



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIRST SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, SEPTEMBER 14, 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 ON THE INDUCTION WORKSHOP OF THE SENATE**

The Speaker issued the following communication from the Chair –

“Honourable Senators

Article 93 of the Constitution of Kenya, 2010 establishes a bicameral Parliament comprising of the National Assembly and the Senate. Both Houses of Parliament have distinct and interrelated mandates that are set out in Articles 95 and 96 of the Constitution.

The effectiveness of the Senate is dependent on the capabilities of Senators to discharge their functions. In light of this, it is crucial that incoming Senators are provided with the requisite information, training and skills necessary to execute their constitutional mandate. Further, it is important to take stock of the lessons learnt in the first Senate under the Constitution of Kenya 2010, the gains that were made by the Senate as an institution and Senators individually and challenges faced.

Honourable Senators

In this regard, the Senate has planned an Induction Retreat for all the Senators to familiarize them with their constitutional mandate, structures and processes of the Senate, rules of practice and procedure and other administrative processes that will be critical in the execution of their mandate.

The Induction will inter alia-

1. provide an opportunity to acquaint the legislators with the intricacies of their multifaceted role;
2. assist Senators in their important responsibilities as public leaders, representatives of the people and in their role of building consensus;
3. facilitate capacity building and skills transfer, enabling greater engagement of Senators in parliamentary procedure and public policy discussions;
4. afford an opportunity to look at how Senators can ensure that citizens are aware of the role they play and how the Senate, as an institution, can reach out to the people; and
5. build a shared identity and encourages cross-party engagement and cooperation, especially among new members.

This is to invite all Senators to the Induction Retreat scheduled to be held at the **Simba Lodge Hotel Naivasha, Nakuru County from 17th to 23rd September, 2017**. Senators are expected to check in at the hotel on Sunday, 17th September, 2017 and check out on Saturday, 23rd September, 2017.

Mr. Zakayo Mogere, Deputy Director, Directorate of Legislative and Procedural Services is available for any further liaison on this matter.

I thank you.”

4. **PAPERS LAID**

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

- a) The County Government Cash Disbursement Schedule for Fiscal Year 2017/18.

(The Senate Majority Leader)

- b) Statement of the Business of the Senate for the coming week.

(The Senate Majority Leader)

5. **NOTICE OF MOTION**-(The Senate Majority Leader)

THAT, pursuant to Standing Orders 178 and 183 (3), the Senate approves the following Senators to be Members of the Senate Business Committee:-

1. Sen. Kenneth M. Lusaka - Speaker of the Senate-Chairperson
2. Sen. Onesimus Kipchumba Murkomen - Senate Majority Leader
3. Sen. Susan Kihika - Senate Majority Whip
4. Sen. Fatuma Dullo - Member

- 5. Sen. Mohamud Maalim Mohamed - Member
- 6. Sen. Sakaja Johnson Arthur - Member
- 7. Sen. Poghisio Samwel Losuron - Member

6. **NOTICE OF MOTION** - (The Senate Majority Leader)

THAT the Senate approves the County Government Cash Disbursement Schedule for Fiscal Year 2017/18 laid on the Table of the House on Thursday, 14th September, 2017.

7. **COMMUNICATION FROM THE SPEAKER ON THE PROCEDURE TO BE FOLLOWED IN ELECTING THE DEPUTY SPEAKER**

The Speaker issued the following communication from the Chair -

“Honourable Senators

You will recall my communication to you on 31st August, 2017 in which I informed you that the election of the Deputy Speaker of the Senate would not be undertaken that day because it was not practicable to proceed with the election. You will also recall that I deferred the exercise to a future time when it would be practicable.

Honourable Senators, will further recall that in deferring the election of the Deputy Speaker, I relied on Standing Order No.13 (1) which provides that “*as soon as practicable after the election of a Speaker following a general election, a deputy speaker shall be elected*” and I explained that it was not practicable then because all candidates who had been duly nominated for the position had withdrawn their respective candidatures.

I wish to inform you that now all processes leading to the election of a Deputy Speaker of the Senate are complete and it is now practicable to proceed with the exercise.

Honourable Senators, Standing Order 13 (4) provides that the procedure for electing a Deputy Speaker shall, with necessary modifications be the same as that prescribed for the election of the Speaker. It therefore follows that as in the case of election of Speaker, a number of activities had to be undertaken as required by the Senate Standing Orders. I will now detail each such activity and the manner in which the Senate Standing Orders have been complied with.

Firstly, Standing Order 5(1), as read together with Standing Order No. 13 (4), requires the Clerk, by notice in the Gazette, to notify and invite interested persons to submit their nomination papers for election to the office of the Deputy Speaker of the Senate.

