



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, MAY 3, 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) Visiting delegation from Homa Bay County Assembly on attachment at the Senate**

"Hon. Senators,

I would like to acknowledge the presence, this afternoon, in the Speaker's Gallery, of visiting staff from Homa Bay County Assembly.

The County Assembly staffs are here on a four-day attachment visit to 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:-

- |                    |   |   |
|--------------------|---|---|
| i) David Gor       | - | Deputy Clerk                                  |
| ii) Sharon Oranga  | - | Director, Legislative and Committee Services; |
| iii) Stephen Ojako | - | Principal Clerk Assistant                     |
| iv) Vera Ateng     | - | Second Clerk Assistant                        |

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

I thank you."

**b) Consultative forum with the Cabinet Secretary for Devolution**

"Honourable Senators,

As you may be aware, on Wednesday, 10<sup>th</sup> February, 2016, Sen. Moses Wetangula sought a statement from the Senate Majority Leader regarding the compensation of IDPs. Further, on Thursday, 21st April, 2016, the House resolved to invite the Cabinet Secretary for Devolution and Planning through the Sessional Committee on Devolved Government to address the matter.

Honourable Senators, I wish to inform you that the Cabinet Secretary for Devolution and Planning has requested to come and address the matter on the 25th May, 2016 and not tomorrow as earlier communicated

I thank you."

**4. PETITIONS**

The following report on a Petition was laid on the Table of the Senate pursuant to Standing Order 227-

Report of the Standing Committee on Land and Natural Resources on examination of a Petition by residents of Kwale County on heavy blasting and dust from a quarry near Taru Trading Centre in Kinango Sub County, Kwale County.

*(Chairperson, Standing Committee on Land and Natural Resources)*

**6. STATEMENT PURSUANT TO STANDING ORDER 45(2) (B)**

The Vice-Chairperson of the Standing Committee on Energy issued a statement regarding the compensation of land owners affected by the Kenya Electricity Transmission Company (KETRACO) in Samburu County.

Thereupon, the Vice-Chairperson informed the House that sixty seven (67) land owners in Samburu County were affected by the Loiyangalani-Suswa transmission line, and that KETRACO had allocated Kshs.193,506,001/= for compensation of the affected land owners. Of the said amount, Kshs.97,736,523/= had since been disbursed to twenty one (21) land owners.

The Vice-Chairperson also informed the House that a total of forty six (46) land owners were yet to be compensated for their land, out of whom nine (9) had completed the negotiation process, twenty (20) were undergoing the negotiation process, four (4) were missing requisite documentation or ownership of the affected land parcels was in dispute while the remaining thirteen (13) were absentee landlords, and an advertisement had been placed on the local dailies to facilitate their identification.

7. COMMITTEE OF THE WHOLE

Order for Committee read;

IN THE COMMITTEE

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

**The Universities (Amendment) Bill (Senate Bill No. 31 of 2014)**

Debate interrupted on Tuesday, 15<sup>th</sup> March, 2016 resumed;

New Clause 4A

**THAT** the Bill be amended by inserting the following new clause immediately after clause 4-

Amendment of  
section 36 of No.  
42 of 2012.

**4A** Section 36 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsection-

(2) A person shall be qualified for appointment as the chairperson of the council under subsection (1)(a) or as a member of the council under subsection (1)(d) if the person —

(a) holds a masters degree from a university recognized in Kenya;

(b) has—

(i) in the case of the chairperson of the council, ten years experience; and

(ii) in the case of a member of the council, five years experience; in leadership, management or academia at a senior level; and

(c) is of high moral character and integrity and meets the requirements of Chapter Six of the Constitution and is capable of contributing to university education.

Motion made and Question proposed.

**That**, the New Clause 4A be now read a Second Time.

*(Chairperson, Standing Committee on Education)*

New Clause 4A

-vote deferred.

**Progress report**

Motion made and Question proposed;

**THAT** the Committee of the Whole reports progress on its consideration of the Universities (Amendment) Bill (Senate Bill No. 31 of 2014) and seek leave to sit again tomorrow.

*(Vice- Chairperson of the Standing Committee on Education)*

There being no Senator wishing to contribute;

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

Question put and agreed to.

8. **HOUSE RESUMED** - The Temporary Speaker (Sen. Sang) in the Chair.
9. **THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2014)**

**Progress reported.**

Motion made and Question proposed.

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

*(Vice- Chairperson of the Standing Committee on Education)*

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.

10. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

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

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

Motion made and Question proposed;

**THAT** the Committee of the Whole reports progress on its consideration of the County Assembly Services Bill, (Senate Bill No. 27 of 2014) and seek leave to sit again tomorrow.

*(Vice- Chairperson of the Standing Committee on Legal Affairs and Human Rights)*

There being no Senator wishing to contribute;

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

Question put and agreed to.

11. **HOUSE RESUMED** - The Temporary Speaker (Sen. Sang) in the Chair.

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

**Progress reported.**

Motion made and Question proposed.

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

*(Sen. Fatuma Dullo on behalf of the Vice- Chairperson, Standing Committee on Legal Affairs and Human Rights)*

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.

13. **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.

14. **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.

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

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 Leader – 27.04.16)*

Debate interrupted on Wednesday, 27<sup>th</sup> April, 2016 resumed;

Debate suspended;

16. MOTION – ELECTION OF A SENATOR TO PRESIDE OVER THE SITTING OF THE SENATE PURSUANT TO ARTICLE 107(1)(c) OF THE CONSTITUTION AND STANDING ORDER NO. 18

Motion made and Question proposed;

**THAT**, pursuant to Standing Order 18 and Article 107(1)(c) of the Constitution, the House elects Senator Stewart Madzayo to preside over sittings of the Senate for the remainder of the day.

*(The Senate Majority Leader)*

There being no Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 72, the Temporary Speaker (Sen. Sang) informed the House that the Motion did not affect Counties.

Question put and agreed to.

RESOLVED ACCORDINGLY-

**THAT**, pursuant to Standing Order 18 and Article 107(1)(c) of the Constitution, the House elects Senator Stewart Madzayo to preside over sittings of the Senate for the remainder of the day.

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

Debate resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order, the Senate Majority Leader requested for deferment of putting of the Question to the following day, pursuant to Standing Order 54(3).

And the Temporary Speaker (Sen. Madzayo) acceding to the request, nominated Wednesday, 4<sup>th</sup> May, 2016 as the day the Question shall be put.

18. **THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2013)**

(The Senate Majority Leader)

Order deferred.

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

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

Order deferred.

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

(Sen. Kimani Wamatangi)

Order deferred.

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

(The Senate Majority Leader)

Order for Second Reading read;

Order deferred.

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

(Sen. Kimani Wamatangi)

Order deferred.

23. **THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL (SENATE ASSEMBLY BILL NO. 9 OF 2015)**

(Sen. Kimani Wamatangi)

Order deferred.

24. **MOTION- ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE ON THE 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, 4<sup>TH</sup> NOVEMBER, 2015

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

Order deferred.

And there being no other business on the Order Paper, the Temporary Speaker (Sen. Madzayo) adjourned the Senate at six minutes past five O'clock without Question put, pursuant to the Standing Orders.

25. SENATE ROSE - at fifty six minutes past five O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on  
Wednesday, May 4, 2016 at 2:30 p.m.*

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