



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FIFTH SESSION

THE SENATE

SPECIAL SITTING

VOTES AND PROCEEDINGS

FRIDAY, JUNE 09, 2017 AT 12.00 NOON

1. The Senate assembled at Twelve O'clock.
2. The Proceedings were opened with prayer said by the Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

(a) welcome remarks on convening of the special sitting

Honourable Senators,

Let me take this opportunity to welcome you back for this Special Sitting during the Fifth Session of the Senate and thank you for finding time from your busy schedules to attend the sitting. I am aware of the busy schedules each of you has at such a critical time as this in our election calendar.

Honourable Senators,

By a letter dated 5th June, 2017, and pursuant to Standing Order 29 (1) of the Senate, the Senate Majority Leader and Senate Minority Leader supported by the requisite number of Senators, requested the Speaker to convene a Special Sitting of the Senate to conclude consideration of the following business.

- (a) The Division of Revenue Bill, 2017 and other Bills pending before the Senate; and

(b) Petitions due for presentation or reporting to the Senate.

Honourable Senators,

Following consideration of the request by the Senate Majority Leader and the Senate Minority 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. 5338 dated 7th June, 2017.

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.

Honourable Senators,

Although this special sitting comes at a time when we have officially entered into the official campaign period for the August, 2017 general elections, the Senate has to discharge its mandate up to the end of its term. I am glad that you all heeded to the call of your constitutional duty and came. I would like to reiterate that in accordance with Article 123 of the Constitution and standing order 71, for the Senate to approve some of the business scheduled in today's Order Paper, the support of a majority of all delegations (that is 24 delegations) is required.

I therefore urge you all to remain in the Chamber for the transaction of business as scheduled and until its conclusion.

I thank you.

(b) *Kamukunji* on the Report of the Procedure and Rules Committee on the proposed amendments to the Senate Standing Orders

Honourable Senators,

As you may recall, the Procedure and Rules Committee has, since September 2016, been undertaking a comprehensive review of the Senate

Standing Orders. This is in line with its mandate under Standing Order 249 requiring the Committee to carry out such a review '***at least once in every term of Parliament.***'

In undertaking this exercise, the Committee invited and received submissions from Hon. Senators, the Office of the Clerk, and members of the public.

Honourable Senators,

The Committee has since concluded this exercise and prepared a Report, which is due to be tabled in the Senate next week when the House resumes from recess.

It is in this regard that a *Kamukunji* has been scheduled to enable the Committee take Hon. Senators through the proposed amendments, before the Report is tabled in the House.

The *Kamukunji* will be held in the **Senate Chamber on Tuesday, 13th June, 2017 at 11.00 am.**

I invite and urge all Senators to attend this important briefing.

I thank you.

4. **MESSAGES**

The Speaker conveyed the following Messages-

(a) Message from the National Assembly on the passage of the Division of Revenue (No.2) Bill (National Assembly Bill No. 22 Of 2017)

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, on 5th June, 2017, regarding the passage, by the National

Assembly, of the Division of Revenue (No.2) Bill (National Assembly Bill No. 22 of 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 Division of Revenue (No.2) Bill (National Assembly Bill No.22 of 2017) was published *vide* the Kenya Gazette Supplement No. 69 of May 12, 2017 to provide for the equitable division of revenue raised nationally between the national and county governments in the 2017/2018 financial year;

WHEREAS, on Tuesday, May 30, 2017, the National Assembly considered and **passed** the said Bill **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 41 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.”

Hon. Senators,

This Message was received at a time when the Senate was on recess and pursuant to standing order No. 40 (5), I transmitted the Message to every Senator.

Hon. Senators,

Pursuant to standing order No. 148 which requires that a Bill which originates 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 now direct that the Bill be listed for First Reading in the Order Paper of today, 9th June, 2017.

I thank you.

(b) Message from the National Assembly on the Approval of the Report of the Joint Parliamentary Select Committee on the Election of Members to the East African Legislative Assembly (EALA)

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, on 5th June, 2017, regarding the approval of the Report of the Joint Parliamentary Select Committee on the Election of Members to the East African Legislative Assembly (EALA)-

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

WHEREAS, the Joint Parliamentary Select Committee considered the nomination papers of persons nominated for election as Members of EALA under the said Rules and tabled a Report thereof in the National Assembly on Wednesday, May17, 2017;

AND WHEREAS, on Wednesday, May 31, 2017, the National Assembly considered and **adopted** the said Report **without amendments**;

NOW THEREFORE, in accordance with the provisions of Standing Order 41 of the National Assembly Standing Orders and Rule 9 of the Houses of Parliament (Joint Sittings) Rules, I hereby convey the decision of the National Assembly.”

Hon. Senators,

This Message was received at a time when the Senate was on recess and pursuant to standing order No. 40 (5), I transmitted the Message to every Senator.

I thank you.

5. **THE DIVISION OF REVENUE BILL (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2017)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Finance, Commerce and Budget pursuant to the Standing Orders.

