



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, APRIL 27, 2016 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 VISITING DELEGATIONS FROM SIAYA AND VIHIGA COUNTY ASSEMBLIES ON BENCHMARKING VISIT AT THE SENATE

"Honorable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting members and staff from Siaya and Vihiga County Assemblies.

The County Assembly members and staff are here on benchmarking visits at the Senate.

I request each member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition.

They are:

From Siaya County Assembly-

- |                           |                    |
|---------------------------|--------------------|
| 1. Hon. Leonard Oriaro    |                    |
| 2. Hon. Peter Muhula      |                    |
| 3. Hon. Pius Ombiyo       |                    |
| 4. Hon. Rose Okite        |                    |
| 5. Hon. Anjeline Odhiambo |                    |
| 6. Hon. Walter Okello     |                    |
| 7. Agola Sylvester        | - Committee Clerk  |
| 8. Kennedy Opiyo          | - Serjeant-at-Arms |
| 9. David Owino            | - Driver           |

From Vihiga County Assembly-

- |     |                          |   |                  |
|-----|--------------------------|---|------------------|
| 1.  | Hon. Khalid Khamisi      | - | Chairperson      |
| 2.  | Hon. Zakayo Manyasa      | - | Vice Chairperson |
| 3.  | Hon. Reuben Ombima       | - | Member           |
| 4.  | Hon. Elizabeth Anaya     | - | Member           |
| 5.  | Hon. Dorcus Anupi        | - | Member           |
| 6.  | Hon. Maureen Ambasa      | - | Member           |
| 7.  | Hon. Wycliffe Masini     | - | Member           |
| 8.  | Hon. David Ogova         | - | Member           |
| 9.  | Hon. Wilberforce Kitiezo | - | Member           |
| 10. | Josephine Evelia         | - | Researcher       |
| 11. | Jemimah Seredi           | - | Clerk Assistant  |
| 12. | Damary Litabas           | - | Hansard Reporter |
| 13. | Rodgers Obuhuma          | - | Librarian        |
| 14. | Stephen Otenda           | - | Commissionaire   |
| 15. | Vincent Muhando          | - | Liaison Officer  |

I hope that they have a fruitful program.

On behalf of the Senate and on my own behalf, I welcome them to the Senate and I wish them well for the remainder of their stay.

I thank you."

#### 4. STATEMENTS PURSUANT TO STANDING ORDER 45 (2) (b)

- a) The Senator for Nandi County (Sen. Stephen Sang) sought a statement from the Chairperson of the Standing Committee on Health regarding the declining state of health services in Nandi County.
- b) The Senator for Trans-Nzoia County (Sen. Henry Tiole Ndiema) sought a statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget regarding County Government funds held in Dubai Bank, Imperial Bank and Chase Bank.
- c) A Nominated Senator (Sen. Fatuma Dullo) sought a statement from the Chairperson of the Standing Committee on Energy regarding the frequent surge and loss of electrical power leading to destruction of property in Kinna Sub-County in Isiolo County.
- d) The Senator for Kilifi County (Sen. Stewart Madzayo) sought a statement from the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries regarding the transfer of ownership of the Kenya Cashewnuts Ltd. in Kilifi County from farmers' cooperative societies to Millenium Management Limited.

#### 5. THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2015)

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Health.

6. **THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO. 3 OF 2016)**

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

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Finance, Commerce and Budget.

7. **THE COUNTY GOVERNMENTS (AMENDMENT) (NO. 4) BILL (SENATE BILL NO. 18 OF 2014)**

(Sen. Kipchumba Murkomen)

*(Resumption of Debate interrupted on Tuesday, 26<sup>th</sup> April, 2016-Division)*

Order deferred

8. **MOTION – ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE POLITICAL PARTIES (AMENDMENT) BILL (SENATE BILL NO. 3 OF 2014)**

Motion made and Question proposed;

**THAT** the Senate adopts the Report of the Mediation Committee on the Political Parties (Amendment) Bill (Senate Bill No. 3 of 2014) laid on the Table of the House on Tuesday, 26<sup>th</sup> March, 2016.

*(The Chairperson, Mediation Committee)*

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order, the Chairperson of the Mediation Committee (Sen. Amos Wako) requested for deferment of putting of the Question to the following day, pursuant to Standing Order 54(3).

And the Temporary Speaker (Sen. Sang) acceding to the request, nominated Thursday, 28<sup>th</sup> April, 2016 as the day the Question shall be put.

9. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. Sang) – in the Chair)

**The Division of Revenue Bill (National Assembly Bill No. 4 of 2016)**

Clauses 3-6 - vote deferred

The Schedule - vote deferred

Clause 2, the Title and Clause 1 - vote deferred

**Progress report**

Motion made;

**THAT** the Committee of the Whole reports progress on its consideration of the Division of Revenue Bill (National Assembly Bill No. 4 of 2016) and seek leave to sit again tomorrow.

*(Senate Majority Whip - Sen. Beatrice Elachi)*

Question put and **agreed to**.

