



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – THIRD SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 25, 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 COMMENDING THE FIRST LADY FOR "BEYOND ZERO" CAMPAIGN INITIATIVE

The Speaker made the following Communication from the Chair-

**"Honourable Senators,**

As you may be aware, on Saturday, 8<sup>th</sup> March 2015, the First Lady of the Republic of Kenya, Her Excellency Margaret Kenyatta, led close to 20,000 people to participate in the 2<sup>nd</sup> edition of the *Beyond Zero Campaign Half Marathon*. The goal of the marathon was to raise funds to improve access to healthcare services to the Kenyan people, especially expectant mothers and children. Hon. Senators may recall that the theme of the marathon was: ***"no woman should die while giving life."***

I may also wish to recall that the inaugural marathon was held last year 9<sup>th</sup> March, 2014 and that this second marathon, coincided with the International Women's Day, 2015 whose theme was ***'Make it happen'***. That coincidence underscored the centrality of the important role played by women as integral members of the world's humanity and hence the need to recognize and lend them our support.

The noble initiative was undertaken in the greater effort to afford maternal healthcare to all mothers so that their children can enjoy life "Beyond Zero", irrespective of their region or place of birth. This is indeed unprecedented and deserves our commendation and support. It will go a long way towards the realization of MDGs 4 and 5 which states-

*Millennium Development Goal (MDG) 4. To reduce child mortality*

*Millennium Development Goal (MDG) 5 is to improve maternal health by reducing maternal mortality by three quarters and achieving universal access to reproductive health.*

Globally, the maternal mortality ratio has declined by 47 percent over the past two decades, from 400 maternal deaths per 100,000 live births in 1990 to 210 in 2010. However, in Kenya, maternal mortality ratio remains at an unacceptably high level of 488 deaths per 100,000 live births. This ratio has almost remained constant since 1990 (Kenya National Bureau of Statistics and ICF Macro, 2010).

There are wide regional disparities in maternal mortality within the country, with maternal deaths representing about 15 % of all deaths of women aged 15-49 years, which translates to an estimated 6,000 to 8,000 pregnant women dying every year. The disparities in maternal mortality between counties are considerable, where the county with highest maternal mortality ratio has 20 times the deaths of that with the lowest. The fifteen counties with the highest number of maternal deaths and highest maternal mortality ratio contribute over 98% of the national total, and include the following counties:

Mandera, Wajir, Garissa, Lamu, Taita-Taveta, Marsabit, Isiolo, Turkana, Nakuru, Migori, Homa Bay, Kisumu, Siaya, Kakamega, and Nairobi.

**Honourable Senators,**

You will undoubtedly agree with me that this noble drive initiated by the First Lady, which has received overwhelming support from thousands of people from all walks of life, is not only patriotic but also human centered given the impact witnessed so far. Health being a fully devolved function, it is noteworthy to mention that the proceeds from the first marathon, some twenty-one (21) fully-equipped mobile clinics have so far been procured and been distributed to the following counties which were prioritized because they have higher incidences of maternal and infant mortality-

1. Taita Taveta,
2. Nyeri,
3. Homa Bay,
4. Samburu,
5. Laikipia,
6. Tharaka Nithi,
7. Baringo,
8. Isiolo,
9. Narok,
10. Turkana,
11. Marsabit,
12. Siaya,

13. Kisii,
14. Kiambu,
15. Kitui,
16. Mombasa,
17. Kilifi,
18. Kwale,
19. Uasin Gishu,
20. Elgeyo Marakwet, and
21. Wajir.

**Honourable Senators,**

And for your information of Hon. Senators, the First Lady officially launched 9<sup>th</sup> Stop Cervical, Breast and Prostate Cancer in Africa (SCCA) Conference on Wednesday, 18<sup>th</sup> March, 2015, here in Nairobi which is an initiative spearheaded by African First Ladies. The actual conference will be held from 19<sup>th</sup> to 21<sup>st</sup> July, 2015 and will be hosted by the First Lady. Our Senate has been requested to participate fully.

Hon. Senators, it is my firm persuasion the First Lady's efforts towards improving health should be commended. I therefore take this opportunity, on your behalf and on my behalf, to commend and applaud the First Lady for her exceptional focus and tireless efforts in promoting the *Beyond Zero* initiative which will afford healthcare services to many Kenyans who would otherwise never have accessed such services. I also laud her for being a good role model to our young girls and indeed many others who care about humanity.

Finally, I want to convey my appreciation and commend all the Senators and Members of the National Assembly in general who participated in this event.

I thank you."

**4. PAPERS LAID**

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

- a) Report of the Standing Committee on Agriculture, Livestock and Fisheries on the high level food security workshop held on 5<sup>th</sup> to 8<sup>th</sup> June, 2014.
- b) Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Petition by small scale tea growers from Murang'a County.  
*(The Vice - Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries)*
- c) The Kenya National Housing Survey Basic Report for 2012/2013.  
*(The Chairperson of the Standing Committee on Land and Natural Resources)*

- d) Statement by the Senate Majority Leader regarding the Business of the Senate for the week commencing 31<sup>st</sup> March, 2015.