I would like to inform you that, vide *Gazette* Notice No. 8882 dated 11th September, 2017, the Clerk of the Senate notified and invited persons to submit their nomination papers for election to the office of the Deputy Speaker of the Senate.

Secondly Honourable Senators, Standing Order No.5(4) requires that-

“The Clerk shall maintain a register in which shall be shown the date and time when each candidate’s nomination papers were received”

I hereby confirm that the Clerk of the Senate has maintained a register in accordance with the requirements Standing Order No.5(4).

Thirdly Honourable Senators, Standing Order No.5 (5) requires that-

“Immediately upon the close of the nomination period provided for in paragraph (2), the Clerk shall-

(a) Publicise and make available to all Senators, a list showing all qualified candidates; and

(b) make available to all Senators, copies of the curriculum vitae of the qualified candidates.

Honourable Senators,I hereby confirm that a list showing all qualified candidates was publicised and was made available to all Senators. I further confirm that the Clerk made available to all Senators copies of the curriculum vitae of the qualified candidates.

Honourable Senators,for the position of Deputy Speaker of the Senate, two candidates were validly nominated as at the close of the nomination period, namely-

1. Sen. Kithure Kindiki; and
2. Sen. Ledama Olekina.

Honourable Senators, pursuant to Standing Order No.(8) a candidate may withdraw his or her candidature after the close of the nomination period and before a ballot is started.

Honourable Senators, in accordance with Standing Order No.6 (1), the election of the Deputy Speaker shall be by secret ballot. We shall now proceed to the ballot for the election of the Deputy Speaker.

Standing Order No. 6(2) requires-

“the Clerk shall, at the commencement of each ballot cause the ballot box empty and unlocked to be displayed to the Senate and shall, in the presence of the Senate lock the box, which shall, thereafter, be kept in the full view of the Senate until the conclusion of the ballot”.

I now direct that the ballot box, empty and unlocked, be displayed to the Senate.”

I further direct that the ballot box be locked in the presence of the Senators and that the ballot box be kept in the full view of the Senators.

Honourable Senators, Standing Order No. 6(3) requires that-

“the Clerk shall issue not more than one ballot paper to each Senator who comes to the Table to obtain it and each Senator who wishes to vote shall proceed to a booth or designated area provided by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall while there, mark the ballot paper by placing a mark in the space opposite the name of the candidate for whom the Senator wishes to vote, fold the marked ballot paper before leaving the booth and place the folded ballot paper in the ballot box.”

Pursuant to this Standing Order, I now direct that the ballot paper be issued to each Senator who comes to the Table to obtain it. To facilitate this process, the Clerk shall call the name of each Senator, following which the Senator shall come to the Table to obtain a ballot paper. Each Senator shall then proceed to either of the two polling booths which are clearly marked and which are located on my right and my left in order to mark and fold the ballot paper. The Senator shall then place the marked ballot paper in the ballot box. We shall now commence the voting process.

I thank you.”

8. **ELECTION OF THE DEPUTY SPEAKER**

The ballot box was opened and displayed to the assembled Senate and subsequently locked before voting commenced thereon.

Having outlined the rules on election of the Speaker, each Senator present was issued with a ballot paper.

At the conclusion of the voting, the Clerks counted the votes at the Table of the Senate, in the presence of the following Senators who were witnesses for the respective candidates:-

1. Sen. Irungu Kang'ata – representing Sen. Kithure Kindiki
2. Sen. Rose Nyamunga – representing Sen. Ledama Olekina.

The Speaker announced the results of the first ballot as follows:

- | | |
|-------------------------|------|
| 1. Sen. Kithure Kindiki | - 38 |
| 2. Sen. Ledama Olekina. | - 17 |
| Spoilt Ballot | - 0 |

And there being no candidate obtaining the requisite two thirds majority of 45 votes;

Hon. Senators proceeded to cast a second ballot pursuant to Standing Order No. 7(2).

At the conclusion of the voting, the Clerks counted the votes at the Table of the Senate, in the presence of the following Senators who were witnesses for the respective candidates:-

1. Sen. Wario Golich Juma – representing Sen. Kithure Kindiki
2. Sen. Inimah Getrude Musuruve – representing Sen. Ledama Olekina.

The Speaker announced the results of the second ballot as follows:-

- | | |
|-------------------------|------|
| 1. Sen. Kithure Kindiki | - 38 |
| 2. Sen. Ledama Olekina | - 17 |
| Spoilt Ballot | - 0 |

The Speaker thereupon declared Sen. Kithure Kindiki duly elected Deputy Speaker by majority votes.

Consequently, Sen. Kithure Kindiki was escorted to the Chair.

Thereupon, the Speaker administered the Oath of office to the Deputy Speaker.

