



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, MARCH 29, 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 A SPECIAL SITTING OF PARLIAMENT FOR THE STATE OF THE NATION ADDRESS BY H.E. THE PRESIDENT**

The Speaker conveyed the following Communication from the Chair-

"Honourable Senators,

As you may be aware, Article 132(1)(b) of the Constitution and Standing Order 22(1) of the Senate Standing Orders, requires the President to address a Special Sitting of Parliament once every year and at any other time.

By a letter referenced OP/CAB.1/40 of 7th March, 2016 and addressed to the Clerks of Parliament, the office of the President requested Parliament to set a date for the Presidential address to Parliament. Upon the Speaker consulting the Speaker of the National Assembly, it was resolved that H.E the President addresses Parliament on Thursday, 31st March, 2016. I subsequently issued a Gazette Notice No 2039 of 21st March, 2016 convening the Special Sitting.

Honourable Senators,

This is to inform you that a Special Sitting of Parliament will be held on Thursday, 31st March, 2016 at 2.30 pm, in the National Assembly Chamber. H.E the President will also use the occasion, pursuant to Article 132(1)(c) (i) of the Constitution, to report on all the measures taken and

the progress achieved in the realization of the national values set out in Article 10 of the Constitution. Further, pursuant to Article 240 (7) of the Constitution, H.E the President will also report on the state of security in the country.

Honourable Senators, this is an important occasion in the calendar of Parliament that provides the opportunity for H.E the President to deliver the State of the Nation Address and to address the Legislature and the people of Kenya on critical matters concerning the country. I therefore urge all of you to attend the Special Sitting.

Honourable Senators,

Due to limited sitting space, Senators and Members of the National Assembly will be at liberty to invite one guest each to the occasion. In this regard, you are hereby requested to provide the names of such guests at the Senate reception to facilitate the preparation of formal invitation cards. The names should be submitted by midday tomorrow, Wednesday, 30th March, 2016.

Honourable Senators,

The Special Sitting has also necessitated a re-arrangement of parking. Consequently, the current Senators' parking area here at the Main Parliament Building will not be available for parking by Senators on Thursday, 31st March, 2016. Alternative arrangements have been made for parking at the COMESA Grounds at the KICC.

Please do also note that access to Parliament through the parking area formerly known as the Ministers Gate will remain restricted from tomorrow, 30th March, 2016, to facilitate the pitching of tents for refreshments for that particular day.

I thank you."

4. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE APPROVAL OF THE MEDIATED VERSION OF THE MINING BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2014)**

The Speaker conveyed the following Message from the National Assembly-

"Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 40 (3) and (4), I have received the following message from the Speaker of the National Assembly regarding the approval of the Report of the Mediation Committee on the Mining Bill (National Assembly Bill No. 9 of 2014)-

"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 Mining Bill (National Assembly Bill No. 9 of 2014) was referred to a Mediation Committee on Wednesday, 27th October, 2015;

AND WHEREAS, the National Assembly, by way of resolution passed on Tuesday, 15th March, 2016, approved the mediated version of the said Bill in the form developed by the Mediation Committee;

NOW THEREFORE, in accordance with the provisions of Standing Order 150(4)(b) of the National Assembly Standing Orders and Article 113 of the Constitution, I hereby convey the said decision of the National Assembly".

I thank you."

5. **STATEMENTS PURSUANT TO STANDING ORDER 45 (2) (b)**

- a) The Senator for Narok County (Sen. Stephen Ole Ntutu) sought a statement from the Chairperson of the Sessional Committee on County Public Accounts and Investments regarding unremitted revenue by Mara Conservancy, the collecting agent for Mara Triangle in Narok County.
- b) The Chairperson of the Standing Committee on National Security and Foreign Relations issued a statement regarding alleged harassment of residents of Machakos County by police officers.

In the statement, the Chairperson informed the House that all public processions in respect of which the organizers notified the police in accordance with the law, and the participants adhered to the law, were allowed to proceed. The Chairperson indicated that there had however been a number of incidents whereby police officers were forced to intervene to maintain law and order. This included instances where the organizers of public meetings or processions failed to notify the police of the planned activities; where the public meetings or processions did not comply with the terms on which the notification had been issued; or where the meetings turned riotous and disruptive of businesses, public transport and other activities.

The Chairperson further informed the House that the Government did not intend to take any action against the police officers involved, as they had acted within the law and in execution of their duties.

6. **THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2014)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 23rd March, 2016)
(Division)

Order deferred.

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

(Sen. Halima Abdille)

(Resumption of Debate interrupted on Tuesday, 15th March, 2016)

Order deferred.

8. **COMMITTEE OF THE WHOLE**
THE COUNTY ASSEMBLIES SERVICES BILL (SENATE BILL NO. 27 OF 2014)

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

Order deferred.

9. **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.

10. **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.

11. **MOTION-ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE MINING BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2014)**

(Chairperson, Mediation Committee)

Motion made and question proposed;

THAT, the Senate adopts the Report of the Mediation Committee on the Mining Bill (National Assembly Bill No. 9 of 2014) laid on the Table of the House on Tuesday, 15th March, 2016.

(Chairperson of the Mediation Committee - Sen. Lenny Kivuti)

Debate arising;

There being no other Senator wishing to contribute;

The Senator for Elgeyo Marakwet (Sen. KipchumbaMurkomen) replied on behalf of the Mover;

Raising a point of order, the Senator for Elgeyo Marakwet (Sen. Kipchumba Murkomen) requested for deferment of putting of the Question to the following day, pursuant to Standing Order 54(3).

And the Deputy Speaker acceding to the request, nominated Wednesday, 30th March, 2016 as the day the Question shall be put.

12. **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 Wednesday, 23rd March, 2016 resumed;

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

13. **SENATE ROSE** - at thirty minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, March 30, 2016 at 2.30 p.m.*

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