



**REPUBLIC OF KENYA**  
**ELEVENTH PARLIAMENT – FIFTH SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, APRIL 6, 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 Deputy Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Deputy Speaker conveyed the following Communications from the Chair:-

**(a) On visiting students and teachers from Githongo Boys High School, Meru County**

“Honorable Senators,

I wish to recognize the presence of visiting students and teachers from Githongo Boys High School, Meru County.

They are seated in the Public Gallery.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

**(b) On visiting PhD students from Jomo Kenyatta University of Science and Technology**

“Honorable Senators,

I wish to recognize the presence of visiting PhD students from Jomo Kenyatta University of Science and Technology with their team leader Dr. Susan Were, Chairperson of the Department of Entrepreneurship and Supplies at the University.

They are seated in the Speaker's Gallery.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you."

4. **PETITIONS**

**a) The following Petitions were reported to the Senate-**

- i. Pursuant to Standing Order 220(1) (a) and 225(2) (b), the Deputy Speaker reported to the Senate that a petition had been received from Jemily Construction Company Limited regarding payment owed to the Company by the County Government of Machakos.

Pursuant to Standing Order 226, the Deputy Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Finance, Commerce and Budget pursuant to Standing Order 227.

- ii. Pursuant to Standing Order 220(1) (a) and 225(2) (b), the Deputy Speaker reported to the Senate that a petition had been received from Mr. Henry Nyabuto Ondieki regarding alleged misappropriation and diversion of public funds at Chemelil Sugar Company Limited.

Pursuant to Standing Order 226, the Deputy Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Agriculture, Livestock and Fisheries pursuant to Standing Order 227.

**b) The following reports on Petitions were laid on the Table of the Senate, pursuant to Standing Order 227(2)-**

- i. Report of the Standing Committee on Legal Affairs and Human Rights on a Petition by Ms. Wanjiru Gikonyo on Repeal of the National Government Coordination Act, 2013;
- ii. Report of the Standing Committee on Legal Affairs and Human Rights on a Petition by the Institute for Social Accountability (TISA) on procedure and timelines for advertisements and receipt of views on Bills and other matters under consideration by the Senate;
- iii. Report of the Standing Committee on Legal Affairs and Human Rights on a Petition by Maj. (Rtd.) Joel K. Rop, regarding the need to amalgamate existing proposals for constitutional amendments to produce a hybrid draft for a national referendum;

- iv. Report of the Standing Committee on Legal Affairs and Human Rights on a Petition by Mr. Tony Watima on the need to address instances of conflict of interest in public service; and
- v. Report of the Standing Committee on Legal Affairs and Human Rights on a Petition by Gibson Machanga Mareko for amendment of various provisions of the Constitution.  
*(Sen. Judith Sijeny, on behalf of Chairperson, Standing Committee on Legal Affairs and Human Rights)*
- vi. Report of the Standing Committee on Finance, Commerce and Budget on a Petition by Julius Masiva Obuga on alleged misuse and diversion of Public funds by the Vihiga County Government;
- vii. Report of the Standing Committee on Finance, Commerce and Budget on a Petition of Humphreys Khaunya on the enactment of the Licensing Act, 2013; and
- viii. Report of the Standing Committee on Finance, Commerce and Budget on a Petition by Mr. Richard Kavemba Mutinda concerning breach of the Constitution and other laws by the Nairobi City County Executive.  
*(Chairperson, Standing Committee on Finance, Commerce and Budget)*

5. **PAPERS LAID**

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

- i. Report of the Joint Parliamentary Select Committee on review of the Procedure and Rules for election of Members of East African Legislative Assembly (EALA).  
*(Sen. Murkomen, Co-Chairperson, Joint Parliamentary Select Committee)*
- ii. Report on the proposed amendment to the County Allocation of Revenue Act, 2016.  
*(Sen. Billow Kerrow)*
- iii. Statement of the Business of the Senate for the week commencing 13<sup>th</sup> June, 2017.  
*(The Senate Majority Leader)*

