



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

SPECIAL SITTING

VOTES AND PROCEEDINGS

WEDNESDAY, DECEMBER 28, 2016 AT 10.00 A.M.

1. The Senate assembled at Ten 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 from the Chair-

“Honourable Senators,

Let me take this opportunity to welcome you back for this ninth Special Sitting of the Fourth Session of the Senate and thank you for finding time from your holidays and your busy schedules to attend the sitting. I am sure each of you had scheduled family and county events, and it is because of the value you attach to the business of the Senate, that you have created time to be here.

Honourable Senators,

By a letter dated 22nd December, 2016, and pursuant to Standing Order 29 (1) of the Senate, the Senate Majority Leader supported by the requisite number of Senators, requested the Speaker to convene a Special Sitting of the Senate to consider among other things the approval of nominees to the National Climate Change Council, approval of the Report of the Standing Committee on Finance, Commerce and Budget on the Budget Policy Statement and consideration of the Election Laws (Amendment) (No. 3) Bill (National Assembly Bill No. 63 of 2015) among other urgent business as listed in the Order Paper and the *Gazette* Notice.

Following consideration of the request by the Senate Majority 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. 164 dated 23rd December, 2016.

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, following which the Senate shall stand adjourned until Tuesday, 14th February, 2017 at 2:30 p.m. in accordance with the Senate Calendar.

Honourable Senators,

It is in the public domain that some of the Business listed for debate today have elicited a lot of emotions during debate in the National Assembly leading to rise in political temperatures in the country. I want to take this opportunity to ask Hon. Senators to debate issues in a sober manner consistent with the tenets of our Senate as a House of review.

Honourable Senators,

I would like to reiterate that in accordance with Article 123 of the Constitution and standing order 71, for the Senate to approve business scheduled in today's Order Paper, the support of a majority of all delegations (that is 24 delegations) is required. I therefore appeal to you all to remain in the Chamber for the transaction of business as scheduled.

I thank you."

4. MESSAGES FROM THE NATIONAL ASSEMBLY

The Speaker conveyed the following Messages from the National Assembly -

a) On the amendment to the County Assembly Services Bill (Senate Bill No. 27 of 2014)

"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 6th December, 2016 regarding the amendments, by the Assembly, to the County Assembly Services Bill (Senate Bill No. 27 of 2014).

"PURSUANT to the provisions of standing orders 41 and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS, the County Assembly Services Bill (Senate Bill No. 27 of 2014), published vide the Kenya Gazette Supplement No. 98 of 5th May, 2014 as a Bill originating in the Senate to make further provisions on the County Assembly Services Board and the County Assembly Service, was referred to the National Assembly for consideration following its passage by the Senate on 5th May 2016;

WHEREAS, on 1st December 2016 the National Assembly passed the Bill with an amendment to the transition and saving provisions;

NOW THEREFORE, in accordance with the provisions of Article 110 (4) of the Constitution and Standing Order 144 of the National Assembly Standing Orders, I hereby refer the said amendment to the Senate for consideration".

Honourable Senators,

This Message was received on 6th December, 2016 when the Senate was on Recess and pursuant to standing order 40 (5) I conveyed the same to all Senators, vide letter Ref. SEN/L&P/MSG.2016 (63) dated 8th December, 2016.

Honourable Senators,

Article 112 (1) (b) of the Constitution provides that if one House passes an ordinary Bill concerning counties and the second House passes the Bill in an amended form, it shall be referred back to the originating House for reconsideration.

Honourable Senators,

It is in this regard, I direct the Standing Committee on Legal Affairs and Human Rights to deliberate on the National Assembly amendments and report to the Senate. Further, pursuant to standing order 150 of the Senate Standing Orders, I direct that the National Assembly amendments to the County Assembly Services Bill (Senate Bill No. 27 of 2014) be listed in the Order Paper, for consideration, when the Senate resumes its sittings for the Fifth Session.

I thank you."

b) On the passage of the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 40 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 13th December, 2016, regarding the passage, by the National Assembly, of the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 40 of 2016)-

"PURSUANT to the provisions of standing orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS, the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 40 of 2016) was published vide the Kenya Gazette Supplement No. 166 of 23rd September, 2016, as a Bill concerning county governments seeking to provide for the assessment of land value index in respect of compulsory acquisition of land by, inter alia, amending the Land Act, the Land Registration Act and the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act;

AND WHEREAS, the National Assembly considered and passed the said Bill on Thursday 1st December, 2016 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 142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration".

