



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – THIRD SESSION

VOTES AND PROCEEDINGS

THURSDAY, FEBRUARY 26TH, 2015 AT 2.30 P.M

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. Communication from The chair
4. **PAPERS LAID**

The following Papers were laid on the Table of the Senate-

- a) Report on the Sessional Committee on Devolved Government on the Suitability of Nominees to the Positions of Commissioner in the Commission of Inquiry into the Petition to Dissolve the Makueni County Government.
(The Chairperson of the Sessional Committee on Devolved Government)
- b) Report of the Joint Committee on Parliamentary Broadcasting and Library on the 2014 World Library and Information Congress held in Lyon, France, from 16th - 22nd August, 2014.
(The Chairperson-Joint Committee on Parliamentary Broadcasting and Library)
- c) Report of the Standing Committee on Health on the 20th International AIDS Conference, held in Melbourne, Australia, from 20th - 25th July, 2014.
(The Chairperson - Standing Committee on Health)
- d) Statement regarding the Business of the Senate for the week commencing Tuesday, March 03, 2015.
(The Senate Majority whip)

5. **NOTICE OF MOTION** (The Chairperson-Sessional Committee on Devolved Government)

THAT, the Senate adopts The Report on the Sessional Committee on Devolved Government on the Suitability of Nominees to the Positions of Commissioner in the Commission of Inquiry into the Petition to Dissolve the Makueni County Government, laid on the Table of the House on Thursday, 26th February, 2015.

6. **NOTICE OF MOTION** - (The Chairperson-Joint Committee on Parliamentary Broadcasting and Library)

THAT, the Senate adopts The Report of the Joint Committee on Parliamentary Broadcasting and Library on the 2014 world library and information Congress held in Lyon, France from 16th - 22nd August, 2014, laid on the Table of the House on Thursday, 26th February, 2015.

7. **NOTICE OF MOTION** (The Chairperson-Standing Committee on Health)

THAT, the Senate adopts The Report of the Standing Committee on Health on the 20th international AIDS Conference, held in Melbourne, Australia from 20th - 25th July, 2014, laid on the Table of the House on Thursday, 26th February, 2015.

8. **STATEMENTS**

i) **Statements pursuant to Standing Order 45 (2) (b)**

The Senator for Kisii County (Sen. Christopher Obure) sought a statement from the Chairperson of the Standing Committee on Education regarding the destruction of various Schools' property in Kisii County by fire, wind and storm water.

ii) **Statement pursuant to Standing Order 45 (2) (c)**

The Senate Majority whip issued a Statement on the Business of the Senate for the week commencing Tuesday, March 03, 2015.

9. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE, COMMERCE AND BUDGET ON THE CONSIDERATION OF THE SECOND GENERATION CRITERIA FOR RESOURCE ALLOCATION FOR 2015/16, 2016/17 AND 2017/18**

Motion made and Question proposed;

THAT, this House adopts the Report of the Standing Committee on Finance, Commerce and Budget on the Consideration of the Second Generation Criteria for Resource Allocation for 2015/16, 2016/17 and

2017/18 laid on the Table of the House on Wednesday, 11th February, 2015.

(The Chairperson of the Standing Committee on Finance, Commerce and Budget – 12.02.2015)

Debate on the following amendment interrupted on Wednesday, 18th February, 2015, resumed;

THAT, this House adopts the Report of the Standing Committee on Finance, Commerce and Budget on the Consideration of the Second Generation Criteria for Resource Allocation for 2015/16, 2016/17 and 2017/18 laid on the Table of the House on Wednesday, 11th February, 2015 subject to amending the recommendation by:-

- a) Renumbering the current recommendation as (1) and
- b) Adding recommendation (2) and (3) as follows:

(2) That, one (1) percent of the resultant figure arising from recommendation (1) in each County in every financial year shall be reserved in the respective County Revenue Funds to be utilized within the county for monitoring and evaluation of devolution, entrenching of devolution, capacity building and any other purpose related to Article 96 of the Constitution.

(3) The Senate shall make regulations for the management of the resources referred to in (2).

(Sen. Kiraitu Murungi – 17.02.2015)

Amendment withdrawn;

Debate on the original Motion resumed.

Mover replied;

Before the Question on the motion was put, and pursuant to Standing Order No. 72, the Deputy Speaker informed the House that the Motion affected counties and voting would be by Delegations. The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes.

After the expiry of two minutes, the Deputy Speaker requested Senators to log-in using their cards.

The deputy Speaker put the Question and directed Senators to cast their votes by pressing either the "Yes", "No" or "Abstain" button.

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Chairperson allowed seven Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as **"Yes"**-

1. Sen. Elachi Beatrice
2. Sen. Kajwang' Moses
3. Sen. Muthama Johnson
4. Sen. Orengo James

The following Senators recorded their votes as **"No"**-

1. Sen. Kariuki G.G.
2. Sen. Murkomen Onesmus Kipchumba
3. Sen. Ndiema Henry Tiole

Upon a Division, Question **negatived.**

The results of the Division were as follows:-

AYES - 11

NOES - 13

ABSTENTIONS - 0

AYES

1. Sen. Billow Adan Kerrow
2. Sen. Elachi Beatrice – Voted verbally on behalf of Nairobi County
3. Sen. Hassan Abdirahman Ali
4. Sen. Kagwe Mutahi
5. Sen. Kajwang' Moses – Voted verbally
6. Sen. Kembi-Gitura
7. Sen. (Prof.) Lonyangapuo John
8. Sen. (Dr.) Machage Wilfred Gisuka
9. Sen. Muthama Johnson – Voted verbally
10. Sen. Obure Christopher Mogere
11. Sen. Orengo James – Voted verbally

NOES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Hassan Omar Hassan
4. Sen. Kariuki G.G. – Voted verbally
5. Sen. Kutu Mohammed Abdi
6. Sen. Lesuuda Naisula – on behalf of Samburu County
7. Sen. Madzayo Stewart Mwachiru
8. Sen. Melly Isaac Kipkemboi
9. Sen. Moi Gideon Kipsielei
10. Sen. Murkomen Onesmus Kipchumba – Voted verbally
11. Sen. Ndiema Henry Tiole – Voted verbally

- 12. Sen. Okong'o Kennedy Mong'are
- 13. Sen. Sang Stephen Kipyego

10. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE, COMMERCE AND BUDGET ON THE MEDIUM TERM BUDGET POLICY STATEMENT, 2015**

Motion made and Question proposed:

THAT, this House adopts the Report of the Standing Committee on Finance, Commerce and Budget on the Medium Term Budget Policy Statement, 2015 laid on the Table of the House on Wednesday, 25th February, 2015.

(The Chairperson, Standing Committee on Finance, Commerce and Budget)

Debate arising;

Mover replied;

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

Question put and agreed to.

RESOLVED ACCORDINGLY-

THAT, this House adopts the Report of the Standing Committee on Finance, Commerce and Budget on the Medium Term Budget Policy Statement, 2015, laid on the Table of the House on Wednesday, 25th February, 2015.

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Mositet) interrupted proceeding and adjourned the Senate without Question put pursuant to the Standing Orders.

11. **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, March 03, 2015 at 2.30 p.m.*

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