9. **MOTION – APPROVAL OF SENATORS TO BE MEMBERS OF THE SENATE BUSINESS COMMITTEE**

Motion made and Question proposed-

THAT, pursuant to Standing Orders 178 and 183 (3), the Senate approves the following Senators to be Members of the Senate Business Committee:-

1. Sen. Kenneth M. Lusaka - Speaker of the Senate-Chairperson
2. Sen. Onesmus Kipchumba Murkomen - Senate Majority Leader
3. Sen. Susan Kihika – Senate Majority Whip
4. Sen. Fatuma Dullo - Member
5. Sen. Mohamud Maalim Mohamed - Member
6. Sen. Sakaja Johnson Arthur - Member
7. Sen. Poghio Samwel Losuron - Member

(The Senate Majority Leader)

And there being no Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 73, the Speaker informed the House that the Motion did not affect counties.

Question put and **agreed to.**

RESOLVED ACCORDINGLY-

THAT, pursuant to Standing Orders 178 and 183 (3), the Senate approves the following Senators to be Members of the Senate Business Committee:-

1. Sen. Kenneth M. Lusaka - Speaker of the Senate-Chairperson
2. Sen. Onesimus Kipchumba Murkomen - Senate Majority Leader
3. Sen. Susan Kihika – Senate Majority Whip
4. Sen. Fatuma Dullo - Member
5. Sen. Mohamud Maalim Mohamed - Member
6. Sen. Sakaja Johnson Arthur - Member
7. Sen. Poghio Samwel Losuron - Member

10. **MOTION – APPROVAL OF THE COUNTY GOVERNMENT CASH DISBURSEMENT SCHEDULE**

Motion made and Question proposed;

THAT the Senate approves the County Government Cash Disbursement Schedule for Fiscal Year 2017/18 laid on the Table of the House on Thursday, 14th September, 2017.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order 73, the Speaker informed the Senate that the Motion affected counties and voting would be by Delegations;

The Speaker directed that electronic voting be taken pursuant to Standing Order 75 (1) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Speaker directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Arising out of a technical failure and pursuant to standing order 79, the Speaker directed the Senate to proceed to a roll call vote under standing order 77.

The names of the Tellers were announced and directed to take the seats at their designated place;

The Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 24

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Adan, Dullo Fatuma
2. Sen. Cherarkey, Samson Kiprotich
3. Sen. Cheruiyot, Aaron Kipkirui
4. Sen. Iman, Falhada Dekow – on behalf of Garissa County Delegation
5. Sen. Hargura, Godana
6. Sen. Kamar, Margaret Jepkoech
7. Sen. Kang’ata, Irungu
8. Sen. Kibiru, Charles Reubenson
9. Sen. Kihika, Susan Wakarura
10. Sen. Kimani, Wamatangi Paul

11. Sen. Kindiki, Kithure
12. Sen. Langat, Christopher Andrew
13. Sen. Lelegwe, Steve Ltumbesi
14. Sen. Linturi, Franklin Mithika
15. Sen. Loitiptip, Anuar
16. Sen. Mahamud, Mohamed Maalim
17. Sen. Mbitto, Michael Maling'a
18. Sen. Moi, Gideon Kipsielei Towett
19. Sen. Seneta, Mary Yiane – on behalf of Kajiado County Delegation
20. Sen. Murkomen, Onesimus Kipchumba
21. Sen. Mwangi, Paul Githiomi
22. Sen. Poghisio, Samuel Losuron
23. Sen. Sakaja, Johnson Arthur
24. Sen. Wario, Golich Juma

Question **agreed to.**

RESOLVED ACCORDINGLY-

THAT the Senate approves the County Government Cash Disbursement Schedule for Fiscal Year 2017/18 laid on the Table of the House on Thursday, 14th September, 2017.

11. **MOTION – DEBATE ON THE ADDRESS BY H. E THE PRESIDENT - (2ND DAY)**

(The Senate Majority Leader)

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** during the Opening of the 12th Parliament delivered on Tuesday, 12th September, 2017.

(Resumption of Debate interrupted on Wednesday, 13th September, 2017)

Order deferred.

12. **MOTION – ADJOURNMENT OF THE SENATE**

Motion made and Question proposed;

THAT, pursuant to Standing Orders 28, 29 and 31 the Senate do adjourn until Tuesday, 26th September, 2017.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 73, the Speaker informed the House that the Motion did not affect counties.

Question put and **agreed to.**

RESOLVED ACCORDINGLY-

THAT, pursuant to Standing Orders 28, 29 and 31 the Senate do adjourn until Tuesday, 26th September, 2017.

And the time being twenty seven minutes past Six O'clock, the Speaker adjourned the Senate without question put, pursuant to the Standing Orders.

13. **SENATE ROSE** – at twenty-seven minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, September 26, 2017 at 2.30 p.m.*

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