Honourable Senators,

This Message was received at a time when the Senate was on recess and pursuant to standing order 40 (5), I transmitted the Message to every Senator, vide letter Ref. SEN/L&P/MSG.2016 (64) dated 15th December, 2016.

Honourable Senators,

Pursuant to standing order No. 148 which require that a Bill originating 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 direct that the Bill be listed for First Reading when the Senate resumes its sittings for the Fifth Session.

I thank you."

5. PAPERS LAID

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

- a) The Report of the Joint Sitting of the Senate Standing Committee on Land and Natural Resources and the National Assembly Departmental Committee on Environment and Natural Resources on the vetting of nominees for appointment to the National Climate Change Council.

(Vice-Chairperson, Standing Committee on Land and Natural Resources)

- b) The Commission on Revenue Allocation (CRA) recommendation to the Senate on recurrent expenditure ceilings for County Assemblies and Executives for the Financial Year 2017/2018.

(Sen. Mutahi Kagwe, on behalf of the Chairperson, Standing Committee on Finance, Commerce and Budget)

6. NOTICE OF MOTION – (Chairperson, Standing Committee on Land and Natural Resources)

THAT, pursuant to Section 7 of the Climate Change Act, 2016, Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011 and Senate Standing Order 65, the Senate adopts the Report of the Joint Sitting of the Senate Standing Committee on Land and Natural Resources and the National Assembly Departmental Committee on Environment and Natural Resources on the vetting of nominees for appointment to the National Climate Change Council, laid on the Table of the Senate on Wednesday, December 28, 2016 and approves the recommendations of the Committees as follows:-

- i) Approves the nomination of Messrs. Suresh Patel and John Kioli for appointment to the National Climate Change Council;
- ii) Rejects the nomination of Ms. Cynthia Wechabe and Dr. Jane Mutheu for appointment to the National Climate Change Council; and
- iii) Recommends that the appointing authority submits nominees of the female gender to represent the marginalized communities and Commission for University Education as prescribed by the Public Appointments (Parliamentary Approval) Act.

(Vice-Chairperson, Standing Committee on Land and Natural Resources)

7. NOTICE OF MOTION – (The Senate Majority Leader)

THAT, pursuant to standing order 210 (3), the Senate resolves that the mandate of the Sessional Committees appointed in the Fourth Session be extended until the commencement of the Fifth Session.

8. MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE, COMMERCE AND BUDGET ON THE 2017 BUDGET POLICY STATEMENT, 2017

THAT, the Senate adopts the Report of the Standing Committee on Finance, Commerce and Budget on the 2017 Budget Policy Statement laid on the Table of the Senate on Wednesday, 30th November, 2016.

(Chairperson, Standing Committee on Finance, Commerce and Budget - 01.12.16)

Debate interrupted on Thursday, 1st December, 2016 resumed on a Division;

Before the question was put and pursuant to Standing Order 72, the Speaker informed the Senate that the Motion affected counties and voting would be by delegations;

The House proceeded to 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 for electronic voting;

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 Speaker allowed four Senators to record their vote verbally.

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

- 1) Sen. Chiaba Abu Mohamed
- 2) Sen. Kariuki Godfrey Gitahi
- 3) Sen. Mungai James Kiarie
- 4) Sen. Wetang'ula Moses Masika

The results of the Division were as follows:-

AYES - 38

NOES - 0

ABSTENTIONS – 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Cheruiyot Aaron Kipkirui
3. Sen. Chiaba Abu Mohamed – voted verbally
4. Sen. Haji Mohammed Yusuf
5. Sen. Hassan Abdirahman Ali

