



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FIFTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, MARCH 30, 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 Temporary Speaker (Sen. (Dr.) Wilfred Machage).
3. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE DECISION OF THE NATIONAL ASSEMBLY ON THE CONSIDERATION OF THE SENATE AMENDMENTS TO THE DIVISION OF REVENUE BILL, 2017**

The Temporary Speaker (Sen. (Dr.) Wilfred Machage) conveyed the following message from the National Assembly.

“Hon. 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 regarding the rejection of the Senate amendments to the Division of Revenue Bill, 2017-

“PURSUANT to the provisions of Standing Orders 41 and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the Senate Amendments to the Division of Revenue Bill (National Assembly Bill No. 2 of 2017) *relating to the allocation of revenue raised nationally between the National and the County Governments for the Financial Year 2017/2018* were considered by the National Assembly on 23rd March, 2017.

FURTHER WHEREAS, on 28th March, 2017, the National Assembly by resolution, **negatived** the consideration of the said amendments in Committee;

NOW THEREFORE, in accordance with the provisions of Article 112 of the Constitution and Standing Orders 146 and 149 of the National Assembly Standing Orders, I hereby **convey** the said decision of the National Assembly to the Senate and seek the appointment of Senators to the Mediation Committee in respect of the Bill.”

Hon. Senators,

Article 112 (2) (b) of the Constitution provides that *if, after the originating House has reconsidered a Bill referred back to it under Clause (1) (b), that House-*

Rejects the Bill as amended, the Bill shall be referred to a mediation committee under Article 113.

For the benefit of the Senators, Article 113 provides as follows-

- 1) If a Bill is referred to a mediation committee under Article 112, the Speakers of both Houses shall appoint a mediation committee consisting of equal numbers of members of each House to attempt to develop a version of the Bill that both Houses will pass.*
- 2) If the mediation committee agrees on a version of the Bill, each House shall vote to approve or reject that version of the Bill*
- 3) If both Houses approve the version of the Bill proposed by the mediation committee, the Speaker of the National Assembly shall refer the Bill to the President within seven days for assent.*
- 4) If the mediation committee fails to agree on a version of the Bill within thirty days, or if a version proposed by the committee is rejected by either House, the Bill is defeated.*

Hon. Senators,

In the circumstances, I concur with the Speaker of the National Assembly to form a mediation committee in accordance with Articles 112 (2) (b) and 113 of the Constitution.

In this regard Hon. Senators, I have received communication from the National Assembly that the Speaker of the National Assembly has appointed the following Members to represent the Assembly in the Mediation Committee that will attempt to develop a version of the Bill that both Houses will pass-

1. The Hon. Mutava Musyimi, MP;
2. The Hon. Mary Emaase, MP;
3. The Hon. Samuel Kamunye Gichigi, MP;
4. The Hon. Christopher Omulele, MP; and
5. The Hon. Richard Onyonka, MP.

Similarly and consequent to the foregoing, the Speaker of the Senate has appointed the following Senators to represent the Senate in the Mediation Committee-

1. Sen. Billow Kerrow;
2. Sen. Mutula Kilonzo Jnr.;
3. Sen. (Dr.) Agnes Zani;
4. Sen. Beatrice Elachi; and
5. Sen. Mutahi Kagwe.

I urge the Mediation Committee to move with urgency and dispose of this matter.

I thank you.”

4. **PAPER LAID**

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

Statement of the Business of the Senate for the week commencing 4th April, 2017.

(Sen. Kiraitu Murungi on behalf of the Senate Majority Leader)

5. **STATEMENTS**

a) Statements Pursuant to Standing Order 45(2)(b)

- i.) A nominated Senator (Sen. Naisula Lesuuda) sought a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the killing of livestock by security personnel in Laikipia County.
- ii.) The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries, issued a statement regarding the plight of farmers in Mwea Rice Irrigation Scheme.

