



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FIFTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, MAY 25, 2017 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. COMMUNICATION FROM THE CHAIR ON THE CONVENING OF A SPECIAL SITTING OF THE SENATE

The Speaker conveyed the following communication-

“Honourable Senators, let me take this opportunity to welcome you back for this Special Sitting during the Fifth Session of the Senate and thank you for finding time from your busy schedules to attend the sitting. I am aware of the busy schedules each of you has at such a critical time as this in our election calendar.

Honourable Senators, By a letter dated 17th May, 2017, and pursuant to Standing Order 29 (1) of the Senate, the Senate Majority Leader and Senate Minority Leader supported by the requisite number of Senators, requested the Speaker to convene a Special Sitting of the Senate to conclude consideration of the following business-

- a) The report of the Joint Parliamentary Select Committee on the election of members to the East African Legislative Assembly (EALA);
- b) Bills pending before the Senate; and
- c) Petitions due for presentation or reporting to the Senate.

Honourable Senators, following consideration of the request by the Senate Majority Leader and the Senate Minority Leader, I was satisfied that it met the requirements of Standing Order 29 (2). It is in this respect that I

convened this special sitting of the Senate via *Gazette Notice* No. 4898 dated 22nd May, 2017.

Honourable Senators, as required by Standing Order 29 (5), the Gazette Notice specified the business to be transacted at this sitting and it is the business scheduled in today's Order Paper. Indeed, as specified and in accordance with standing order 29(5) of the Senate, the business listed shall be the only business before the Senate during this Special Sitting.

Honourable Senators, although this special sitting comes at a time when we are through with political party primaries and about to enter into the official campaign period for the August, 2017 general elections, the Senate has to discharge its mandate up to the end of its term. I am glad that you all heeded to the call of your constitutional duty and came. I would like to reiterate that in accordance with Article 123 of the Constitution and standing order 71, for the Senate to approve some of the business scheduled in today's Order Paper, the support of a majority of all delegations (that is 24 delegations) is required.

I therefore urge you all to remain in the Chamber for the transaction of business as scheduled and until the conclusion of business.

I thank you".

4. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE PASSAGE OF THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2016) AND THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING PROMOTION BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2016)**

"Honourable. Senators,

I wish to report to the Senate that, pursuant to Standing Order 40 (3) and (5), I received the following Message from the Speaker of the National Assembly, on 22nd May, 2017, regarding the passage by the Assembly, of the Sacco Societies (Amendment) Bill (National Assembly Bill No. 22 of 2016) and the Livestock and Livestock Products Marketing Promotion Bill (National Assembly Bill No. 42 of 2016)-

"PURSUANT to the provisions of Standing Orders 41 and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the Sacco Societies (Amendment) Bill (National Assembly Bill No. 22 of 2016) was published *vide* Kenya Gazette Supplement No. 97 of 24th June, 2016 to amend the Sacco Societies Act, 2008 to provide for the registration and licensing of Sacco Societies as deposit taking savings and credit co-operatives and expand the current credit information sharing mechanism to include Sacco Societies with other licenced financial institutions;

WHEREAS, on 29th and 30th March, 2017, the National Assembly considered and **passed** the said Bill **with amendments** and in the form attached hereto;

FURTHER WHEREAS, the Livestock and Livestock Products Marketing Promotion Bill (National Assembly Bill No. 42 of 2016) was published *vide* Kenya Gazette Supplement No. 178 of 16th November 2016 to streamline the marketing of livestock products in Kenya by consolidating the regulation of the sector from various entities;

AND WHEREAS, on 5th April, 2017, the National Assembly considered and **passed** the said Bill **with amendments** and in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110 (4) of the Constitution and Standing Order 41 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration."

Hon. Senators,

Pursuant to standing order No. 148 which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with standing order No. 129, I now direct that the two Bills be read a First Time this afternoon.

I thank you."

5. **PETITIONS**

a) The following Petitions were presented to the Senate-

- i. Pursuant to Standing Order 220(1) (a) and 225(2) (b), the Speaker presented a Petition by Justus Mutunga Mutuku on alleged corruption and nepotism at the Makueni County Executive.

Pursuant to Standing Order 226, the Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to

the Standing Committee on Finance, Commerce and Budget pursuant to Standing Order 227.

- ii. Pursuant to Standing Order 220(1) (a) and 225(2) (b), the Speaker presented to the Senate a Petition by Mr. John Gitau a resident of Nakuru County on alleged wrongful dismissal from the public service.

Pursuant to Standing Order 226, the Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Labour and Social Welfare pursuant to Standing Order 227.

- iii. Pursuant to Standing Order 220(1) (a) and 225(2) (b), the Speaker presented to the Senate a petition by the Governor of Nairobi City County, Dr. Evans Kidero, on settlement of various debts owed to the Nairobi City County Government by the National Government and its agencies.