10. **HOUSE RESUMED** – Temporary Speaker – (Sen. Sang) – in the Chair

11. **THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2016)**

Progress Reported.

Motion made and Question proposed-

**THAT** the House do agree with the Committee in the said report.

*(Senate Majority Whip - Sen. Beatrice Elachi)*

There being no Senator wishing to contribute;

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

Question put and **agreed to**.

12. **COMMITTEE OF THE WHOLE**

**THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2014)**

(Sen. Halima Abdille)

*(Resumption of Debate interrupted on Tuesday, 15<sup>th</sup> March, 2016)*

Order deferred.

13. **COMMITTEE OF THE WHOLE**

**THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 27 OF 2014)**

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

Order deferred.

14. **COMMITTEE OF THE WHOLE**

**THE COUNTY HALL OF FAME BILL (SENATE BILL NO. 33 OF 2014)**

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

Order deferred.

15. COMMITTEE OF THE WHOLE  
THE COUNTY GOVERNMENTS DISASTER MANAGEMENT BILL (SENATE  
BILL NO. 40 OF 2014)

(Chairperson, Standing Committee on National Security and Foreign Relations)

Order deferred.

16. MOTION- TO APPROVE THE APPOINTMENT OF SENATORS TO THE  
SELECT COMMITTEE ON CONSTITUTIONAL AND LEGAL REVIEW

(The Senate Majority Leader)

**AWARE** that pursuant to Article 124(1) of the Constitution and the Standing Orders of the Senate, at a Special Sitting of the Senate held on Monday, 15<sup>th</sup> June, 2015, the Senate resolved, to establish a Select Committee on Constitutional and Legal Review to inquire into legal issues arising following the re-allocation by the National Assembly of monies intended for key constitutional organs and institutions, including, the Judiciary, the Salaries and Remuneration Commission and the Senate.

**FURTHER AWARE** that on 23<sup>rd</sup> June, 2015, the Senate approved the names of Senators to serve in the said Select Committee whose terms of reference were as follows-

- (a) inquire into the design of the Legislature and in particular, the institutions set out in the Constitution with a view to protecting the interests of the counties and their governments and securing and safeguarding the system of devolved government established in the Constitution;*
- (b) inquire into the role of the Senate as set out under the Constitution and make recommendations on the appropriate role to be played by the Senate in-*
  - (i) the budget making process and revenue allocation;*
  - (ii) the legislative process;*
  - (iii) oversight over the National Government; and*
  - (iv) oversight over the County Governments;*
- (c) examine and make recommendations on the appropriate role to be played by the Senate in the approval of nominees for appointment to State office;*
- (d) examine and make recommendations on the appropriate inter linkage and interplay between-*
  - (i) the Senate and the National Government;*
  - (ii) the Senate and the National Assembly;*
  - (iii) the Senate and the County Governments; and*
  - (iv) the Senate and other constitutional offices and Commissions.*

*(e) recommend to the Senate such constitutional and legislative interventions as may be necessary to secure and safeguard the system of devolved government in the Constitution, including measures necessary to ensure the effective discharge by the Senate, of its legislative and oversight role under the Constitution; and*

*(f) examine and make recommendations on any other matter connected with or incidental to the foregoing.*

**COGNIZANT OF THE FACT** that the Committee tabled its report on 23<sup>rd</sup> September, 2015 which report was adopted by the Senate on 21<sup>st</sup> October, 2015;

**NOTING** that one of the recommendations in the report was that-

The Senate approves the appointment of a Select Committee to spearhead the processing of the General Suggestion for the Draft Constitution of Kenya (Amendment) Bill, 2015 through popular initiative in terms of Article 257 of the Constitution.

**NOW THEREFORE**, pursuant to the resolution of the Senate during the Sitting held on 21<sup>st</sup> October, 2015, the Senate approves the appointment of the following Senators to the Select Committee to spearhead the processing of the General Suggestion for the Draft Constitution of Kenya (Amendment) Bill, 2015 through popular initiative in terms of Article 257 of the Constitution-

1. Sen. Murkomen Kipchumba
2. Sen. (Prof.) Lonyangapuo John
3. Sen. Chiaba Abu Mohamed
4. Sen. Wangari Martha
5. Sen. Kiraitu Murungi
6. Sen. James Orengo
7. Sen. (Dr.) Boni Khalwale
8. Sen. Hassan Omar
9. Sen. Halima Abdille

And that the committee reports back to the Senate within six months.

Order deferred.

17. **THE ORDER OF PRECEDENCE AND TITLES BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2014)**

(The Senate Majority Leader)

Order deferred.

18. **THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2015)**

(Sen. Kimani Wamatangi)

Order deferred.

19. THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2013)

(The Senate Majority Leader)

Order for Second Reading read;

Motion made and Question proposed;

**THAT**, the Persons with Disabilities (Amendment) Bill (National Assembly Bill No. 43 of 2013) be now read a Second time.

*(Senate Majority Whip – Sen. Beatrice Elachi)*

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Mositet) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

20. SENATE ROSE - at thirty minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on  
Thursday, April 28, 2016 at 2.30 p.m.*

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