



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, APRIL 28, 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**

The Speaker conveyed the following communications from the Chair-

- a. **On a Meeting of the Standing Committee on Roads and Transportation with the Cabinet Secretary, Ministry of Transport and Infrastructure.**

"Hon. Senators,

As you are aware, on Tuesday, 19th April, 2016, I directed that the Cabinet Secretary, Ministry of Transport and Infrastructure, appears before senators to respond to the statements sought by Sen. Anyang' Nyong'o on the operations of Kenya Airways Ltd.

The Cabinet Secretary has since confirmed his availability on Tuesday, 3rd May, 2016.

I therefore invite you to the meeting of the Standing Committee on Roads and Transportation and the Cabinet Secretary Ministry of Transport and Infrastructure to be held on Tuesday, 3rd May, 2016 at 10.30 am in the Senate Chamber on ground floor Main Parliament.

I thank you."

- b. **On a Senate *Kamukunji* to be held in the Senate Chambers on Thursday 5th May, 2016**

"Honourable Senators,

I wish to inform you that there will be a *Kamukunji* for all Senators to be held on, Thursday, 5th May, 2016 in the Senate Chamber, Main Parliament Buildings, at 11.00 am.

The agenda will be circulated on arrival. All Honourable Senators are invited to attend.

I thank you."

c. On a consultative forum with the Cabinet Secretary, Ministry of Devolution and Planning, regarding the status of compensation for internally displaced persons.

"Honourable Senators,

As you may recall, the Cabinet Secretary responsible for Devolution and Planning was scheduled to meet with Hon. Senators this morning, 28th April, 2016, to respond to a request for a statement and issue clarifications thereon regarding the status of compensation for IDPs, including integrated IDPs, across the country.

The Cabinet Secretary was unable to attend the said meeting due to a Cabinet engagement, and has sent his apologies. The meeting with the Cabinet Secretary has now been rescheduled to Wednesday next week, 4th May, 2016 at 11.30 am, in the Senate Chamber.

I would like to urge all of you to plan to attend the consultative meeting to deliberate on this very important matter.

I thank you."

4. PETITIONS

The following Reports on Petitions were laid on the Table of the Senate pursuant to Standing Order 227-

- i) Report of the Standing Committee on Finance, Commerce and Budget on examination of a Petition by residents of Bomet County on embezzlement of funds, financial impropriety and skewed employment by the Bomet County Government;
- ii) Report of the Standing Committee on Finance, Commerce and Budget on examination of a Petition by residents of Wajir County on alleged misappropriation of funds by the Governor and County Government of Wajir;
- iii) Report of the Standing Committee on Finance, Commerce and Budget on examination of a Petition by Hon. Teddy Mwambire, regarding timelines for disbursement of funds by the National Treasury to county governments;
- iv) Report of the Standing Committee on Finance, Commerce and Budget on examination of a Petition by Mr. David O. Gesicho, regarding a proposed formula for division and allocation of revenue towards realization of the Sustainable Development Goals (SDGs);

- v) Report of the Standing Committee on Finance, Commerce and Budget on examination of a Petition by residents of Bomet County on the need for a quick resolution to the budget crisis in the County;
- vi) Report of the Standing Committee on Finance, Commerce and Budget on examination of a Petition by Mr. Abdulsalam M. Dakane and Mr. Abdullahi Hassan on alleged misappropriation of funds by the Mandera County Government.

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

- vii) Report of the Sessional Committee on Devolved Government on the Petition on the implementation of the Urban Areas and Cities Act (2011) by Counties.

(Chairperson, Sessional Committee on Devolved Government)

5. PAPERS LAID

The Following Papers were laid on the Table of the Senate;-

- i) Report of the Auditor General on the financial statements of the Municipal Council of Machakos for the eight (8) months period ended 28th February, 2013; and
- ii) Report of the Controller of Budget on the County Governments Budget Implementation Review Report, First Quarter FY 2015/16

(Chairperson, Sessional Committee on County Public Accounts and Investments)

- iii) Statement regarding the Business of the Senate for the week commencing Tuesday, 3rd May, 2016.