6. Sen. Hassan Omar Hassan
7. Sen. Kajwang' Moses
8. Sen. Karaba Dickson Daniel
9. Sen. Kariuki Godfrey Gitahi – voted verbally
10. Sen. Kembi Gitura James
11. Sen. Khalwale Boni
12. Sen. Khaniri George
13. Sen. Kilonzo Mutula Junior
14. Sen. Kimani Paul Wamatangi
15. Sen. Kindiki Kithure
16. Sen. Kioko Mike Sonko Mbuvi
17. Sen. Kiyonga John Munyes
18. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
19. Sen. Lesan Wilfred Rotich
20. Sen. Leshore Sammy Prisa
21. Sen. Lonyangapuo John Krop
22. Sen. Machage Wilfred Gisuka
23. Sen. Melly Isaac Kipkemboi
24. Sen. Moi Gideon Kipsielei Towett
25. Sen. Mositet Peter Korinko
26. Sen. Mungai James Kiarie – voted verbally
27. Sen. Murkomen Onesmus Kipchumba
28. Sen. Murungi Kiraitu
29. Sen. Mutahi Kagwe
30. Sen. Mwakulegwa Danson Mwazo
31. Sen. Ndiema Henry Tiole
32. Sen. Ntutu Stephen Kanyinke
33. Sen. Nyong'o Peter Anyang'
34. Sen. Obure Christopher Mogere
35. Sen. Orengo James
36. Sen. Sang Stephen Kipyego
37. Sen. Wako Sitswila Amos
38. Sen. Wetang'ula Moses Masika – voted verbally

Question agreed to

RESOLVED ACCORDINGLY

THAT, the Senate adopts the Report of the Standing Committee on Finance, Commerce and Budget on the 2017 Budget Policy Statement laid on the Table of the Senate on Wednesday, 30th November, 2016.

9. THE COUNTY STATISTICS BILL (SENATE BILL NO. 11 OF 2016)

Order for Second Reading read;

Motion made and Question proposed:-

THAT, the County Statistics Bill (Senate Bill No. 11 of 2016) be now read a Second Time.

(Sen. Naisula Lesuuda – 10.11.16)

Debate interrupted on Thursday, 10th November, 2016 resumed on a Division;

The House proceeded to 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 doors be locked and bars drawn and Senators asked to log-in for electronic voting;

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 Speaker allowed four Senators to record their vote verbally.

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

- 1) Sen. Chiaba Abu Mohamed
- 2) Sen. Kariuki Godfrey Gitahi
- 3) Sen. Kembi-Gitura James
- 4) Sen. Mungai James Kiarie

The results of the Division were as follows:-

AYES - 38

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Cheruiyot Aaron Kipkirui
3. Sen. Chiaba Abu Mohamed – voted verbally
4. Sen. Haji Mohammed Yusuf
5. Sen. Hassan Abdirahman Ali
6. Sen. Hassan Omar Hassan
7. Sen. Kajwang' Moses
8. Sen. Karaba Dickson Daniel
9. Sen. Kariuki Godfrey Gitahi – voted verbally
10. Sen. Kembi Gitura James – voted verbally
11. Sen. Khalwale Boni
12. Sen. Khaniri George
13. Sen. Kilonzo Mutula Junior
14. Sen. Kimani Paul Wamatangi
15. Sen. Kindiki Kithure

16. Sen. Kioko Mike Sonko Mbuvi
17. Sen. Kiyonga John Munyes
18. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
19. Sen. Lesan Wilfred Rotich
20. Sen. Leshore Sammy Prisa
21. Sen. Lonyangapuo John Krop
22. Sen. Machage Wilfred Gisuka
23. Sen. Melly Isaac Kipkemboi
24. Sen. Moi Gideon Kipsielei Towett
25. Sen. Mositet Peter Korinko
26. Sen. Mungai James Kiarie – voted verbally
27. Sen. Murkomen Onesmus Kipchumba
28. Sen. Murungi Kiraitu
29. Sen. Mutahi Kagwe
30. Sen. Mwakulegwa Danson Mwazo
31. Sen. Ndiema Henry Tiole
32. Sen. Ntutu Stephen Kanyinke
33. Sen. Nyong'o Peter Anyang'
34. Sen. Obure Christopher Mogere
35. Sen. Orengo James
36. Sen. Sang Stephen Kipyego
37. Sen. Wako Sitswila Amos
38. Sen. Wetang'ula Moses Masika

Question agreed to.

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

10. **THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILL NO. 5 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed:-

THAT, the Treaty Making and Ratification (Amendment) Bill (Senate Bill No. 5 of 2016) be now read a Second Time.