6. **THE COUNTY PENSION SCHEME BILL (SENATE BILL NO. 20 OF 2016)**

Motion made and Question proposed:

That the County Pension Scheme Bill (Senate Bill No. 20 of 2016) be now read a second time

on behalf of the Chairperson, Standing Committee on Labour and Social Welfare)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order, the for Nyandarua (Sen. (Eng.) Karue requested the putting of the Question be deferred to a later date, pursuant to Standing Order 54 (3);

And the Temporary Speaker (Sen (Dr). Machage) acceding to the request, nominated Tuesday, 13th June , 2017 as the day when the Question shall be put.

7. **MOTION - ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2015)**

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Mediation Committee on the Health Bill (National Assembly Bill No. 14 of 2015) laid on the Table of the Senate on Thursday, 25th May, 2017 and pursuant to Article 113 of the Constitution and Standing Order 155 (3) of the Senate Standing Orders approves the mediated version of the Bill.

(The Chairperson of the Mediation Committee)

Debate arising;

And there being no other Senator wishing to contribute;

Reply by the Mover deferred;

8. **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, 1st March, 2017)

(Division)

Order deferred.

9. **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.

10. **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, 15th November, 2016)

(Division)

Order deferred.

11. **COMMITTEE OF THE WHOLE**

THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2015)

(Sen. Godliver Omondi)

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

(Division)

Order deferred.

12. **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.

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 COUNTY GOVERNMENTS (AMENDMENT) (NO. 4) BILL (SENATE BILL NO. 18 OF 2014)
(Sen. Kipchumba Murkomen)

Order deferred.
15. **COMMITTEE OF THE WHOLE**
THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT) BILL (SENATE BILL NO. 2 OF 2016)
(Sen. (Prof). Wilfred Lesan)

Order deferred.
16. **COMMITTEE OF THE WHOLE**
THE AGRICULTURE, FISHERIES AND FOOD AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2015)
(The Senate Majority Leader)

Order deferred.
17. **COMMITTEE OF THE WHOLE**
THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2015)
(Sen. Paul Kimani Wamatangi)

Order deferred.
18. **COMMITTEE OF THE WHOLE**
THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL (SENATE BILLS NO. 9 OF 2015)
(Sen. Martha Wangari)

Order deferred.
19. **COMMITTEE OF THE WHOLE**
THE SELF HELP ASSOCIATIONS BILL (SENATE BILL NO. 2 OF 2015)
(Sen. Martha Wangari)

Order deferred.

20. **COMMITTEE OF THE WHOLE**
THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL)
(AMENDMENT) BILL (SENATE BILL NO. 9 OF 2016)
(Sen. Fatuma Dullo)
- Order deferred.
21. **COMMITTEE OF THE WHOLE**
THE COUNTY GOVERNMENTS (AMENDMENT) (NO. 2) BILL (SENATE
BILL NO. 7 OF 2016)
(Sen. Mutula Kilonzo Jnr.)
- Order deferred.
22. **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.
23. **COMMITTEE OF THE WHOLE**
THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY
BILL NO. 12 OF 2015)
(The Senate Majority Leader)
- Order deferred.
24. **COMMITTEE OF THE WHOLE**
THE LOCAL CONTENT BILL (SENATE BILL NO. 13 OF 2016)
(Sen. Gideon Moi)
- Order deferred.
25. **COMMITTEE OF THE WHOLE**
THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 8 OF
2016)
(Sen. (Eng.) Muriuki Karue)
- Order deferred.
26. **COMMITTEE OF THE WHOLE**
THE PARLIAMENTARY POWERS AND PRIVILEGES BILL (NATIONAL
ASSEMBLY BILL NO. 35 OF 2014)
(The Senate Majority Leader)
- Order deferred.

27. **COMMITTEE OF THE WHOLE**
THE ASSUMPTION OF OFFICE OF GOVERNOR BILL (SENATE BILL NO. 10 OF 2016)
(Sen. Paul Kimani Wamatangi)

Order deferred.

28. **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)

Order deferred.

29. **COMMITTEE OF THE WHOLE**
THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)
(The Senate Majority Leader)
(Resumption of Debate interrupted on Wednesday, 9th November, 2016)

Order deferred.

30. **COMMITTEE OF THE WHOLE**
THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.43 OF 2013)
(The Senate Majority Leader)

Order deferred.

31. **COMMITTEE OF THE WHOLE**
THE COUNTY STATISTICS BILL (SENATE BILL NO. 11 OF 2016)
(Sen. Naisula Lesuuda)

Order deferred.

32. **COMMITTEE OF THE WHOLE**
THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)
(The Senate Majority Leader)

Order deferred.

33. **THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2016)**
(The Senate Majority Leader)
(Second Reading)

Order deferred.

And there being no other business on the Order Paper, the Temporary Speaker (Sen. (Dr) Machage), interrupted the proceedings at two O'clock and adjourned the Senate without question put, pursuant to the Standing Orders.

34. SENATE ROSE – at Two 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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