



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – FOURTH SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, FEBRUARY 21, 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 Speaker.
3. **COMMUNICATION FROM THE CHAIR - VISITING DELEGATION FROM THE PARLIAMENTARY NETWORK ON THE WORLD BANK AND THE INTERNATIONAL MONETARY FUND (IMF)**

The Speaker conveyed the following communication from the Chair-

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting Parliamentary Network delegation to the Senate of Kenya.

I request each member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition.

They are:

1.	Alain Destexhe	Senator, Board member of the Parliamentary Network	Belgium
2.	Sado Nazaire	MP	Benin
3.	Immaculée Ndabaneze Rurerekana	Senator, Chair of the Standing Committee on Economic, Financial and Budget Affairs	Burundi
4.	Fadil Aliyoun	MP	Cameroon
5.	Mbutoh Njingum Musa	MP, Chair of the Finance Committee	Cameroon
6.	Pana Merchant	Senator, Board member of the Parliamentary Network	Canada

7.	Jean-Luc Reitzer	MP	France
8.	Maminiaina Rabenirina	MP	Madagascar
9.	Gerry Randriambolaina	MP	Madagascar
10.	Abdul Rashid Godil	MP, Member of the Public Accounts Committee	Pakistan
11.	El Hadji Mansor Sy	MP	Senegal
12.	Åsa Eriksson	MP	Sweden
13.	Zitto Zuberi Kabwe	MP	Tanzania
14.	Joseph George Kakunda	MP	Tanzania
15.	Olfa Soukri Cherif	MP, PN Board member	Tunisia
16.	Arda Zengin	Parliamentary Staff, Secretary of the FA Committee	Turkey
17.	Cemalettin Kani Torun	MP, Deputy Chair of the FA Committee	Turkey
18.	Taha Ozhan	MP, Chair of the FA Committee	Turkey
19.	Nathan Nandala-Mafabi	MP	Uganda
20.	Nayé Bathily	Head of Parliamentary Engagement, World Bank Group	
21.	Glenn Gottselig	Senior Communication Officer, IMF	
22.	Vera Rosauer	Communication Officer, AFREC, World Bank Group	
23.	Hana Rakem	Consultant, Parliamentary Network on the World Bank and the IMF	

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

I thank you.”

#### 4. **NOTICE OF MOTION**

**THAT**, pursuant to Standing Order Nos. 177, 179 and 210, the Senate approves the following Senators nominated by the Senate Business Committee to serve in the respective Sessional Committees as indicated below:-

##### **A. COMMITTEE ON DEVOLVED GOVERNMENT**

1. Sen. Murkomen Kipchumba
2. Sen. Lesuuda Naisula
3. Sen. Kerrow Billow
4. Sen. Beatrice Elachi
5. Sen. (Prof.) Wilfred Lesan
6. Sen. Sitswila Wako Amos
7. Sen. Janet Ong'era

8. Sen. Omar Hassan
9. Sen. Tiolo Ndiema Henry

**B. COMMITTEE ON IMPLEMENTATION**

1. Sen. Haji Mohammed Yusuf
2. Sen. Bule A. Ali
3. Sen. Chelule Liza
4. Sen. Mbura Emma Gertrude
5. Sen. (Dr.) Kariuki Godfrey Gitahi
6. Sen. Ali Hassan Abdirahman
7. Sen. James Orengo
8. Sen. Muthama Johnson
9. Sen. Nyongesa Kanainza Daisy

**C. COMMITTEE ON DELEGATED LEGISLATION**

1. Sen. Sang Stephen
2. Sen. Gwendu Joy
3. Sen. Onchwang'i Hosea
4. Sen. Mbura Emma Gertrude
5. Sen. Karaba Daniel
6. Sen. Madzayo Stewart
7. Sen. Sijeny Judith
8. Sen. Musila David
9. Sen. Omondi Godliver Nanjira

*(The Senate Majority Leader)*

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

- a) The Senate Minority Leader sought a statement from the Chairperson of the Standing Committee on Health regarding conditional budget allocations to counties for leasing of medical equipment.
- b) The Senator for West Pokot County (Sen. (Prof.) John Lonyangapuo) sought a statement from the Chairperson of the Standing Committee on Agriculture regarding the supply of fertilizers and other farm inputs by the National Cereals and Produce Board.
- c) The Senator for West Pokot County (Sen. (Prof.) John Lonyangapuo) sought a statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget regarding double taxation via collection of cess on agricultural produce by county governments.
- d) The Senator for Kirinyaga County (Sen. Daniel Karaba) sought a statement from the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries regarding rice production in Mwea Irrigation Scheme.

