 11.00 am.

The agenda will be circulated on arrival.

All Honourable Senators are invited to attend."

iv. **Visiting pupils and teachers from Wings of Mercy Academy**

"Honorable Senators,

I wish to recognize the presence of the pupils and teachers from Wings of Mercy Academy from Kilifi County seated in the Public gallery who are visiting the Senate today.

As you all know Hon. Senators, the tradition of receiving and welcoming visitors to Parliament is a long time tradition and one we shall endeavor to continue upholding.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the pupils and teachers of Wings of Mercy Academy."

4. **NOTICE OF MOTION**- (*Sen. Fatuma Dullo*)

(Department of Environment, Water and Natural Resources)

THAT, aware that the fourth Schedule to the Constitution assigns the responsibility of protection of the environment and natural resources to the National Government;

ACKNOWLEDGING THAT Section 5 of the Wildlife (Conservation and Management) Act, 2013 mandates the Cabinet Secretary to formulate innovative measures for mitigating human wildlife conflict;

FURTHER ACKNOWLEDGING THAT Section 19 of the said Act empowers the County Wildlife Conservation and Compensation Committee to develop and implement, in collaboration with community wildlife associations, mechanisms for mitigation of human wildlife conflict;

AWARE THAT in the spirit of mutual co-existence, Section 75 of the Wildlife Conservation and Management Act, 2013 advocates for recognition of the rights and privileges of communities living adjacent to conservation and protected areas in decision-making and determination on the matter of conservation and management of the wildlife resource;

NOTING WITH CONCERN THAT human-wildlife conflict between the Kinna Community of Isiolo County and wildlife at Meru National Park has escalated over the years;

FURTHER NOTING WITH CONCERN THAT the above conflict has led to tension between the community and the Kenya Wildlife Service (KWS) which the community accuses of kidnapping, shooting, torturing, wounding and even killing members of the community;

ALARMED about the latest alleged report that on 18th May, 2015 KWS rangers clashed with the Kinna Community demonstrators, shot and killed one demonstrator and wounded several others;

THE SENATE DIRECTS the Standing Committee on Land and Natural Resources to conduct a fact-finding mission regarding the conflict in the area with immediate effect and report back to the Senate within thirty days.

5. **NOTICE OF MOTION** - *(Chairperson of the Sessional Committee on Delegated Legislation)*

THOSE, the Speaker do now leave the Chair to facilitate consideration of the Public Finance Management (National Government) Regulations, 2015 laid on the Table of the Senate on 17th March, 2015.

6. **NOTICE OF MOTION** - *(Chairperson of the Sessional Committee on Delegated Legislation)*

THOSE, the Speaker do now leave the Chair to facilitate consideration of the Public Finance Management (County Government) Regulations, 2015 laid on the Table of the Senate on 17th March, 2015.

7. **STATEMENTS**

a) **Statements pursuant to Standing Order 45 (2) (b)**

- i. The Senator for Meru County (Sen. KiraituMurungi) sought a statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget regarding the recent review of rates for allowances in the public service by the Salaries and Remuneration Commission specifically reviews relating to Daily Subsistence Allowance (Local Travel).
- ii. The Senator for Meru County (Sen. KiraituMurungi) sought a statement from the Chairperson of the Standing Committee on Land and Natural Resources regarding the Land Control Board in Meru County.

b) **Statement pursuant to Standing Order 45 (2) (a)**

- i. The Senator for Nyeri County (Sen. MutahiKagwe) issued a statement on the occasion of Sister Irene Stefani beatification that will take place in Nyeri County during the weekend of 23rd May, 2015. He took the Senate through the beatification process and invited all Senators to attend the function.
- ii. The Senator for Wajir County (Sen. Abdirahman) issued a statement regarding the ranking of Senators by the pollster Infotrak. He expressed displeasure at the ranking. Several other Senators expressed themselves on the same terming the ranking unacceptable and unscientific.

8. **THE PUBLIC AUDIT BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2014)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Public Audit Bill (National Assembly Bill No. 38 of 2014) be now read a Second Time.