*(The Senate Majority Leader)*

5. **NOTICE OF MOTION**-(Chairperson, Standing Committee on Finance, Commerce and Budget)

**THAT**, this House adopts the Report of the Standing Committee on Finance, Commerce and Budget on the matter of Budget ceilings on recurrent expenditure for County Governments for the FY 2014/15, laid on the Table of the Senate on Thursday, 19<sup>th</sup> March, 2015.

6. **NOTICE OF MOTION** (Vice-Chairperson Standing Committee on Agriculture, Livestock and Fisheries)

**THAT**, this House adopts the Report of the Standing Committee on Agriculture, Livestock and Fisheries on the high level food security workshop held on 5<sup>th</sup> to 8<sup>th</sup> June, 2014.

7. **STATEMENTS PURSUANT TO STANDING ORDER 45**

Pursuant to Standing Order 45(2) (c), the Senate Majority Leader issued Statement regarding the Business of the Senate for the week commencing Tuesday, 31<sup>st</sup> March, 2015.

8. **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 - 19.03.2015)*

Debate interrupted on Tuesday, 24<sup>th</sup> March, 2015 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 bar be drawn and the doors be locked and 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 Chairperson allowed five Senators to record their votes verbally.

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

1. Sen. Adan Dullo Fatuma
2. Sen. Kariuki Godfrey Gitahi
3. Sen. Khalwale Boni
4. Sen. Ntutu Stephen
5. Sen. Wako Sitswila Amos

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

**AYES**

1. Sen. Adan Fatuma Dulo - voted verbally on behalf of Isiolo County
2. Sen. Billow Adan Kerrow
3. Sen. Chiaba Abu Mohamed
4. Sen. Elachi Beatrice - voted on behalf of Nairobi City County
5. Sen. Hassan Omar Hassan
6. Sen. Kajwang' Moses
7. Sen. Kariuki Godfrey Gitahi- voted verbally
8. Sen. Keter Charles Cheruiyot
9. Sen. Khalwale Boni - voted verbally
10. Sen. Khaniri George
11. Sen. Kilonzo Mutula Junior
12. Sen. Kimani Paul Wamatangi
13. Sen. Kindiki Kithure
14. Sen. Kivuti Lenny Maxwel
15. Sen. Leshore Sammy Prisa
16. Sen. Machage Wilfred Gisuka
17. Sen. Melly Isaac Kipkemboi
18. Sen. Mohamud Halima Abdille - voted on behalf of Wajir County
19. Sen. Mositet Peter Korinko
20. Sen. Muriuki Karue Muriuki
21. Sen. Mutahi Kagwe
22. Sen. Muthama Johnson Nduya
23. Sen. Ndiema Henry Tirole
24. Sen. Ntutu Stephen - voted verbally
25. Sen. Obure Christopher Mogere
26. Sen. Orengo James
27. Sen. Wako Sitswila Amos - voted verbally
28. Sen. Wetang'ula Moses Masika

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

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

Order for Second Reading read;

Motion made and Question proposed;

**THAT**, the Environmental Management and Co-Ordination (Amendment) Bill (National Assembly Bill No. 31 of 2014) be now read a Second time.  
*(The Senate Majority Leader - 25.03.2015 (morning sitting))*

Debate interrupted on Wednesday, 25<sup>th</sup> March, 2015 (morning sitting) 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 bar be drawn and the doors be locked and 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 Chairperson allowed six Senators to record their votes verbally.

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

1. Sen. Adan Dullo Fatuma
2. Sen. Kariuki Godfrey Gitahi
3. Sen. Khalwale Boni
4. Sen. Musila David
5. Sen. Ntutu Stephen
6. Sen. Wako Sitswila Amos

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 27

NOES - 0

ABSTENTIONS - 0

**AYES**

1. Sen. Adan Fatuma Dulo - voted verbally on behalf of Isiolo County
2. Sen. Billow Adan Kerrow
3. Sen. Chiaba Abu Mohamed
4. Sen. Elachi Beatrice - on behalf of Nairobi City County
5. Sen. Hassan Omar Hassan
6. Sen. Kajwang' Moses

7. Sen. Kariuki Godfrey Gitahi- voted verbally
8. Sen. Keter Charles Cheruiyot
9. Sen. Khalwale Boni - voted verbally
10. Sen. Khaniri George
11. Sen. Kilonzo Mutula Junior
12. Sen. Kimani Paul Wamatangi
13. Sen. Kindiki Kithure
14. Sen. Leshore Sammy Prisa
15. Sen. Machage Wilfred Gisuka
16. Sen. Melly Isaac Kipkemboi
17. Sen. Mositet Peter Korinko
18. Sen. Muriuki Karue Muriuki
19. Sen. Musila David - voted verbally
20. Sen. Mutahi Kagwe
21. Sen. Muthama Johnson Nduya
22. Sen. Ndiema Henry Tiolo
23. Sen. Ntutu Stephen - voted verbally
24. Sen. Obure Christopher Mogere
25. Sen. Orengo James
26. Sen. Wako Sitswila Amos - voted verbally
27. Sen. Wetangula Moses Masika