*(Chairperson, Standing Committee on National Security and Foreign Relations
– 15.11.16)*

Debate interrupted on Tuesday, 15th November, 2016 resumed on a Division;

The House proceeded to 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 doors be locked and bars drawn and Senators asked to log-in for electronic voting;

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 Speaker allowed two Senators to record their vote verbally.

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

- 1) Sen. Chiaba Abu Mohamed
- 2) Sen. Kariuki Godfrey Gitahi

The results of the Division were as follows:-

AYES - 38

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Cheruiyot Aaron Kipkirui
3. Sen. Chiaba Abu Mohamed – voted verbally
4. Sen. Haji Mohammed Yusuf
5. Sen. Hassan Abdirahman Ali
6. Sen. Hassan Omar Hassan
7. Sen. Kajwang' Moses
8. Sen. Karaba Dickson Daniel
9. Sen. Kariuki Godfrey Gitahi – voted verbally
10. Sen. Kembi Gitura James
11. Sen. Khalwale Boni
12. Sen. Khaniri George
13. Sen. Kilonzo Mutula Junior
14. Sen. Kimani Paul Wamatangi
15. Sen. Kindiki Kithure
16. Sen. Kioko Mike Sonko Mbuvi
17. Sen. Kiyonga John Munyes
18. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
19. Sen. Lesan Wilfred Rotich
20. Sen. Leshore Sammy Prisa
21. Sen. Lonyangapuo John Krop
22. Sen. Machage Wilfred Gisuka
23. Sen. Melly Isaac Kipkemboi
24. Sen. Moi Gideon Kipsielei Towett
25. Sen. Mositet Peter Korinko
26. Sen. Mungai James Kiarie
27. Sen. Murkomen Onesmus Kipchumba
28. Sen. Murungi Kiraitu
29. Sen. Mutahi Kagwe

30. Sen. Mwakulegwa Danson Mwazo
31. Sen. Ndiema Henry Tiole
32. Sen. Ntutu Stephen Kanyinke
33. Sen. Nyong'o Peter Anyang'
34. Sen. Obure Christopher Mogere
35. Sen. Orengo James
36. Sen. Sang Stephen Kipyego
37. Sen. Wako Sitswila Amos
38. Sen. Wetang'ula Moses Masika

Question agreed to.

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

11. **THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed:-

THAT, the Warehouse Receipts System Bill (National Assembly Bill No. 12 of 2015) be now read a Second Time.

(The Senate Majority Leader - 16.11.16)

Debate interrupted on Wednesday, 16th November, 2016 resumed on a Division;

The House proceeded to 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 doors be locked and bars drawn and Senators asked to log-in for electronic voting;

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 Speaker allowed four Senators to record their vote verbally.

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

- 1) Sen. Chiaba Abu Mohamed
- 2) Sen. Kariuki Godfrey Gitahi
- 3) Sen. Murkomen Onesmus Kipchumba
- 4) Sen. Murungi Kiraitu

The results of the Division were as follows:-

AYES - 25

NOES - 12

ABSTENTIONS - 1

AYES

1. Sen. Cheruiyot Aaron Kipkirui
2. Sen. Chiaba Abu Mohamed – voted verbally
3. Sen. Haji Mohammed Yusuf
4. Sen. Karaba Dickson Daniel
5. Sen. Kariuki Godfrey Gitahi – voted verbally
6. Sen. Kembi Gitura James
7. Sen. Kimani Paul Wamatangi
8. Sen. Kindiki Kithure
9. Sen. Kioko Mike Sonko Mbuvi
10. Sen. Kiyonga John Munyes
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Melly Isaac Kipkemboi
16. Sen. Moi Gideon Kipsielei Towett
17. Sen. Mositet Peter Korinko
18. Sen. Mungai James Kiarie
19. Sen. Murkomen Onesmus Kipchumba – voted verbally
20. Sen. Murungi Kiraitu – voted verbally
21. Sen. Mutahi Kagwe
22. Sen. Ndiema Henry Tiole
23. Sen. Ntutu Stephen Kanyinke
24. Sen. Nyong'o Peter Anyang'
25. Sen. Sang Stephen Kipyego

NOES

1. Sen. Boy Juma Boy
2. Sen. Hassan Abdirahman Ali
3. Sen. Hassan Omar Hassan
4. Sen. Kajwang' Moses
5. Sen. Khalwale Boni
6. Sen. Khaniri George
7. Sen. Kilonzo Mutula Junior
8. Sen. Machage Wilfred Gisuka
9. Sen. Mwakulegwa Danson Mwazo
10. Sen. Obure Christopher Mogere
11. Sen. Orengo James
12. Sen. Wako Sitswila Amos

ABSTENTIONS

1. Sen. Wetang'ula Moses Masika

Question agreed to.

