



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – THIRD SESSION

VOTES AND PROCEEDINGS

THURSDAY, OCTOBER 15, 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. **PAPERS LAID**

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

- 1) Report of the Controller of Budget on the Annual County Governments Budget Implementation Review;
- 2) Report of the Controller of Budget on the Annual National Government Budget Implementation Review;

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

- 3) Report of the Auditor-General on the Financial operations of Samburu County Assembly for the year ended 30 June 2014;
- 4) Report of the Auditor-General on the Financial operations of Bomet County Executive for the year ended 30 June 2014;
- 5) Report of the Auditor-General on the Financial statements of County Government of Nyandarua for the sixteen (16) months period ended 30 June 2014;

- 6) Report of the Auditor-General on the Financial statements of County Government of Elgeyo Marakwet for the sixteen (16) months period ended 30 June 2014;
- 7) Report of the Auditor-General on the Financial statements of County Government of West Pokot for the sixteen (16) months period ended 30 June 2014;
- 8) Report of the Auditor-General on the Financial operations of Machakos County Executive and County Assembly for the period 1 July 2013 to 30 June 2014;
- 9) Report of the Auditor-General on the Financial statements of Machakos County Government for the sixteen (16) months period ended 30 June 2014; and
- 10) Report of the Auditor-General on the Financial statements of Mandera County Government for the year ended 30 June 2014.

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

4. **STATEMENTS**

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

- (i.) The Senator for Trans Nzoia County (Sen. Henry ole Ndiema) sought a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the killing of Mr. Joshua Mwangi, a first year student at Maseno University.
- (ii.) The Chairperson of the Standing Committee on National Security and Foreign Relations issued a Statement regarding a demonstration that was allegedly held along Harambee Avenue on 29th September, 2015.

Thereupon the Chairperson informed the Senate that he was not aware of any demonstration or any person or group of persons who were denied the right to demonstrate along Harambee Avenue or Parliament road on 29th September, 2015 and that from the records of the Nairobi County Police Commander, there was no person who had notified the police of any intention to demonstrate.

The Chairperson also informed the Senate that police accorded all citizens equal treatment and, in discharging their duties, police are guided by Article 3 of the Constitution and other relevant laws.

5. **NOTICE OF MOTION** (Sen. Elizabeth Ongoro)

THAT, AWARE that the Parliament of Kenya is an active member of the Inter-Parliamentary Union (IPU), which is the international organization of national parliaments;

FURTHER AWARE that the IPU provides support to parliaments in areas such as law and policy-making, as well as representation;

NOTING WITH APPRECIATION that, upon a request by the Speaker of the Senate, the IPU sent an expert delegation to Kenya from 12th to 16th July, 2015 to offer advice on the way forward in implementing the constitutional requirement on the two thirds gender rule;

NOW THEREFOR the Senate notes the report of the Inter-Parliamentary Union Expert Mission to Kenya on the framework to implement the constitutional provision of the two-thirds gender rule laid on the Table of the Senate on Thursday, 8th October, 2015 and extends its appreciation to the IPU for the support on the matter.

6. **THE HIV AND AIDS PREVENTION AND CONTROL (AMENDMENT) BILL
(SENATE BILL NO. 4 OF 2015)**

Order for Second Reading read;

THAT, the HIV and AIDS Prevention and Control (Amendment) Bill (Senate Bill No. 4 of 2015) be now read a Second Time.

(Sen. (Dr.) Wilfred Machage – 1st October, 2015)

The House proceeded to a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for one minute;

After the expiry of one minute, the Speaker directed that the doors be locked and bars drawn and Senators asked to log-in using their cards;

The 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 Standing Order 74 (5), the Speaker allowed two Senators to record their vote verbally.

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

1. Sen. Chelule Liza – on behalf of Nakuru County delegation
2. Sen. Kariuki Godfrey

Following the Division, Question agreed to.

The results of the Division were as follows-

AYES - 25

NOES - 0

ABSTENTIONS – 0

AYES

1. Sen. Billow Adan Kerrow
2. Sen. Chelule Liza – voted verbally on behalf of Nakuru County delegation
3. Sen. Haji Mohamed Yusuf
4. Sen. Hassan Abdirahman
5. Sen. Kajwang’ Moses
6. Sen. Karaba Dickson
7. Sen. Kariuki Godfrey – voted verbally
8. Sen. Kembi Gitura James
9. Sen. Keter Charles
10. Sen. Khalwale Boni
11. Sen. Khaniri George
12. Sen. Kuti Mohamed Abdi
13. Sen. Lesan Wilfred Rotich
14. Sen. Machage Wilfred Gisuka
15. Sen. Mositet Peter Korinko
16. Sen. Muriuki Karue Muriuki
17. Sen. Murkomen Onesmus Kipchumba
18. Sen. Musila David
19. Sen. Mutahi Kagwe
20. Sen. Mwakulegwa Danson Mwazo
21. Sen. Ndiema Henry Tiole
22. Sen. Obure Christopher Mogere
23. Sen. Sang’ Stephen Kipyego

- 24. Sen. Wako Sitswila Amos
- 25. Sen. Wetang'ula Moses Masika

Bill read a Second Time and committed to the committee of the Whole
tomorrow

7. **MOTION-REPORT OF THE SELECT COMMITTEE OF THE SENATE ON
CONSTITUTIONAL AND LEGAL REVIEW**

Motion made and question proposed;

THAT, this House adopts the Report of the Select Committee of the Senate on Constitutional and Legal Review laid on the Table of the House on Wednesday, 23rd September, 2015.

*(The Chairperson, Select Committee on Constitutional and Legal Review-
14th October, 2015)*

Debate interrupted on Wednesday 14th October, 2015 resumed;

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

8. **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
Wednesday, October 21, 2015 at 2.30 p.m.*

---X--