(The Deputy Senate Majority Leader)

6. STATEMENTS

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

- a. The Senator for Taita Taveta County (Sen. Danson Mwazo) sought a Statement from the Chairperson of the Standing Committee on land and Natural Resources regarding the management of forests in Taita Taveta County.
- b. The Senator for Taita Taveta County (Sen. Dan Mwazo) sought a Statement from the Chairperson of the Standing Committee on Roads and Transportation regarding maintenance of class D,E,F and other unclassified roads across all Counties.

- c. A Nominated Senator (Sen. Ben Njoroge) sought a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the recently concluded police recruitment exercise.
- d. The Chairperson of the Standing Committee on Land and Natural Resources issued a Statement regarding the construction of Pokot Cement Factory in response to a Statement requested by the Senator for West Pokot County.

Thereupon, the Chairperson informed the House that in June, 2010, the then Prime Minister of Kenya launched the construction of the Pokot cement plant in West Pokot County, however the construction had slowed down because of delays in issuance of requisite licenses, land title deed, approvals, consent letters, mining rights and a letter of no objection among others that were needed before the investors could move on with the project.

The Chairperson also informed the House that the investors Cemtech and Sanghi group are not only interested in the project, but have also invested and continued to invest heavily in the project. The Chairperson concluded by informing the House that factory designs and drawings have been finalized and the investors have indicated that the plant should be ready to start producing cement by June, 2017.

ii) Statement pursuant to Standing Order 45(2) (c)

The Deputy Senate Majority Leader issued a Statement on the business of the Senate for the week commencing 3rd May, 2016.

7. COMMITTEE OF THE WHOLE

Order for Committee read;

IN THE COMMITTEE

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

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

Clauses 3,4,5,6, the Schedule, Clause 2, the Title and Clause 1

Debate interrupted on Wednesday, 27th April, 2016 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson 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 provisions of Standing Order 74 (5), the Acting Chairperson allowed seven Senators to record their vote verbally.

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

- 1) Sen. Chelule Liza
- 2) Sen. Kivuti Lenny Maxwell
- 3) Sen. LesuudaNaisula
- 4) Sen. Machage Wilfred Gisuka
- 5) Sen. Mohamud Halima Abdille
- 6) Sen. Nabwala Catherine Mukiite
- 7) Sen. Omondi Godliver Nanjira

The results of the Division were as follows:-

AYES - 27

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Billow, Adan Kerow
2. Sen. Boy, Juma Boy
3. Sen. Chiaba, Abu Mohamed Abu
4. Sen. Mohamud Halima Abdille – voted verbally on behalf of Wajir County Delegation
5. Sen. Kajwang' Moses
6. Sen. Karaba Dickson Daniel
7. Sen. Khaniri George
8. Sen. Omondi Godliver Nanjira – voted verbally on behalf of Kakamega County Delegation
9. Sen. Kimani, Paul Wamatangi
10. Sen. Elachi Beatrice-voted verbally on behalf of Nairobi county Delegation
11. Sen. Kivuti Lenny Maxwell-voted verbally
12. Sen. Adan DulloFatuma – voted on behalf of Isiolo County Delegation
13. Sen. Lesan Wilfred Rotich
14. Sen. LesuudaNaisula – voted verbally on behalf of Samburu County Delegation
15. Sen. Lonyangapuo John Krop
16. Sen. Machage, Wilfred Gisuka – voted verbally
17. Sen. KisasaMshengaMvita – voted on behalf of Kilifi County Delegation
18. Sen. Chelule, Liza – voted verbally on behalf of Nakuru County Delegation

19. Sen. Murkomen Onesmus Kipchumba
20. Sen. Murugi Kiraitu
21. Sen. Musila David
22. Sen. Mutahi Kagwe
23. Sen. Mwakulegwa Danson Mwazo
24. Sen. Nabwala Catherine Mukiite – voted verbally on behalf of Trans Nzoia County Delegation
25. Sen. Ntutu, Stephen Kanyinke
26. Sen. Nyong'o, Peter Anyang'
27. Sen. Obure Christopher Mogere

Question agreed to.

Motion made:-

That, the Bill be reported without amendments;

Before the question was put and pursuant to Standing Order 72, the Acting Chairperson (Sen. Machage) ruled that the question did not affect counties;

Question put and agreed to.

