



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – FIFTH SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, FEBRUARY 28, 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. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair:-

**a) Election of Chairpersons and Vice Chairpersons of Sessional Committees following their reconstitution**

“Hon. Senators,

Following the reconstitution of sessional committees on 21<sup>st</sup> and 23<sup>rd</sup> February, 2017, the election of the Chairpersons and Vice-Chairpersons were held today Tuesday, 28th February, 2017 and I wish to appraise the House on the outcome of those elections -

The Sessional Committee on County Public Accounts and Investments:-

- 1) Sen. (Prof.) Anyang' Nyong'o - Chairperson
- 2) Sen. (Prof.) John Lonyangapuo - Vice-Chairperson

The Sessional Committee on Devolved Government:-

- 1) Sen. (Prof.) Wilfred Lesan - Chairperson
- 2) Sen. Naisula Lesuuda - Vice-Chairperson

The Sessional Committee on Implementation:-

- 1) Sen. James Orengo - Chairperson
- 2) Sen. Daisy Kanainza - Vice-Chairperson

The Sessional Committee on Delegated Legislation:-

- |                       |                    |
|-----------------------|--------------------|
| 1) Sen. Stephen Sang  | - Chairperson      |
| 2) Sen. Judith Sijeny | - Vice-Chairperson |

Allow me to congratulate the Chairpersons and Vice-Chairpersons on their re-election and urge them and the membership of these important Committees to prioritize the most important business as we approach the end of the term of the 11<sup>th</sup> Parliament.

I thank you”.

**b) Second Annual Legislative Summit, 2017**

“Honourable Senators,

I am pleased to invite you to the Second Annual Legislative Summit, 2017 which is scheduled to take place from 20<sup>th</sup> to 24<sup>th</sup> March, 2017 at PrideInn Paradise Beach Resort, Convention Centre and Spa in Shanzu, Mombasa County, 19<sup>th</sup> and 24<sup>th</sup> March being travel dates. The theme of this year’s Summit is “*Effective legislatures for sustainable grassroots development*”.

The event is jointly organized by the Senate and the County Assemblies Forum (CAF) in line with our shared constitutional mandate and obligation to conduct mutual relations on the basis of consultation and co-operation as required by Article 6 (2) of the Constitution of Kenya, 2010. Hon. Senators will recall that the Inaugural Legislative Summit whose theme was “*Celebrating and Entrenching Devolution through Representation*” was held at Flamingo Beach Resort, Mombasa County in May, 2016.

Honorable Senators,

This year’s Summit is informed primarily by the fact that the inaugural legislative bodies established by the Constitution of Kenya, 2010 as part of the devolved system of government, are at the penultimate stages of their five-year term. As such, the Senate in collaboration with the County Assemblies Forum need to meet in order to take stock of gains made and plan ahead of the next legislatures.

The objectives of this year’s Legislative Summit are to-

- a) Take stock of the complementary law making, oversight and budgeting functions of the Senate and the County Assemblies;
- b) Reflect on the period since the inception of devolved systems and determine how stronger institutions can be established going forward;
- c) Interrogate the effectiveness of oversight tools in enhancing prudent use of national resources;
- d) Interrogate the measures that need to be taken during the transition period to receive the next legislatures;

- e) Enhance citizen participation, and mainstream the needs and rights of marginalized groups such as persons with disabilities, the youth and women in devolved systems of governance;
- f) Discuss on how to strengthen trust as a basis for effective collaboration and cooperation between institutions relevant to devolution; and
- g) Deliberate on ways of enhancing cohesion during election periods.

Hon. Senators,

This being the last legislative summit during the Eleventh Parliament and considering that the above objectives are aimed at ensuring better legislative institutions and improving interactions between the Senate with the County Assemblies, I now invite you all to the Summit and urge you to make time to attend.

Kindly confirm your participation with the Office of the Clerk of Senate for planning purposes.

I thank you.”

4. **PAPER LAID**

The following paper was laid on the Table of the Senate:-

The Report of the Standing Committee on Finance, Commerce and Budget on the Division of Revenue Bill (National Assembly Bills No. 2 of 2017).

