



**REPUBLIC OF KENYA**

**THE SENATE**

**ELEVENTH PARLIAMENT – THIRD SESSION**

**VOTES AND PROCEEDINGS**

**TUESDAY, 24<sup>TH</sup> MARCH, 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 ON THE SPECIAL SITTING OF PARLIAMENT**

The Speaker conveyed the following communication from the Chair-

**“Honourable Senators,**

As you may be aware, Article 132(1)(b) of the Constitution and Standing Order 22(1) of the Senate Standing Orders, requires the President to address a Special Sitting of Parliament once every year and at any other time.

By a letter Ref. No. OP/CAB.1/40 dated 16<sup>th</sup> March, 2015, addressed to the Clerks of Parliament, the office of the President requested Parliament to set a date for the Presidential address to Parliament. Upon the Speaker consulting the Speaker of the National Assembly, it was resolved that H.E the President addresses Parliament on Thursday 26<sup>th</sup> March, 2015.

**Honourable Senators,**

This is therefore to inform you that a Special Sitting of Parliament will be held on Thursday, 26<sup>th</sup> March, 2015 at 2.30 pm, in the National Assembly Chamber. H.E the President will also use the occasion, pursuant to Article 132(1)(c) (i) to report, on all the measures taken and the progress achieved in the realization of the national values set out in Article 10 of the Constitution. Further, pursuant to Article 240 (7) of the Constitution, H.E the President will also report on the state of security of Kenya.

I therefore urge all Honourable Senators to attend the Special Sitting which is an important occasion in the calendar of Parliament that provides the opportunity for H.E the President, to deliver the State of the Nation Address and to address the Legislature and the people of Kenya on critical matters concerning the country.

**Honourable Senators,**

Due to limited sitting space, Senators and Members of the National Assembly will be at liberty to invite one guest each for the occasion and you are hereby requested to provide the names of such guests at the Senate reception to facilitate the preparation of formal invitation cards.

**Honourable Senators,**

The Special Sitting has necessitated a re-arrangement of parking. Consequently, the current Senators' parking area here at the Main Parliament Building will be unavailable for parking on Thursday, 26<sup>th</sup> March, 2015. Please do also note that access to Parliament through the parking area formerly known as the Ministers Gate will remain restricted from tomorrow, 25<sup>th</sup> March, 2015, to facilitate the pitching of tents for refreshments for that particular day.

Alternative arrangements have been made for parking at the COMESA Grounds of the KICC and I urge Hon. Senators to bear with the situation.

I thank you."

#### **4. PETITION BY THREE MEDIA HOUSES ON DIGITAL MIGRATION**

Pursuant to Standing Order 220 (1) (a), the Speaker presented a petition on behalf of three media houses on digital migration.

Pursuant to Standing Order 226, the Speaker invited Senators to comment on the petition and pursuant to Standing Order 227, the Speaker directed that the petition be committed to the Standing Committee on Information, Communication and Technology.

#### **5. PAPERS LAID**

The following papers were laid on the Table of the Senate-

- a) Report of the Standing Committee on Land and Natural Resources on the Environmental Management and Coordination (Amendment) Bill, 2014.  
*(Chairperson, Standing Committee on Land and Natural Resources)*
- b) The Public Finance Management (Equalization Fund) Guidelines, 2015.  
*(Chairperson, Sessional Committee on Delegated Legislation)*

- c) Report of the Standing Committee on Information, Communication and Technology on its visit to Konza Techno-City on 19<sup>th</sup> November, 2014.

*(Chairperson, Standing Committee on Information, Communication and Technology)*

**6. NOTICE OF MOTION** - (Sen. Keter on behalf of the Senate Majority Leader)

**THAT**, pursuant to Standing Order 30(3)(b), the Senate resolves to meet at 9.00 a.m. with effect from Wednesday, 25<sup>th</sup> March, 2015 to Thursday, 2<sup>nd</sup> April, 2015, every sitting day excluding Thursday, 26<sup>th</sup> March, 2015.

**7. PROCEDURAL MOTION TO SIT AT 9.00 A.M. ON SITTING DAYS WITH EFFECT FROM WEDNESDAY, 25<sup>TH</sup> MARCH, 2015 TO THURSDAY, 2<sup>ND</sup> APRIL, 2015 EXCLUDING THURSDAY, 26<sup>TH</sup> MARCH, 2015**

Motion made and Question proposed;

**THAT**, pursuant to Standing Order 30(3)(b), the Senate resolves to meet at 9.00 a.m. with effect from Wednesday, 25<sup>th</sup> March, 2015 to Thursday, 2<sup>nd</sup> April, 2015, every sitting day excluding Thursday, 26<sup>th</sup> March, 2015.

*(Sen. Keter on behalf of the Senate Majority Leader)*

Debate arising;

Mover replied;

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 30(3)(b), the Senate resolves to meet at 9.00 a.m. with effect from Wednesday, 25<sup>th</sup> March, 2015 to Thursday, 2<sup>nd</sup> April, 2015, every sitting day excluding Thursday, 26<sup>th</sup> March, 2015.