8. **HOUSE RESUMED** - (The Temporary Speaker (Sen. (Dr.) Machage) in the Chair)
9. **THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2016)**

Bill reported without amendments;

Motion made and Question proposed-

THAT, the Senate do agree with the Committee of the Whole in the said Report.

(The Deputy Senate Majority Leader)

There being no Senator wishing to contribute;

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

Question put and agreed to.

Motion made and question proposed-

THAT, the Division of Revenue Bill (National Assembly Bill No. 4 of 2016) be now Read a Third Time.

(The Senate Majority Leader)

There being no Senator wishing to contribute;

The House proceeded to a Division;

The Temporary Speaker (Sen. (Dr.) Machage) directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Temporary Speaker (Sen. (Dr.) Machage) directed that the doors be locked and asked Senators to log-in for electronic voting;

The Temporary Speaker (Sen. (Dr.) Machage) 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 provisions of Standing Order 74 (5), the Temporary Speaker (Sen. (Dr.) Machage) allowed four Senators to record their vote verbally.

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

- 1) Sen. AdanDulloFatuma
- 2) Sen. Chelule Liza
- 3) Sen. Machage Wilfred Gisuka
- 4) Sen. Omondi Godliver Nanjira

The results of the Division were as follows:-

AYES - 26

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Billow Adan Kerrow
2. Sen. Boy Juma Boy
3. Sen. Chiaba, Abu Mohamed Abu
4. Sen. Mohamud Halima Abdille – voted on behalf of Wajir Delegation
5. Sen. Kajwang' Moses
6. Sen. Khaniri George
7. Sen. OmondiGodliverNanjira – voted verbally on behalf of Kakamega County Delegation
8. Sen. Kimani Paul Wamatangi
9. Sen. Elachi Beatrice – on behalf of Nairobi County Delegation
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan DulloFatuma – voted verbally on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Lesuuda Naisula – voted on behalf of Samburu County Delegation
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka – voted verbally
16. Sen. KisasaMshengaMvita – voted on behalf of Kilifi County Delegation

17. Sen. Chelule Liza – voted verbally on behalf of Nakuru County Delegation
18. Sen. Murkomen Onesmus Kipchumba
19. Sen. Murungiraitu
20. Sen. Musila David
21. Sen. MutahiKagwe
22. Sen. MwakulegwaDansionMwazo
23. Sen. Nabwala Catherine Mukiite – voted on behalf of Trans Nzoia County Delegation
24. Sen. Ntutu, Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere

Bill read a Third Time and passed.

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

Order for Second Reading read;

Motion made and Question proposed;

THAT, the County Governments (Amendment) (No.4) Bill (Senate Bill No.18 of 2014) be now read a Second time.

(Sen. KipchumbaMurkomen – 23.03.2016)

Debate interrupted on Tuesday, 26th April, 2016 resumed on a Division;

The House proceeded to a Division;

The Temporary Speaker (Sen. (Dr.) Machage) directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Temporary Speaker (Sen. (Dr.) Machage) directed that the doors be locked and asked Senators to log-in for electronic voting;

The Temporary Speaker (Sen. (Dr.) Machage) 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 provisions of Standing Order 74 (5), the Temporary Speaker (Sen. (Dr.) Machage) allowed three Senators to record their vote verbally.

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

1. Sen. Adan DulloFatuma
2. Sen. Cheleule Liza
3. Sen. Omondi Godliver

The results of the Division were as follows-

AYES - 26

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Billow Aden Kerrow
2. Sen. Boy Juma Boy
3. Sen. Chiaba, Abu Mohamed Abu
4. Sen. Mohamud Halima Abdille – voted on behalf of Wajir County Delegation
5. Sen. Kajwang' Moses
6. Sen. Karaba Dickson Daniel
7. Sen. Khaniri George
8. Sen. Omondi Godliver Nanjira – Voted verbally on behalf of Kakamega County Delegation
9. Sen. Elachi Beatrice-voted on behalf of Nairobi County delegation
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan DulloFatuma-voted on behalf of Isiolo County delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Lesuuda Naisula
14. Sen. Lonyangapuo John
15. Sen. Machage Wilfred Gisuka
16. Sen. KisasaMshengaMvita – voted on behalf of Kilifi County Delegation
17. Sen. Chelule Liza -voted verbally on behalf of Nakuru County Delegation
18. Sen. Murkomen kipchumba
19. Sen. MurungiKiraitu
20. Sen. David Musila
21. Sen. MutahiKagwe
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Nabwala Catherine Mukiite
24. Sen. Ntutu Stephen Kanyike
25. Sen. Nyongo' Peter Anyang'
26. Sen. Obure Christopher Mogere

Question agreed to.