6. **NOTICE OF MOTION** – (Sen. Kipchumba Murkomen, Co-Chairperson, Joint Parliamentary Select Committee)

**THAT**, the Senate adopts the Report of the Joint Parliamentary Select Committee to review the Procedure and Rules for election of Members of the East African Legislative Assembly (EALA) laid on the Table of the House today, Thursday, 6<sup>th</sup> April, 2017, and pursuant to section 12 of the East African Legislative Assembly Elections Act, 2011 and Article 50 of the Treaty for the

establishment of the East African Community, approves the East African Legislative Assembly (Election of Members of the Assembly) Rules, 2017.

## **7. STATEMENTS**

### **(a) Statement Pursuant to Standing Order 45(2)(a)**

The Chairperson of the Standing Committee on Finance, Commerce and Budget (Sen. Billow Kerrow) issued a statement on an issue of general topical concern regarding consideration, by the National Assembly, of the Appropriations Bill (National Assembly Bill No. 15 of 2017), while the Mediation process on the Division of Revenue Bill (National Assembly Bill No. 2 of 2017) was yet to be concluded.

In the statement, the Chairperson informed the Senate that the Assembly's decision to proceed with consideration of the Appropriations Bill, based on budget figures as passed by the Assembly the Division of Revenue Bill, greatly undermined and effectively rendered futile the Mediation process on the Division of Revenue Bill.

Additionally, the Chairperson informed the House that the decision by the Assembly to ignore the Mediation process on the Division of Revenue Bill would adversely affect counties, which were awaiting passage of the Bill, as well as the County Allocation of Revenue Bill, to enable them prepare their budgets for the financial year 2017/2018.

Consequently, the Temporary Speaker (Sen. (Dr.) Machage) allowed Senators to comment on the statement.

### **(b) Statements Pursuant to Standing Order 45(2)(b)**

- i.) The Senator for West Pokot County (Sen. (Prof.) John Lonyangapuo) sought a statement from the Chairperson of the Standing Committee on Legal Affairs and Human Rights regarding participation of Cabinet and Principal Secretaries in political party activities.
- ii.) The Vice-Chairperson of the Standing Committee on Roads and Transportation issued a statement on the reported change of LAPSSET corridor route and relocation of the proposed Isiolo Resort City. Thereupon, the Chairperson informed the House that the initial LAPSSET Corridor study proposed the road from Isiolo to pass through Nginyang but a study currently ongoing has cited difficult terrain and environmental concerns as crucial factors necessitating new alignments.

She stated that the proposed Resort City at Isiolo, is intended to assist bolster economic activities along the LAPSSET Corridor and that three sites were identified for the Resort City, namely Kipsing Gap, Archers Post and Kulamawe and were ranked as 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respectively. The vice-chair noted that compliance with statutory obligations, LAPSSET Corridor Development Authority commissioned a Strategic Environment Assessment study for the entire LAPSSET Corridor Program.

The study flagged Kipsing Gap as having a fragile ecosystem and is also a wild animal migratory corridor and therefore proposed that an alternative location for the City be recommended. The actual location of the Resort City, either at Kipsing Gap or Kulamawe will be known after finalization of the Report and upon approval by NEMA.

The Vice-Chairperson further informed the Senate that LAPSSET Corridor Development Authority has conducted several stakeholders' consultative meetings in Isiolo and other LAPSSET Corridor Counties and that the LAPSSET Corridor Program is a Vision 2030 project. She added that the project was conceptualized to provide a development paradigm shift for the county and any re-alignment of the Corridor is based on sound technical grounds and not on political considerations.

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

The Senate Majority Leader issued a Statement of the business of the Senate for the week commencing 13<sup>th</sup> June, 2017.

**Paper Laid**

The following paper was laid on the Table of the Senate during statements hour;

- (i) Photographs of carcasses of livestock allegedly killed by security personnel in Laikipia County.