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

12. **THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 8 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed:-

THAT, the Impeachment Procedure Bill (Senate Bill No. 8 of 2016) be now read a Second Time.

(Sen. (Eng.) Muriuki Karue – 17.11.16)

Debate interrupted on Thursday, 17th November, 2016 resumed on a Division;

The House proceeded to 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 doors be locked and bars drawn and Senators asked to log-in for electronic voting;

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 Speaker allowed four Senators to record their vote verbally.

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

- 1) Sen. Chiaba Abu Mohamed
- 2) Sen. Kariuki Godfrey Gitahi
- 3) Sen. Murungi Kiraitu
- 4) Sen. Kioko Mike Sonko Mbuvi

The results of the Division were as follows:-

AYES - 38

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Cheruiyot Aaron Kipkirui
3. Sen. Chiaba Abu Mohamed – voted verbally
4. Sen. Haji Mohammed Yusuf
5. Sen. Hassan Abdirahman Ali
6. Sen. Hassan Omar Hassan
7. Sen. Kajwang' Moses

8. Sen. Karaba Dickson Daniel
9. Sen. Kariuki Godfrey Gitahi – voted verbally
10. Sen. Kembi Gitura James
11. Sen. Khalwale Boni
12. Sen. Khaniri George
13. Sen. Kilonzo Mutula Junior
14. Sen. Kimani Paul Wamatangi
15. Sen. Kindiki Kithure
16. Sen. Kioko Mike Sonko Mbuvi – voted verbally
17. Sen. Kiyonga John Munyes
18. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
19. Sen. Lesan Wilfred Rotich
20. Sen. Leshore Sammy Prisa
21. Sen. Lonyangapuo John Krop
22. Sen. Machage Wilfred Gisuka
23. Sen. Melly Isaac Kipkemboi
24. Sen. Moi Gideon Kipsielei Towett
25. Sen. Mositet Peter Korinko
26. Sen. Mungai James Kiarie
27. Sen. Murkomen Onesmus Kipchumba
28. Sen. Murungi Kiraitu – voted verbally
29. Sen. Mutahi Kagwe
30. Sen. Mwakulegwa Danson Mwazo
31. Sen. Ndiema Henry Tiole
32. Sen. Ntutu Stephen Kanyinke
33. Sen. Nyong'o Peter Anyang'
34. Sen. Obure Christopher Mogere
35. Sen. Orengo James
36. Sen. Sang Stephen Kipyego
37. Sen. Wako Sitswila Amos
38. Sen. Wetang'ula Moses Masika

Question agreed to.

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

13. **THE LOCAL CONTENT BILL (SENATE BILL NO. 13 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed:-

THAT, the Local Content Bill (Senate Bill No. 13 of 2016) be now read a Second Time.

(Sen. Gideon Moi – 22.11.16)

Debate interrupted on Wednesday, 30th November, 2016 resumed on a Division;

The House proceeded to 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 doors be locked and bars drawn and Senators asked to log-in for electronic voting;

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 Speaker allowed two Senators to record their vote verbally.

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

- 1) Sen. Chiaba Abu Mohamed
- 2) Sen. Kariuki Godfrey Gitahi

The results of the Division were as follows:-

AYES - 38

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Cheruiyot Aaron Kipkirui
3. Sen. Chiaba Abu Mohamed – voted verbally
4. Sen. Haji Mohammed Yusuf
5. Sen. Hassan Abdirahman Ali
6. Sen. Hassan Omar Hassan
7. Sen. Kajwang' Moses
8. Sen. Karaba Dickson Daniel
9. Sen. Kariuki Godfrey Gitahi – voted verbally
10. Sen. Kembi Gitura James
11. Sen. Khalwale Boni
12. Sen. Khaniri George
13. Sen. Kilonzo Mutula Junior
14. Sen. Kimani Paul Wamatangi
15. Sen. Kindiki Kithure
16. Sen. Kioko Mike Sonko Mbuvi
17. Sen. Kiyonga John Munyes
18. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
19. Sen. Lesan Wilfred Rotich
20. Sen. Leshore Sammy Prisa
21. Sen. Lonyangapuo John Krop
22. Sen. Machage Wilfred Gisuka
23. Sen. Melly Isaac Kipkemboi
24. Sen. Moi Gideon Kipsielei Towett
25. Sen. Mositet Peter Korinko
26. Sen. Mungai James Kiarie