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

(Sen. Martha Wangari)

Order for First Reading read;

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

**9. THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILL NO. 34 OF 2014)**

Order for Second Reading Read;

Motion made and Question proposed-

**THAT** the Natural Resources (Benefit Sharing) Bill (Senate Bill No. 34 of 2014) be now read a second time.  
(*Sen. (Dr.) Agnes Zani - 19.3.15- Division*)

Before the Question on the Motion was put, and pursuant to Standing Order No. 72, the Speaker informed the House that the Motion affected counties and voting would be by Delegations.

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 requested Senators 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 the provisions of Standing Order 74 (5), the Speaker allowed four Senators to record their votes verbally.

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

1. Sen. Adan Dullo Fatuma
2. Sen. Karaba Dickson
3. Sen. Khalwale Boni
4. Sen. Ntutu Stephen

Upon a Division, Question **agreed to.**

The results of the Division were as follows:-

**AYES – 27**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Adan Dullo Fatuma – Voted verbally on behalf of Isiolo County
2. Sen. Billow Adan Kerrow
3. Sen. Boy Juma Boy
4. Sen. Elachi Beatrice – Voted on behalf of Nairobi County
5. Sen. Hargura Godana
6. Sen. Hassan Abdirahman Ali
7. Sen. Hassan Omar Hassan
8. Sen. Kajwang' Moses

9. Sen. Karaba Dickson – Voted verbally
10. Sen. Kariuki Godfrey
11. Sen. Keter Charles
12. Sen. Khalwale Boni – Voted verbally
13. Sen. Khaniri George
14. Sen. Kiyonga John Munyes
15. Sen. (Prof.) Lesan Wilfred
16. Sen. (Prof.) Lonyangapuo John
17. Sen. (Dr.) Machage Wilfred Gisuka
18. Sen. Madzayo Stewart
19. Sen. Mungai James
20. Sen. Muriuki Karue
21. Sen. Murkomen Onesmus Kipchumba
22. Sen. Murungi Kiraitu
23. Sen. Mutahi Kagwe
24. Sen. Ndiema Henry Tiole
25. Sen. Ntutu Stephen Kanyinke
26. Sen. Obure Christopher Mogere
27. Sen. Sang' Stephen Kipyego

#### **10. COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE** - the Acting Chairperson of Committees - Sen. (Dr.)  
Machage - in the Chair)

#### **The Alcoholic Drinks Control (Amendment) Bill (Senate Bill No. 5 of 2014)**

Raising a Point of Order, the Senator for Kericho County, (Sen. Keter) moved that the Committee of the Whole reports progress on the Alcoholic Drinks Control (Amendment) Bill (Senate Bill No. 5 of 2014) and seeks leave to sit again tomorrow.

And the Acting Chairperson of Committees acceding to the request;

Before the question was put and pursuant to Standing Order 72, the Acting Chairperson of Committees ruled that the question did not affect counties;

Question put and **agreed to.**

#### **11. HOUSE RESUMED – Temporary Speaker – (Sen. Murkomen)- in the Chair)**

Progress Reported.

Motion made and Question proposed-

**THAT** the House do agree with the Committee in the said report.  
(*Sen. Charles Keter*)

Debate arising;

There being no other Senator wishing to contribute;

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

Question put and agreed to.

**12. THE PUBLIC SERVICE (VALUES AND PRINCIPLES) BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2014)**

Order for Second Reading read;

Motion made and Question proposed:-

**THAT**, the Public Service (Values and Principles) Bill (National Assembly Bill No. 29 of 2014) be now read a Second Time.

*(The Senate Majority Leader- 19.3.2015)*

Debate interrupted on Thursday, 19<sup>th</sup> March, 2015 resumed;

There being no other Senator wishing to contribute;

Raising a Point of Order and pursuant to Standing Order 54 (3), the Senator for Elgeyo Marakwet County (Sen. Murkomen) requested the Temporary 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 another day.

**13. THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2014)**

*(The Senate Majority Leader)*

Order for Second Reading read;

Order deferred.

**14. THE NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2013)**

*(The Senate Majority Leader)*

Order for Second Reading read;

Order deferred.

**15. THE MINING BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2014)**

*(The Senate Majority Leader)*

Order for Second Reading read;

Order deferred.

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

(Chairperson of the Standing Committee on Labour and Social Welfare)

Order for Second Reading read;

Order deferred.

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

(Sen. Kiraitu Murungi)

Order for Second Reading read;

Order deferred.

**18. THE NATIONAL GOVERNMENT COORDINATION (AMENDMENT) BILL  
(SENATE BILL NO. 30 OF 2014)**

(Sen. (Prof.) John Lonyangapuo)

Order for Second Reading read;

Order deferred.

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

(Chairperson of the Standing Committee on Education)

Order for Second Reading read;

Order deferred.

And there being no other business, and the time being forty five minutes past five O'clock, the Temporary Speaker (Sen. (Dr.) Machage) adjourned the Senate without Question put pursuant to the Standing Orders.

**20. SENATE ROSE** - at forty five minutes past five O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Wednesday, March 25, 2015 at 9.00 a.m.*

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