6. **MOTION – APPROVAL OF SENATORS NOMINATED BY THE SENATE BUSINESS COMMITTEE TO SERVE IN RESPECTIVE SESSIONAL COMMITTEES**

Motion made and Question proposed;

**THAT**, pursuant to Standing Order Nos. 177, 179 and 210, the Senate approves the following Senators nominated by the Senate Business Committee to serve in the respective Sessional Committees as indicated below:-

**A. COMMITTEE ON DEVOLVED GOVERNMENT**

1. Sen. Murkomen Kipchumba
2. Sen. Lesuuda Naisula
3. Sen. Kerrow Billow
4. Sen. Beatrice Elachi
5. Sen. (Prof.) Wilfred Lesan
6. Sen. Sitswila Wako Amos
7. Sen. Janet Ong'era
8. Sen. Omar Hassan
9. Sen. Tirole Ndiema Henry

**B. COMMITTEE ON IMPLEMENTATION**

1. Sen. Haji Mohammed Yusuf
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3. Sen. Chelule Liza
4. Sen. Mbura Emma Gertrude
5. Sen. (Dr.) Kariuki Godfrey Gitahi
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5. Sen. Karaba Daniel
6. Sen. Madzayo Stewart
7. Sen. Sijeny Judith
8. Sen. Musila David
9. Sen. Omondi Godliver Nanjira

*(The Senate Majority Leader)*

Debate arising;

And there being no other Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 72, the Speaker informed the House that the Motion did not affect counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

**THAT**, pursuant to Standing Order Nos. 177, 179 and 210, the Senate approves the following Senators nominated by the Senate Business Committee to serve in the respective Sessional Committees as indicated below:-

**A. COMMITTEE ON DEVOLVED GOVERNMENT**

1. Sen. Murkomen Kipchumba
2. Sen. Lesuuda Naisula
3. Sen. Kerrow Billow
4. Sen. Beatrice Elachi
5. Sen. (Prof.) Wilfred Lesan
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**B. COMMITTEE ON IMPLEMENTATION**

1. Sen. Haji Mohammed Yusuf
2. Sen. Bule A. Ali
3. Sen. Chelule Liza
4. Sen. Mbura Emma Gertrude
5. Sen. (Dr.)Kariuki Godfrey Gitahi
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**C. COMMITTEE ON DELEGATED LEGISLATION**

1. Sen. Sang Stephen
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6. Sen. Madzayo Stewart
7. Sen. Sijeny Judith
8. Sen. Musila David
9. Sen. Omondi Godliver Nanjira

7. **MOTION – ADOPTION OF THE REPORT OF THE JOINT SITTING OF THE SENATE STANDING COMMITTEE ON LAND AND NATURAL RESOURCES AND THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON THE VETTING OF NOMINEES FOR APPOINTMENT TO THE NATIONAL CLIMATE CHANGE COUNCIL**

Motion made and Question proposed;

**THAT**, pursuant to Section 7 of the Climate Change Act, 2016, Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011 and Senate Standing Order 65, the Senate adopts the Report of the Joint Sitting of the Senate Standing Committee on Land and Natural Resources and the National Assembly Departmental Committee on Environment and Natural Resources on the vetting of nominees for appointment to the National Climate Change Council, laid on the Table of the Senate on Wednesday, December 28, 2016 and approves the recommendations of the Committees as follows:-

- i) Approves the nomination of Messrs. Suresh Patel and John Kioli for appointment to the National Climate Change Council;
- ii) Rejects the nomination of Ms. Cynthia Wechabe and Dr. Jane Mutheu for appointment to the National Climate Change Council; and
- iii) Recommends that the appointing authority submits nominees of the female gender to represent the marginalized communities and Commission for University Education as prescribed by the Public Appointments (Parliamentary Approval) Act.