*(Chairperson, Sessional Committee on Finance, Commerce and Budget)*

5. **NOTICE OF MOTION- ADJOURNMENT OF THE HOUSE UNDER PROVISIONS OF STANDING ORDER NO. 33 TO DISCUSS THE ONGOING SECURITY SITUATION IN BARINGO COUNTY**

Rising in his place on a Point of Order, the Senator for West Pokot County (Sen. (Prof.) John Lonyangapuo) claimed to move a Motion for the adjournment of the House under the provisions of Standing Order No.33 in order to discuss a definite matter of national importance regarding the ongoing security situation in Baringo County.

And the Speaker having acceded to the claim;

And there being sufficient number of Senators rising in their places in support of the claim;

Thereupon, the Speaker directed that the Motion be moved at thirty minutes past Five O'clock today.

6. **STATEMENTS**

a) **Statement pursuant to Standing Order 45(2)(a)**

The Senator for Nyeri County (Sen. Mutahi Kagwe) made a Statement eulogizing the late Governor for Nyeri County, Nderitu Gachagua.

The Senator informed the House that the late Governor was a patriotic Kenyan who, despite his illness, had led Nyeri County to the best of his ability and would forever be remembered with respect and admiration.

The Senator further requested the Senate to examine the laws surrounding the demise of a Governor, noting that there are no provisions for transition of office, thus the need to interrogate the issue of by-election.

**b) Statements pursuant to Standing Order 45(2)(b)**

- i) The Senator for Vihiga County (Sen. George Khaniri) sought a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the directive issued by the Deputy President in Baringo, on 24<sup>th</sup> February, 2017.
- ii) A Nominated Senator (Sen. Fatuma Dullo) sought a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the clashes along the Isiolo-Garissa border.
- iii) The Senator for Kakamega County (Sen. (Dr.) Boni Khalwale) sought a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations relating to the presence of Kenya's military forces in Somalia.
- iv) The Senator for Kakamega County (Sen. (Dr.) Boni Khalwale) sought a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations on the killing by Police of Stanislaus Namayi Mukoma, a motor cycle mechanic in Mumias, Kakamega County.

**7. THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2017)**

(The Senate Majority Leader)

*(Resumption of Debate interrupted on Thursday, 23<sup>rd</sup> February, 2017)*  
*(Division)*

Order for Second Reading on Division read;

Order deferred.

**8. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO.26 OF 2015)**

(The Senate Majority Leader)

*(Resumption of Debate interrupted on Thursday, 15<sup>th</sup> February, 2017)*  
*(Division)*

Order deferred.

**9. COMMITTEE OF THE WHOLE  
THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2017)**

(The Senate Majority Leader)

Order deferred.

10. **MOTION-ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON THE INQUIRY INTO THE FINANCIAL OPERATIONS OF KIAMBU, BUSIA, TANA RIVER, TRANS NZOIA, NYANDARUA, MIGORI, KWALE, KISUMU, SAMBURU AND KERICHO COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2013/2014 (1<sup>ST</sup> JULY, 2013 TO 30<sup>TH</sup> JUNE, 2014)**

Motion made-

**THAT**, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the financial operations of Kiambu, Busia, Tana River, Trans Nzoia, Nyandarua, Migori, Kwale, Kisumu, Samburu and Kericho County Executives for the Financial year 2013/2014 (1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014) laid on the Table of the Senate on Thursday, 23<sup>rd</sup> February, 2017.

*(Sen. (Prof). Anyang' Nyong'o)*

Debate interrupted;

11. **MOTION- ADJOURNMENT OF THE HOUSE UNDER THE PROVISIONS OF STANDING ORDER NO. 33 TO DISCUSS THE ONGOING SECURITY SITUATION IN BARINGO COUNTY**

Motion made and Question proposed-

**THAT**, the Senate do now adjourn.

*(Sen. (Prof.) John Lonyangapuo)*

Debate arising;

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

12. **SENATE ROSE** – at Twenty Minutes past Six O'clock.

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

*The Speaker will take the Chair on  
Wednesday, March 01, 2017 at 2.30 p.m.*

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