*(Sen. Naisula Lesuuda)*

**8. MOTION - TO ADOPT THE REPORT OF THE JOINT PARLIAMENTARY SELECT COMMITTEE TO REVIEW THE PROCEDURE AND RULES FOR ELECTION OF MEMBERS OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

Motion made and Question proposed;

**THAT**, the Senate adopts the Report of the Joint Parliamentary Select Committee to review the Procedure and Rules for election of Members of the East African Legislative Assembly (EALA) laid on the Table of the House today, Thursday, 6<sup>th</sup> April, 2017, and pursuant to section 12 of the East African Legislative Assembly Elections Act, 2011 and Article 50 of the Treaty for the

establishment of the East African Community, approves the East African Legislative Assembly (Election of Members of the Assembly) Rules, 2017.

*(Sen. Kipchumba Murkomen, Co-Chairperson, Joint Parliamentary Select Committee)*

Debate arising;

And there being no other Senator wishing to contribute;

The Senate Majority Leader replied on behalf of the Mover;

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

Question put and **agreed to.**

**RESOLVED ACCORDINGLY**

**THAT**, the Senate adopts the Report of the Joint Parliamentary Select Committee to review the Procedure and Rules for election of Members of the East African Legislative Assembly (EALA) laid on the Table of the House today, Thursday, 6<sup>th</sup> April, 2017, and pursuant to section 12 of the East African Legislative Assembly Elections Act, 2011 and Article 50 of the Treaty for the establishment of the East African Community, approves the East African Legislative Assembly (Election of Members of the Assembly) Rules, 2017.

**9. COMMITTEE OF THE WHOLE**

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

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

*(Consideration of National Assembly Amendments)*

*(Resumption of Debate interrupted on Wednesday, 1<sup>st</sup> March, 2017)*

*(Division)*

Order deferred.

**10. 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, 16<sup>th</sup> November, 2016)*

*(Division)*

Order deferred.

11. **COMMITTEE OF THE WHOLE**  
**THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 10 OF 2015)**

(Sen. Stephen Sang)

*(Resumption of Debate interrupted on Thursday, 16<sup>th</sup> February, 2017)*

*(Division)*

Order deferred.

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

(Sen. Omar Hassan)

*(Resumption of Debate interrupted on Tuesday, 15<sup>th</sup> November, 2016)*

*(Division)*

Order deferred.

13. **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.

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, 15<sup>th</sup> November, 2016)*

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 SESSIONAL COMMITTEE**  
**ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON THE INQUIRY**  
**INTO FINANCIAL OPERATIONS OF SEVERAL COUNTY EXECUTIVES**

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

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

*(Resumption of Debate interrupted on Tuesday, 4<sup>th</sup> April, 2017)*

*(The Mover to Reply)*

Order deferred.

21. **THE COUNTY BOUNDARIES BILL (SENATE BILL NO.16 OF 2016)**  
(Sen. Mutula Kilonzo Jr.)

*(Second Reading)*

*(Resumption of Debate interrupted on Wednesday, 5<sup>th</sup> April, 2017)*

Order deferred.

22. **THE COUNTY PENSION SCHEME BILL (SENATE BILL NO. 20 OF 2016)**  
(Chairperson, Standing Committee on Labour and Social Welfare)

*(Second Reading)*

Order deferred.

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

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

**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, 19<sup>th</sup> April, 2016.

Order deferred.

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

(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 study visit to Russia laid on the Table of the House on Tuesday, 15<sup>th</sup> March, 2016.

Order deferred.

25. **MOTION -ADJOURNMENT OF THE SENATE PURSUANT TO STANDING ORDER 28 (3)**

Motion made and question proposed;

**THAT**, pursuant to Standing Order 28 (3), the Senate do adjourn until Tuesday, 13<sup>th</sup> June, 2017.

*(The Senate Majority Leader)*

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. (Dr.) Machage) adjourned the Senate without question put, pursuant to the Standing Orders.

26. **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  
Tuesday, June 13, 2017 at 2.30 p.m.*

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