*(Sen. Christopher Obure, on behalf of the Chairperson, Standing Committee on Land and Natural Resources)*

Debate arising;

And there being no other Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 72, the Speaker informed the House that the Motion did not affect counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

**THAT**, pursuant to Section 7 of the Climate Change Act, 2016, Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011 and Senate Standing Order 65, the Senate adopts the Report of the Joint Sitting of the Senate Standing Committee on Land and Natural Resources and the National Assembly Departmental Committee on Environment and Natural Resources on the vetting of nominees for appointment to the National Climate Change Council, laid on the Table of the Senate on Wednesday, December 28, 2016 and approves the recommendations of the Committees as follows:-

- i) Approves the nomination of Messrs. Suresh Patel and John Kioli for appointment to the National Climate Change Council;
- ii) Rejects the nomination of Ms. Cynthia Wechabe and Dr. Jane Mutheu for appointment to the National Climate Change Council; and

iii) Recommends that the appointing authority submits nominees of the female gender to represent the marginalized communities and Commission for University Education as prescribed by the Public Appointments (Parliamentary Approval) Act.

8. **THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILL NO. 16 OF 2015)**

(Sen. Judith Sijeny)

***(Resumption of Debate Interrupted on Wednesday, 28<sup>th</sup> December, 2016)***  
***(Division)***

Order deferred.

9. **THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2015)**

(The Senate Majority Leader)

***(Resumption of Debate Interrupted on Thursday, 3<sup>rd</sup> November, 2016)***  
***(Division)***

Order for Second Reading read;

Raising a Point of Order, the Deputy Senate Majority Leader drew the attention of the Speaker to the fact that there was no requisite number of Senators in the Senate to vote on the Bill, being a Constitutional amendment Bill;

And the Speaker having counted the Honourable Senators present and confirmed that the requisite numbers to proceed with the Division were not present, caused the Division Bell to be rung for five minutes;

And the requisite numbers having not been attained after expiry of five minutes;

Order deferred.

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

(The Senate Majority Leader)

***(Resumption of Debate Interrupted on Thursday, 3<sup>rd</sup> November, 2016)***  
***(Division)***

Order for Second Reading read;

Raising a Point of Order, the Deputy Senate Majority Leader drew the attention of the Speaker to the fact that there was no requisite number of Senators in the Senate to vote on the Bill, being a Constitutional amendment Bill;

And the Speaker having counted the Honourable Senators present and confirmed that the requisite numbers to proceed with the Division were not present, caused the Division Bell to be rung for five minutes;

And the requisite numbers having not been attained after expiry of five minutes;

Order deferred.

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

***(Resumption of Debate Interrupted on Wednesday, 15<sup>th</sup> February, 2017)***  
***(Division)***

Order for Second Reading read;

Raising a Point of Order, the Deputy Senate Majority Leader drew the attention of the Speaker to the fact that there was no requisite number of Senators in the Senate to vote on the Bill;

And the Speaker having counted the Honourable Senators present and confirmed that the requisite numbers to proceed with the Division were not present, caused the Division Bell to be rung for five minutes;

And the requisite numbers having not been attained after expiry of five minutes;

Order deferred.

12. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees - (Sen. Ongoro) – in the Chair)

**The National Assembly Amendment to the County Assembly Services Bill**  
**(Senate Bill No. 27 of 2014)**

**National Assembly amendment to Clause 48**

Debate interrupted on Thursday, 16<sup>th</sup> February, 2017 resumed on a Division;

And the Acting Chairperson (Sen. Ongoro) having counted the Honourable Senators present and confirmed that the requisite numbers to proceed with the Division were not present, caused the Division Bell to be rung for five minutes;

And the requisite numbers having not been attained after expiry of five minutes;



**Progress Report**

Motion made;

**THAT**, the Committee of the Whole do report to the House its consideration of the National Assembly amendment to Clause 48 of the County Assembly Services Bill (Senate Bill No. 27 of 2014) and seek leave to sit again tomorrow.

*(Sen. Daisy Kanainza, on behalf of the Chairperson, Standing Committee on Legal Affairs and Human Rights)*

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

Question put and agreed to.

13. **HOUSE RESUMED** – Temporary Speaker (Sen. (Dr.) Machage) – in the Chair
14. **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. Daisy Kanainza, on behalf of the 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. (Dr.) Machage) ruled that the Question did not affect counties;

Question put and agreed to.

15. **COMMITTEE OF THE WHOLE**  
**THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILL NO. 13 OF 2015)**  
(Sen. Godliver Omondi)

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

Order deferred.

16. **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.

17. **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.

18. **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)*  
*(Division)*

Order deferred.

19. **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, 15<sup>th</sup> November, 2016)*  
*(Division)*

Order deferred.

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

20. **SENATE ROSE** – at Twenty Minutes past Four O'clock.

### **M E M O R A N D U M**

*The Speaker will take the Chair on*  
*Wednesday, February 22, 2017 at 2.30 p.m.*

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