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

10. **THE NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2014)**

Order for Second Reading Read;

Motion made and Question proposed-

**THAT**, the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013) be now read a Second Time.

*(Senate Majority Leader – 25.03.2015 (morning sitting))*

Debate interrupted on Wednesday, 25<sup>th</sup> March, 2015 (morning sitting) resumed;

There being no other Senator willing to contribute;

Raising a point of order, and pursuant to Standing Order 54 (3), the Senator for Tharaka Nithi County (Sen. (Prof.) Kithure Kindiki) requested the Temporary Speaker to defer putting the Question to another day;

And the Temporary Speaker (Sen. Kipchumba Murkomen) acceding to the request, deferred putting the question to another day.

11. **SUSPENSION OF A SENATOR PURSUANT TO PROVISIONS OF STANDING ORDER 110 (2) (a)**

Pursuant to provisions of Standing Order 110 (2) (a), the Temporary Speaker (Sen. Peter Mositet) ordered the Senator for Kakamega County (Sen. Boni Khalwale) to withdraw from the precincts of Parliament for the remainder of the sitting day for gross disorderly conduct;

Thereupon, the Senator withdrew from the Chamber.

12. **MOTION TO EXTEND THE SITTING TIME OF THE SENATE**

Motion made and Question proposed;

**THAT**, pursuant to the provisions of Standing Order No. 30(3) (a), the Senate resolves to extend its sitting time today, Wednesday, 25<sup>th</sup> March, 2015 until conclusion of Order No. 13 on the Mining Bill (National Assembly Bill No. 8 of 2014) and Order No. 11, Motion by the Standing Committee on Finance, Commerce and Budget.

*(The Senate Majority Leader)*

Debate arising;

Mover replied;

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

Question put and **agreed to.**

**RESOLVED ACCORDINGLY**

**THAT**, pursuant to the provisions of Standing Order No. 30(3) (a), the Senate resolves to extend its sitting time today, Wednesday, 25<sup>th</sup> March, 2015 until conclusion of Order No. 13 on the Mining Bill (National Assembly Bill No. 8 of 2014) and Order No. 11, Motion by the Standing Committee on Finance, Commerce and Budget.

13. **MOTION TO ELECT A TEMPORARY SPEAKER**

Motion made and Question proposed;

**THAT**, pursuant to the provisions of Standing Order No. 18 and Article 107 (1) (c) of the Constitution, the Senate resolves to elect Senator Stephen Sang' to preside over the sitting of the Senate for the remainder of today's sitting, 25<sup>th</sup> March, 2015.

*(Sen. Charles Keter)*



Debate arising;

Mover replied;

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

Question put and **agreed to.**

**RESOLVED ACCORDINGLY**

**THAT**, pursuant to the provisions of Standing Order No. 18 and Article 107 (1) (c) of the Constitution, the Senate resolves to elect Senator Stephen Sang' to preside over the sitting of the Senate for the remainder of today's sitting, 25<sup>th</sup> March, 2015.

14. **MOTION- ADOPTION OF THE REPORT ON BUDGET CEILINGS ON RECURRENT EXPENDITURE FOR COUNTY GOVERNMENTS FOR THE FY 2014/15**

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

**THAT**, this House adopts the Report of the Standing Committee on Finance, Commerce and Budget on the matter of Budget ceilings on recurrent expenditure for County Governments for the FY 2014/15, laid on the Table of the Senate on Thursday, 19<sup>th</sup> March, 2015.

Order Deferred.

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

Order for Second Reading Read;

Motion made and Question proposed-

**THAT**, the Mining Bill (National Assembly Bill No. 8 of 2014) be now read a Second Time.

*(The Senate Majority Leader)*

Debate arising;

There being no other Senator willing to contribute;

The Mover replied;

Raising a point of order, and pursuant to Standing Order 54 (3), the Senator for Tharaka Nithi County (Sen. (Prof.) Kithure Kindiki) requested the Temporary Speaker to defer putting the Question to another day;

And the Temporary Speaker (Sen. Kipchumba Murkomen) acceding to the request, deferred putting of the question to another day.

And there being no other business and the time being thirty seven minutes past eight O'clock, the Temporary Speaker (Sen. Kipchumba Murkomen) adjourned the Senate without Question put pursuant to the Standing Orders.

16. **SENATE ROSE** - at thirty seven minutes past eight O'clock.

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

*The Speaker will take the Chair on  
Thursday, March 26, 2015 at 2.30 p.m  
(in the National Assembly Chamber for a Joint Sitting of Parliament).*

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