In the statement, the Chairperson informed the Senate that the Government is aware that farmers in Mwea Rice Irrigation Scheme are facing challenges due to poor rains in the year 2016 that limited irrigation leading to a drop in rice production.

He also informed the House that the government has been assisting farmers in Mwea through availing of subsidized fertilizers and initiating donor funded projects such as the Partnership for Sustainable Rice Systems Development in Sub-Saharan Africa, Rice Statistics Project, 2nd Kennedy Round, Rice Based Market Oriented Agriculture Promotion Project and Science and Technology Research Partnership for Sustainable Development Systems.

He further informed the House that the biggest hinderance to rice production in Mwea is insufficient and well distributed water for irrigation. To address this issue, the following measures are under implementation-

- a) The Government of Kenya and Japan International Cooperation Agency will begin in May, 2017, the construction of a 20 billion dam across River Thiba;
- b) Lining of canals in the Scheme will continue;
- c) Creation of more overnight storage facilities in some sections of the scheme;
- d) Stakeholder coordination on use of the water resource to avoid uncontrolled abstractions;
- e) Stakeholder engagement with Water Resource Management Authority with the view to establish a user support programme; and
- f) Improvement of the out grower area both on irrigation infrastructure and roads to add up to 4500 acres for irrigation.

b) Statement Pursuant to Standing Order 45(2)(c)

The Senator for Meru County (Sen. Kiraitu Murungi) issued a Statement of the business of the Senate for the week commencing 4th April, 2017 on behalf of the Senate Majority Leader.

6. MOTION – DEBATE ON THE ADDRESS BY H. E THE PRESIDENT

Motion made and Question proposed;

THAT, pursuant to the provisions of Standing Order 24 (6), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President delivered on Wednesday, 15th March, 2017 and further notes the following Reports submitted by the President in fulfillment of the provisions of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the House on Tuesday, 28th March, 2017-

- a) Report on measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
- b) Report on Progress made in Fulfillment of the International Obligations of the Republic; and,

- c) The Fourth Annual Report to Parliament on the State of National Security.
(*The Senate Majority Whip, on behalf of the Senate Majority Leader – 29th March, 2017*)

Debate interrupted on Wednesday, 29th March, 2017 resumed;

And there being no other Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 72, the Temporary Speaker (Sen. (Dr.) Wilfred Machage) informed the House that the Motion did not affect Counties.

Question put and **agreed to.**

RESOLVED ACCORDINGLY

THAT, pursuant to the provisions of Standing Order 24 (6), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President delivered on Wednesday, 15th March, 2017 and further notes the following Reports submitted by the President in fulfillment of the provisions of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the House on Tuesday, 28th March, 2017-

- a. Report on measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
 - b. Report on Progress made in Fulfillment of the International Obligations of the Republic; and,
 - c. The Fourth Annual Report to Parliament on the State of National Security.
7. **MOTION – TO CONSIDER AMENDMENTS BY THE NATIONAL ASSEMBLY TO THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 32 OF 2014)**

Motion made and Question proposed;

THAT, the National Assembly Amendments to the County Early Childhood Education Bill (Senate Bill No. 32 of 2014) be now considered.
(*Chairperson, Standing Committee on Education*)

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Before the Question was put and pursuant to Standing Order 72, the Temporary Speaker (Sen. Ongoro) informed the House that the Motion did not affect Counties.

Question put and **agreed to.**

RESOLVED ACCORDINGLY

THAT, the National Assembly Amendments to the County Early Childhood Education Bill (Senate Bill No. 32 of 2014) be now considered.

8. **COMMITTEE OF THE WHOLE**

THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 32 OF 2014)

(Chairperson, Standing Committee on Education)

(Consideration of National Assembly Amendments)

Order deferred.

9. **MOTION – ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON THE INQUIRY INTO THE FINANCIAL OPERATIONS OF SEVERAL COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2013/2014**

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 (1st July, 2013 to 30th June, 2014) laid on the Table of the Senate on Thursday, 23rd February, 2017.