Pursuant to Standing Order 226, the Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Finance, Commerce and Budget pursuant to Standing Order 227.

- iv. Pursuant to Standing Order 220(1) (a) and 225(2) (b), the Speaker presented to the Senate a petition by the Governor of Kisii County, Hon. James E.O. Ongwae, for variation of the Boundaries of Nyangweta forest in South Mugirango sub-County, Kisii County.

Pursuant to Standing Order 226, the Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Finance, Commerce and Budget pursuant to Standing Order 227.

b) The following report on Petition was laid on the Table of the Senate, pursuant to Standing Order 227(2)-

Report of the Standing Committee on Agriculture, Livestock and Fisheries on a Petition by Mr. Gideon Kiprotich (a resident of Kericho County) on the distribution of subsidized fertilizer and free seeds to farmers.

(Vice Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries)

6. **PAPERS LAID**

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

- (i) Report of the Joint Parliamentary Select Committee on the Election of members of the East African Legislative Assembly; and

(The Senate Majority Leader on behalf of the Co-Chairperson, Joint Parliamentary Select Committee)

- (ii) Report of the Mediation Committee on the Health Bill (National Assembly Bill No. 14 of 2015).

(The Chairperson, Mediation Committee)

7. **NOTICE OF MOTION** – (The Senate Majority Leader on behalf of the Co-Chairperson, Joint Parliamentary Select Committee)

THAT, the Senate adopts the Report of the Joint Select Committee on the Election of members to the East African Legislative Assembly (EALA) laid on the Table of the House on Thursday, 25th May, 2017.

8. **NOTICE OF MOTION** – (The Chairperson, Mediation Committee)

THAT, the Senate adopts the Report of the Mediation Committee on the Health Bill (National Assembly Bill No. 14 of 2015) laid on the Table of the Senate on Thursday, 25th May, 2017 and pursuant to Article 113 of the Constitution and Standing Order 155 (3) of the Senate Standing Orders, approves the mediated version of the Bill.

9. **THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILL NO.1 OF 2017)**
(Sen. Judith Sijeny)

Order for First Reading Read;

Bill Read a First Time and Committed to the Standing Committee on Legal Affairs and Human Rights.

10. **THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2016)**
(The Senate Majority Leader)

Order for First Reading Read;

Bill Read a First Time and Committed to the Standing Committee on Finance, Commerce and Budget.

11. **THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING AND PROMOTION BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2016)**
(The Senate Majority Leader)

Order for First Reading Read;

Bill Read a First Time and Committed to the Standing Committee on Agriculture, Livestock and Fisheries.

12. **MOTION – ADOPTION OF THE REPORT OF THE JOINT SELECT COMMITTEE ON THE ELECTION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

Motion made and Question proposed-

THAT, the Senate adopts the Report of the Joint Select Committee on the Election of members to the East African Legislative Assembly (EALA) laid on the Table of the House on Thursday, 25th May, 2017.

(The Senate Majority Leader on behalf of the Co- Chairperson, Joint Select Committee)

Debate arising;

Amendment proposed

Motion made and Question proposed;

THAT, the motion be amended by inserting the following words immediately after the '2017' –

"Subject to the deletion of recommendations 3, 5, 6 and 7 appearing on pages 16 and 17 of the Report."

(Sen. Moses Kajwang')

Debate arising;

And there being no other Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 72, the Speaker informed the Senate that the Question of the amendment did not affect Counties.

Question put and negatived.

Debate on the original Motion resumed;

And there being no other Senator wishing to contribute;

Mover replied;

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

Question of the Motion, put and agreed to.

RESOLVED ACCORDINGLY-

THAT, the Senate adopts the Report of the Joint Select Committee on the Election of members to the East African Legislative Assembly (EALA) laid on the Table of the House on Thursday, 25th May, 2017.

13. **COMMITTEE OF THE WHOLE**
THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 1 OF 2017)

(Chairperson, Standing Committee on Legal Affairs and Human Rights)
(Consideration of National Assembly Amendments)

(Resumption of debate interrupted on Wednesday, 1st March, 2017)

Order deferred.

14. **COMMITTEE OF THE WHOLE**
THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 10 OF 2015)

(Sen. Stephen Sang)

(Resumption of debate interrupted on Thursday, 16th February, 2017)

Order deferred.

15. **COMMITTEE OF THE WHOLE**
THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 8 OF 2015)

(Sen. Omar Hassan)

(Resumption of debate interrupted on Tuesday, 15th November, 2016)

Order deferred.

16. **COMMITTEE OF THE WHOLE**
THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2015)

(Sen. Godliver Omondi)

(Resumption of debate interrupted on Tuesday, 15th November, 2016)

Order deferred.

17. COMMITTEE OF THE WHOLE
THE NATIONAL CEREALS AND PRODUCE BOARD (AMENDMENT) BILL
(SENATE BILL NO. 15 OF 2015)
(Sen. Zipporah Kittony)

(Resumption of debate interrupted on Wednesday, 16th November, 2016)

Order for Committee deferred.

