



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – THIRD SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, SEPTEMBER 23, 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 conveyed the following communications from the Chair-

a) Membership of the Mediation Committee on the County Governments (Amendment) Bill (Senate Bill No. 1 of 2014)

"Honourable Senators, you may recall that on Wednesday, 16th September, 2015, I issued a communication from the Chair on a message I had received from the National Assembly conveying the rejection by the Assembly of the County Governments (Amendment) Bill (Senate Bill No. 1 of 2014).

You may further recall that I informed the Senate that, in accordance with Article 113(1) of the Constitution, I had appointed the following five (5) Senators to a mediation committee to attempt to develop a version of the Bill that both Houses would pass-

1. Sen. Kipchumba Murkomen;
2. Sen. Billow Kerrow;
3. Sen. Beatrice Elachi;
4. Sen. (Dr.) Boni Khalwale; and
5. Sen. Janet Ong'era.

Hon Senators, I would like to inform the House that I have revised the Senate membership to mediation committee to four (4) Senators as follows-

1. Sen. Kipchumba Murkomen;
2. Sen. Billow Kerrow;
3. Sen. (Dr.) Boni Khalwale; and
4. Sen. Janet Ong'era.

This is in order to ensure equal number of members from each House in line with Article 113(1) of the Constitution because the National Assembly membership to the committee is four (4). The Members are-

1. The Hon. Wanjiku Muhia;
2. The Hon. Joseph Limo;
3. The Hon. Daniel Maanzo; and
4. The Hon. Timothy Bosire.

I thank you."

b) Officers from Bungoma County Assembly

"Honorable Senators,

Hon. Members, I am pleased to acknowledge and welcome to the Senate this afternoon, visiting staff of the Bungoma County Assembly who are seated at the Speaker's Gallery.

I request the officers to stand to be acknowledged when their name is called out, so that they may be acknowledged in our usual Senate tradition.

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| 1. Wamukota Situma | Serjeant-at-Arms |
| 2. Robert Mumbwani | Commissionaire |
| 3. Benedict Kimwei | Commissionaire |
| 4. Cornelia Nyogesa | Secretary |
| 5. Winne Simuli | Secretary |

I take this opportunity on behalf of the Senate and on my own behalf, to wish the delegation a happy and fruitful visit in the Senate.

I thank you."

4. PETITIONS

The following Petitions were reported to the Senate-

i) Need to reduce the number of devolved units in Kenya

Pursuant to Standing Order 220 (1) (a), and 225 (2) (b), the Speaker reported to the Senate a petition received from Maj. (Rtd) Joel Kiprono Rop, a resident of Bomet County concerning the need to reduce the number of devolved units in Kenya.

Pursuant to Standing Order 226, the Speaker invited Senators to comment on the petition and directed that the Petition be committed to the Standing Committee on Legal Affairs and Human Rights pursuant to Standing Order 227.

ii) **The implementation by counties of the Urban Areas and Cities Act (No. 13 of 2011)**

Pursuant to Standing Order 220 (1) (a), and 225 (2) (b), the Speaker reported to the Senate a petition received from Hon. Dan Kazungu, a Member of the National Assembly representing Malindi Constituency in Kilifi County concerning the implementation, in counties, of the Urban Areas and Cities Act (No. 13 of 2011).

Pursuant to Standing Order 226, the Speaker invited Senators to comment on the petition and directed that the Petition be committed to the Standing Committee on Legal Affairs and Human Rights pursuant to Standing Order 227 taking into account the views of the Committee on Devolved Government.

5. **PAPERS LAID**

The following Paper was laid on the Table of the House:-

- i) Report of the Select Committee of the Senate on Constitutional and Legal Review.

(The Chairperson of the Select Committee)

6. **NOTICE OF MOTION** - (The Chairperson of the Select Committee)

THAT, this House adopts the Report of the Select Committee of the Senate on Constitutional and Legal Review laid on the Table of the House today, Wednesday, 23rd September 2015.

7. **STATEMENTS**

Pursuant to standing order 45(2)(b), the Vice-Chairperson of the Standing Committee on Information and Technology issued a statement regarding malfunctioning of Samsung mobile phones.

Thereupon, the Vice-Chairperson informed the Senate that malfunctioning of some Samsung mobile phones may have been caused by installation, by users, of incompatible applications or simultaneous running of applications beyond the memory capacity of the mobile phone. The Vice-Chairperson

also informed the Senate that malfunctioning could also have been caused by purchase of and/or use of counterfeit brands which attract purchasers due to their low prices.

The Vice-Chairperson stated that the government, through the Communications Authority of Kenya (CAK), undertakes assessments of communication devices to ascertain whether they meet required standards. The Ministry of Information, Communication and Technology, through the Anti-counterfeit Authority of Kenya, was also running a sensitization campaign to educate the public against purchase of counterfeit goods.

The Vice-Chairperson advised the public to verify whether the devices they were purchasing were genuine before buying which in the case of mobile phones could be done through the short messaging service (SMS) by sending the serial number of the mobile device to mobile code 1555.

8. **THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILL NO. 35 OF 2014)**

Order for Second Reading read;

Order deferred.

9. **COMMITTEE OF THE WHOLE**

THE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2014)

Order for Committee read;

Order deferred.

10. **COMMITTEE OF THE WHOLE**

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

Order for Committee read;

Order deferred.

11. **COMMITTEE OF THE WHOLE**

THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 32 OF 2014)

Order for Committee read;

Order deferred.

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

(Sen. Stephen Sang)

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Office of the County Printer Bill (Senate Bill No. 42 of 2014) be now read a Second Time.

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

Debate arising;

There being no other Senator willing to contribute;

Mover replied;

Raising a point of order, pursuant to Standing Order 54 (3), Vice-Chairperson, Standing Committee on Legal Affairs and Human Rights requested the Speaker to defer putting of the question to another day;

And the Temporary Speaker (Sen. (Dr.) Machage) acceding to the request, deferred putting of the question to Thursday, 24th September, 2015.

13. **THE SENIOR CITIZENS CARE AND PROTECTION BILL (SENATE BILL NO. 43 OF 2014)**

(Sen. (Prof.) Wilfred Lesan)

Order for Second Reading read;

Order deferred.

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

Order for Second Reading read;

Order deferred.

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

Order for Second Reading read;

Order deferred.

And the time being forty five minutes past Five O'clock the Temporary Speaker (Sen. (Dr.) Machage) adjourned the business of the Senate without Question put, pursuant to the Standing Orders.

16. SENATE ROSE - at forty five minutes past Five O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Thursday, September 24, 2015 at 2.30 p.m.*

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