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

11. **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, 26th April, 2016.

(Chairperson, Mediation Committee – 27.04.2016)

Debate interrupted on Wednesday, 27th April, 2016 resumed on a Division;

The House proceeded to a Division;

The Temporary Speaker (Sen. (Dr.) Machage) 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 Temporary Speaker (Sen. (Dr.) Machage) directed that the doors be locked and asked Senators to log-in using their cards;

The Temporary Speaker (Sen. (Dr.) Machage) 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 provisions of Standing Order 74 (5), the Temporary Speaker (Sen. (Dr.) Machage) allowed Sen. Chelule Liza to record her vote verbally.

Thereupon, Sen. Chelule Liza recorded her vote as **"Yes"** -

The results of the Division were as follows -

AYES - 26

NOES - 1

ABSTENTIONS - 0

AYES

1. Sen. Billow Aden Kerrow
2. Sen. Boy Juma Boy
3. Sen. Chiaba, Abu Mohamed Abu
4. Sen. Mohamud Halima Abdille – voted on behalf of Wajir County Delegation
5. Sen. Kajwang' Moses
6. Sen. Karaba Dickson Daniel
7. Sen. Khaniri George
8. Sen. Omondi Godliver Nanjira – voted on behalf of Kakamega County Delegation
9. Sen. Kimani Paul Wamatangi-voted verbally
10. Sen. Elachi Beatrice-voted on behalf of Nairobi County delegation
11. Sen. Kivuti Lenny Maxwell
12. Sen. Adan DulloFatuma-voted on behalf of Isiolo County delegation
13. Sen. Lesan Wilfred Rotich
14. Sen. Lonyangapuo John
15. Sen. Machage Wilfred Gisuka
16. Sen. KisasaMshengaMvita-voted on behalf of Kilifi County Delegation
17. Sen. Chelule Liza-voted verbally on behalf of Nakuru County Delegation
18. Sen. Murkomen kipchumba
19. Sen. MurungiKiraitu
20. Sen. Musila David
21. Sen. MutahiKagwe
22. Sen. Mwakulegwa Danson Mwazo

- 23. Sen. Nabwala Catherine Mukiite – voted on behalf of Trans Nzoia County Delegation
- 24. Sen. Ntutu Stephen Kanyike
- 25. Sen. Nyong'o Peter Anyang'
- 26. Sen. Obure Christopher Mogere

NOES

Sen. Lesuuda Naisula –on behalf of Samburu County Delegation

Question **agreed to**.

RESOLVED ACCORDINGLY

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, 26th April, 2016.

12. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS ON THE ASSESSMENT OF THE SECURITY SITUATION IN MANDERA COUNTY, LAIKIPIA COUNTY AND KAPEDO**

(Chairperson, Standing Committee on National Security and foreign relations)

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the assessment of the security situation in Mandera County, Laikipia county and Kapedo (Border town of Turkana and Baringo Counties) conducted between 19th January and 5th February, 2015 and laid on the Table of the House on Wednesday, 29th July, 2015.

Order deferred.

13. **MOTION –ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON THE INQUIRY INTO THE FINANCIAL OPERATIONS OF HOMABAY EXECUTIVE FOR THE FIANCIAL YEAR 2013/2014**

Motion made and Question proposed;

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of Homa-Bay County Executive for the Financial year 2013/2014 laid on the Table of the House on Wednesday, 4th November, 2015.

(Chairperson, Sessional Committee on County Public Accounts and Investments)

Debate arising;

As a result of prolonged power blackout in the Chamber, the Temporary Speaker (Sen. Sang'), pursuant to Standing Order 30, adjourned the Senate at fifty minutes past Four O'clock, without Question put.

14. SENATE ROSE- fifty minutes past Four O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, May 03, 2016 at 2.30 p.m.*

-----X-----