(The Senate Majority Leader - 12.05.2015)

Debate interrupted on Tuesday 12th May, 2015 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 that the division bell be rung for two minutes;

After the expiry of two minutes, the Speaker directed that the doors be locked 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 provisions of Standing Order 74 (5), the Speaker allowed the following Senators to record their vote verbally.

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

1. Sen. Adan Dullo Fatuma on behalf of Isiolo County delegation
2. Sen. Kembi-Gitura James
3. Sen. Karaba Dickson Daniel
4. Sen. Liza Chelule on behalf of Nakuru County

Following the Division, Question agreed to.

The results of the Division were as follows-

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Adan Dullo Fatuma- voted verbally on behalf of Isiolo County delegation
2. Sen. Billow Aden Kerrow
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza -voted verbally on behalf of Nakuru County
5. Sen. Haji Mohammed Yusuf
6. Sen. Hargura Godana
7. Sen. Hassan Abdirahman Ali
8. Sen. Hassan Omar Hassan
9. Sen. Kajwang' Moses
10. Sen. Karaba Dickson Daniel-voted verbally
11. Sen. Khalwale Boni

12. Sen. Kembi Gitura-voted verbally
13. Sen. Khaniri George
14. Sen. Kilonzo Mutula Junior
15. Sen. Lesan Wilfred Rotich
16. Sen. Leshore Sammy Prisa
17. Sen. Machage Wilfred Gisuka
18. Sen. Madzayo Stewart Mwachiru
19. Sen. Mositet Peter Korinko
20. Sen. Muriuki KarueMuriuki
21. Sen. Murungi Kiraitu
22. Sen. Musila David
23. Sen. Mutahi Kagwe
24. Sen. Muthama Johnson Nduya
25. Sen. Mwakulegwa Danson Mwazo
26. Sen. Ndiema Henry Tiole
27. Sen. Ntutu Stephen Kanyike
28. Sen. Nyongo' Peter Anyang'
29. Sen. Obure Christopher Mogere
30. Sen. Sang Stephen Kipyego
31. Sen. Sijeny Judith Achieng – voted on behalf of Nairobi County delegation

Bill read a Second Time and passed.

9. **THE FAIR ADMINISTRATIVE ACTION BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Fair Administrative Action Bill (National Assembly Bill No. 10 of 2015) be now read a Second Time.

(The Senate Majority Leader - 14.05.2015)

Debate interrupted on Thursday 14th May, 2015 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 that the division bell be rung for two minutes;

After the expiry of two minutes, the Speaker directed that the doors be locked 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 provisions of Standing Order 74 (5), the Speaker allowed the following Senators to record their vote verbally.

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

1. Sen. Kembi-Gitura James
2. Sen. Karaba Dickson Daniel

Following the Division, Question agreed to.

The results of the Division were as follows-

AYES - 30

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Billow Aden Kerrow
2. Sen. Bule Ali Abdi
3. Sen. Chelule Liza -voted on behalf of Nakuru County Delegation
4. Sen. Haji Mohammed Yusuf
5. Sen. Hargura Godana
6. Sen. Hassan Abdirahman Ali
7. Sen. Hassan Omar Hassan
8. Sen. Kajwang' Moses
9. Sen. Karaba Dickson Daniel-voted verbally
10. Sen. Kembi Gitura-voted verbally
11. Sen. Khalwale Boni
12. Sen. Khaniri George
13. Sen. Kilonzo Mutula Junior
14. Sen. Lesan Wilfred Rotich
15. Sen. Leshore Sammy Prisa
16. Sen. Machage Wilfred Gisuka
17. Sen. Madzayo Stewart Mwachiru
18. Sen. Mositet Peter Korinko
19. Sen. Muriuki Karue Muriuki
20. Sen. Murungi Kiraitu
21. Sen. Musila David
22. Sen. Mutahi Kagwe
23. Sen. Muthama Johnson Nduya
24. Sen. Mwakulegwa Danson Mwazo
25. Sen. Ndiema Henry Tiole
26. Sen. Ntutu Stephen Kanyike
27. Sen. Nyongo' Peter Anyang'
28. Sen. Obure Christopher Mogere
29. Sen. Sang Stephen Kipyego
30. Sen. Sijeny Judith Achieng – voted on behalf of Nairobi County delegation

Bill read a Second Time and passed.

10. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2014)

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Public Procurement and Asset Disposal Bill (National Assembly Bill No. 40 of 2014) be now read a Second Time.

(The Senate Majority Leader on 14.05.2015)

Debate interrupted on Thursday 14th May, 2015 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 that the division bell be rung for two minutes;

After the expiry of two minutes, the Speaker directed that the doors be locked 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 provisions of Standing Order 74 (5), the Speaker allowed the following Senators to record their vote verbally.

Thereupon, the following Senator recorded his votes as **"Yes"**-

Sen. Kembi-Gitura James

Following the Division, Question agreed to.

The results of the Division were as follows-

AYES - 29

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Billow Aden Kerrow
2. Sen. Bule Ali Abdi
3. Sen. Chelule Liza -voted on behalf of Nakuru County Delegation
4. Sen. Haji Mohammed Yusuf
5. Sen. Hargura Godana
6. Sen. Hassan Abdirahman Ali
7. Sen. Hassan Omar Hassan
8. Sen. Kajwang' Moses
9. Sen. Kembi Gitura-voted verbally

10. Sen. Khalwale Boni
11. Sen. Khaniri George
12. Sen. Kilonzo Mutula Junior
13. Sen. Lesan Wilfred Rotich
14. Sen. Leshore Sammy Prisa
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Mositet Peter Korinko
18. Sen. Muriuki KarueMuriuki
19. Sen. Murungi Karaitu
20. Sen. Musila David
21. Sen. Mutahi Kagwe
22. Sen. Muthama Johnson Nduya
23. Sen. Mwakulegwa Danson Mwazo
24. Sen. Ndiema Henry Tiole
25. Sen. Ntutu Stephen Kanyike
26. Sen. Nyongo' Peter Anyang'
27. Sen. Obure Christopher Mogere
28. Sen. Sang Stephen Kipyego
29. Sen. Sijeny Judith Achieng – voted on behalf of Nairobi County delegation

Bill read a Second Time and passed.

11. **MOTION-THE SPEAKER DO NOW LEAVE THE CHAIR TO FACILITATE CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (NATIONAL GOVERNMENT) REGULATIONS, 2015**

Motion made and question proposed;

THAT, the Speaker do now leave the Chair to facilitate consideration of the Public Finance Management (National Government) Regulations, 2015 laid on the Table of the Senate on 17th March, 2015.

(Chairperson of the Sessional Committee on Delegated Legislation)

Debate arising;

And there being no other Senator willing to contribute;

Before the Question was put, and pursuant to Standing Order No. 72, the Temporary Speaker (Sen. Ongoro) informed the House that the Motion does not affect Counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the Speaker do now leave the Chair to facilitate consideration of the Public Finance Management (National Government) Regulations, 2015 laid on the Table of the Senate on 17th March, 2015.

12. **MOTION-THE SPEAKER DO NOW LEAVE THE CHAIR TO FACILITATE CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (COUNTY GOVERNMENT) REGULATIONS, 2015**

Motion made and question proposed;

THAT, the Speaker do now leave the Chair to facilitate consideration of the Public Finance Management (County Government) Regulations, 2015 laid on the Table of the Senate on 17th March, 2015.

(Chairperson of the Sessional Committee on Delegated Legislation)

Debate arising;

And there being no other Senator willing to contribute;

Before the Question was put, and pursuant to Standing Order No. 72, the Temporary Speaker (Sen. Ongoro) informed the House that the Motion does not affect Counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the Speaker do now leave the Chair to facilitate consideration of the Public Finance Management (County Government) Regulations, 2015 laid on the Table of the Senate on 17th March, 2015.

13. **THE PARLIAMENTARY SERVICE (AMENDMENT) BILL (SENATE BILL NO. 21 OF 2014)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Parliamentary Service (Amendment) Bill (Senate Bill No. 21 of 2014) be now read a Second Time.

(Sen. Kiraitu Murungi - 05.05.2015)

Debate interrupted on Thursday, 7th May, 2015 resumed;

And the time being thirty minutes past six O'clock, the Temporary Speaker (Sen. Elizabeth Ongoro) adjourned the business of the Senate without Question put, pursuant to the Standing Orders.

14. 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, May 20, 2015 at 2.30 p.m.*

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