27. Sen. Murkomen Onesmus Kipchumba
28. Sen. Murungi Kiraitu
29. Sen. Mutahi Kagwe
30. Sen. Mwakulegwa Danson Mwazo
31. Sen. Ndiema Henry Tiole
32. Sen. Ntutu Stephen Kanyinke
33. Sen. Nyong'o Peter Anyang'
34. Sen. Obure Christopher Mogere
35. Sen. Orengo James
36. Sen. Sang Stephen Kipyego
37. Sen. Wako Sitswila Amos
38. Sen. Wetang'ula Moses Masika

Question agreed to.

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

14. **THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILL NO. 16 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed:-

THAT, the Constitution of Kenya (Amendment) Bill (Senate Bill No. 16 of 2015) be now read a Second Time.

(Sen. Judith Sijeny – 10.02.16)

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

The House proceeded to a Division;

The Speaker informed the Senate that all Senators were entitled to vote on the Bill and directed that a Roll Call vote be taken pursuant to Standing Order No. 76 (2) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Speaker;

The Speaker directed that the doors be locked;

The names of the Tellers were announced and directed to take seats at their designated place;

The Speaker put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

The results of the Division were as follows:

AYES - 37

NOES - 6

ABSTENTIONS - 3

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Bule Ali Abdi
3. Sen. Chelule Liza
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Chiaba Abu Mohamed
6. Sen. Elachi Beatrice
7. Sen. Gwendu Joy Adhiambo
8. Sen. Hassan Omar Hassan
9. Sen. Kajwang' Moses Otieno
10. Sen. Karaba Dickson Daniel
11. Sen. Kimani Paul Wamatangi
12. Sen. Kindiki Kithure
13. Sen. Kioko Mike Sonko Mbuvi
14. Sen. Kisasa Mshenga Mvita
15. Sen. Kiyonga John Munyes
16. Sen. Lesan Wilfred Rotich
17. Sen. Leshore Sammy Prisa
18. Sen. Lesuuda Naisula
19. Sen. Madzayo Stewart Mwachiru
20. Sen. Masha Elizabeth Ongoro
21. Sen. Melly Isaac Kipkemboi
22. Sen. Mungai James Kiarie
23. Sen. Murkomen Onesmus Kipchumba
24. Sen. Murungi Kiraitu
25. Sen. Mutula Kilonzo Junior
26. Sen. Mwakulegwa Danson Mwazo
27. Sen. Nabwala Catherine Mukiite
28. Sen. Njoroge Ben
29. Sen. Nyong'o Peter Anyang'
30. Sen. Onchwangi Hosea
31. Sen. Ong'era Janet
32. Sen. Orengo James
33. Sen. Sang Stephen Kipyego
34. Sen. Sijeny Judith Achieng
35. Sen. Wako Sitswila Amos
36. Sen. Wangari Martha
37. Sen. Zani Agnes Philomena

NOES

1. Sen. Haji Mohammed Yusuf
2. Sen Hassan Abdirahman Ali
3. Sen. Kariuki Godfrey Gitahi
4. Sen. Khalwale Boni
5. Sen. Lonyangapuo John Krop
6. Sen. Musila David

ABSTENTIONS

1. Sen. Machage Wilfred Gisuka
2. Sen. Ndiema Henry Tiole
3. Sen. Obure Christopher Mogere

Question **negatived**.

And the Question having failed to obtain the required majority, with the **"Ayes"** forming the majority but the **"Noes"** having not numbered at least one third of all the Senators, the Speaker, pursuant to Standing Order 62(2), directed that a further vote be taken on the Question within five sitting days.

And the time being twenty five minutes past One O'clock, the Speaker adjourned the Senate without Question put, pursuant to the Standing Orders.

15. **SENATE ROSE** – at twenty five minutes past One O'clock.

M E M O R A N D U M

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

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