18. COMMITTEE OF THE WHOLE
THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO.
32 OF 2014)
(Chairperson, Standing Committee on Education)

(Consideration of National Assembly Amendments)

Order deferred.

19. COMMITTEE OF THE WHOLE
THE COUNTY GOVERNMENTS (AMENDMENT) (NO. 4) BILL (SENATE
BILL NO. 18 OF 2014)
(Sen. Kipchumba Murkomen)

Order deferred.

20. COMMITTEE OF THE WHOLE
THE MEDICAL PRACTITIONERS AND DENTIST (AMENDMENT) BILL
(SENATE BILL NO. 2 OF 2016)
(Sen. (Prof.) Wilfred Lesan)

Order deferred.

21. COMMITTEE OF THE WHOLE
THE AGRICULTURE, FISHERIES AND FOOD AUTHORITY
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2015)
(The Senate Majority Leader)

Order deferred.

22. COMMITTEE OF THE WHOLE
THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL (SENATE
BILL NO. 12 OF 2015)
(Sen. Paul Wamatangi)

Order deferred.

23. COMMITTEE OF THE WHOLE
THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL
(SENATE BILLS NO. 9 OF 2015)
(Sen. Martha Wangari)

Order deferred.

24. COMMITTEE OF THE WHOLE
THE SELF HELP ASSOCIATIONS BILL (SENATE BILL NO. 2 OF 2015)
(Sen. Martha Wangari)

Order deferred.

25. COMMITTEE OF THE WHOLE
THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL)
(AMENDMENT) BILL (SENATE BILL NO. 9 OF 2016)
(Sen. Fatuma Dullo)

Order deferred.

26. COMMITTEE OF THE WHOLE
THE COUNTY GOVERNMENTS (AMENDMENT) (NO. 2) BILL (SENATE
BILL NO.7 OF 2016)
(Sen. Mutula Kilonzo Junior)

Order deferred.

27. COMMITTEE OF THE WHOLE
THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL
(SENATE BILL NO. 5 OF 2016)
(Chairperson, Standing Committee on National Security and Foreign Relations)

Order deferred.

28. COMMITTEE OF THE WHOLE
THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY
BILL NO. 12 OF 2015)
(The Senate Majority Leader)

Order deferred.

29. COMMITTEE OF THE WHOLE
THE LOCAL CONTENT BILL (SENATE BILL NO. 13 OF 2016)
(Sen. Gideon Moi)

Order deferred.

30. COMMITTEE OF THE WHOLE
THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 8 OF 2016)
(Sen. (Eng.) Muriuki Karue)

Order deferred.
31. COMMITTEE OF THE WHOLE
THE PARLIAMENTARY POWERS AND PRIVILEGES BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)
(The Senate Majority Leader)

Order deferred.
32. COMMITTEE OF THE WHOLE
THE ASSUMPTION OF OFFICE OF GOVERNOR BILL (SENATE BILL NO. 10 OF 2016)
(Sen. Paul Kimani Wamatangi)

Order deferred.
33. COMMITTEE OF THE WHOLE
THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)
(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 15th November, 2016)

Order deferred.
34. COMMITTEE OF THE WHOLE
THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)
(The Senate Majority Leader)

(Resumption of debate interrupted on Wednesday, 9th November, 2016)

Order deferred.
35. COMMITTEE OF THE WHOLE
THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2013)
(The Senate Majority Leader)

Order deferred.

36. COMMITTEE OF THE WHOLE
THE COUNTY STATISTICS BILL (SENATE BILL NO. 11 OF 2016)
(Sen. Naisula Lesuuda)

Order deferred.
37. COMMITTEE OF THE WHOLE
THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)
(The Senate Majority Leader)

Order deferred.
38. THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2016)
(The Senate Majority Leader)

(Second Reading)
Order deferred.
39. THE COUNTY PENSION SCHEME BILL (SENATE BILL NO. 20 OF 2016)
(Chairperson, Standing Committee on Labour and Social Welfare)

(Second Reading)
Order deferred.
40. MOTION- ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO.14 OF 2015)

THAT, the Senate adopts the Report of the Mediation Committee on the Health Bill (National Assembly Bill No. 14 of 2015) laid on the Table of the Senate on Thursday, 25th May, 2017 and pursuant to Article 113 of the Constitution and standing order 155 (3) of the Senate Standing Orders, approves the mediated version of the Bill.

Order deferred.

And there being no other business on the Order Paper, the Temporary Speaker (Sen. (Dr) Machage), interrupted the proceedings at and adjourned the Senate without question put, pursuant to the Standing Orders.

41. SENATE ROSE – at Thirty eight Minutes past Five O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, June 13, 2017 at 2.30 p.m.*

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