(Chairperson, Sessional Committee on County Public Accounts and Investments – 28/02/2017)

Debate interrupted on Thursday, 28th March, 2017, resumed;

Adjournment of debate pursuant to Standing Order 99(1):

Raising a point of order, the Senator for Kirinyaga County (Sen. Daniel Karaba) claimed to move-

“That, the debate be now adjourned”, pursuant to Standing Order 99(1).

And the Temporary Speaker (Sen. Ongoro) acceding to the claim;

Question proposed;

Before the Question was put and pursuant to Standing Order 72, the Temporary Speaker (Sen. Ongoro) ruled that the Question did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the debate be now adjourned.

10. **COMMITTEE OF THE WHOLE**

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

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

*Consideration of National Assembly Amendments
(Resumption of Debate interrupted on Wednesday, 16th November, 2016)
(Division)*

Order deferred.

11. **COMMITTEE OF THE WHOLE**

**THE NATIONAL CEREALS AND PRODUCE BOARD (AMENDMENT) BILL
(SENATE BILL NO. 15 OF 2015)**

(Sen. Zipporah Kittony)

*(Resumption of Debate interrupted on Wednesday, 16th November, 2016)
(Division)*

Order deferred.

12. **COMMITTEE OF THE WHOLE**

THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 10 OF 2015)

(Sen. Stephen Sang)

*(Resumption of Debate interrupted on Thursday, 16th February, 2017)
(Division)*

Order deferred.

13. **COMMITTEE OF THE WHOLE**

**THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF THE
ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 8 OF 2015)**

(Sen. Omar Hassan)

*(Resumption of Debate interrupted on Tuesday, 15th November, 2016)
(Division)*

Order deferred.

14. **COMMITTEE OF THE WHOLE**

**THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL
NO. 35 OF 2014)**

(The Senate Majority Leader)

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

Order deferred.

15. **COMMITTEE OF THE WHOLE**

THE PARLIAMENTARY POWERS AND PRIVILEGES BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)

(The Senate Majority Leader)

Order deferred.

16. **COMMITTEE OF THE WHOLE**

THE ASSUMPTION OF OFFICE OF GOVERNOR BILL (SENATE BILL NO. 10 OF 2016)

(Sen. Paul Kimani Wamatangi)

Order deferred.

17. **COMMITTEE OF THE WHOLE**

THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT) BILL (SENATE BILL NO. 2 OF 2016)

(Sen. (Prof). Wilfred Lesan)

Order deferred.

18. **COMMITTEE OF THE WHOLE**

THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2) BILL (SENATE BILL NO. 7 OF 2016)

(Sen. Mutula Kilonzo Jr.)

Order deferred.

19. **COMMITTEE OF THE WHOLE**

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

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

Order deferred.

20. **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 AREA**

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.

*(Chairperson, Standing Committee on National Security
and Foreign Relations – 22/02/2017)*

(Resumption of Debate interrupted on Wednesday, 22nd February, 2017)

Order deferred.

21. **MOTION – NOTING OF THE REPORT OF THE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS ON THE EALA REPORTS AND RESOLUTIONS PURSUANT TO STANDING ORDER 235**

THAT, the Senate notes the Report of the Standing Committee on National Security and Foreign Relations on the EALA Reports and Resolutions pursuant to standing order 235 laid on the Table of the House on Tuesday, 19th April, 2016.

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

Order deferred.

22. **MOTION – NOTING OF THE REPORT OF THE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS ON THE STUDY VISIT TO RUSSIA**

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the study visit to Russia laid on the Table of the House on Tuesday, 15th March, 2016.

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

Order deferred.

And there being no other Business, the Temporary Speaker (Sen. Ongoro) adjourned the Senate at ten Minutes past five O'clock without question put, pursuant to the Standing Orders.

23. **SENATE ROSE** – at Ten Minutes past Five O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, April 4, 2017 at 2.30 p.m.*

---XX---