



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 22, 2016 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. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair-

a) Conclusion of pending Business

“Honourable Senators,

As you will note from the business appearing in the Order Paper of today and even in the past couple of weeks, we have numerous Bills pending before the Senate either at division at Second Reading or at the Committee of the Whole stages. Some of these Bills are extremely urgent.

I am certain that you are also aware that in accordance with the Senate Calendar, you are scheduled to proceed for the Christmas Recess on Thursday, 1st December, 2016.

Honourable Senators,

This is to reiterate the appeal made in the past by the Senate Majority Leader and request Senators to make themselves available to dispose pending business especially Bills before we break for the Christmas recess and avoid other measures that may be considered by the Senate Business Committee to clear pending business which may include revising the calendar to extend the session.

I thank you.”

b) Forum with the Cabinet Secretary for Devolution and Planning regarding the drought situation in the Country

“Honourable Senators,

As you may recall, the Cabinet Secretary responsible for Devolution and Planning was scheduled to meet with Hon. Senators on Wednesday, 16th November, 2016, to respond to questions on the current drought situation across the Country.

The Cabinet Secretary was unable to attend the said meeting due to other engagements and sent his apologies. The meeting with the Cabinet Secretary has now been rescheduled to tomorrow Wednesday, 23rd November, 2016 at 11:00 a.m. in the Senate Chambers.

I would like to urge all of you to plan to attend the consultative meeting to deliberate on this very important matter.

I thank you.”

4. **MESSAGE FROM THE NATIONAL ASSEMBLY ON AMENDMENTS, BY THE ASSEMBLY, TO THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (SENATE BILL NO. 6 OF 2014)**

The Speaker conveyed the following Message from the National Assembly-

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 40 (3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the amendments, by the Assembly, to the Statute Law (Miscellaneous Amendments) Bill (Senate Bill No. 6 of 2014).

“PURSUANT to the provisions of standing orders 41 and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

THAT WHEREAS, the Statute Law (Miscellaneous Amendments) Bill (Senate Bill No. 6 of 2014), published vide the Kenya Gazette Supplement No. 19 of 3rd March, 2014 as a Bill originating in the Senate to effect minor amendments to various statutes, was referred to the National Assembly for consideration following its passage by the Senate on 20th August 2014;

AND WHEREAS, the National Assembly passed the said Bill with amendments on 15th November, 2016;

NOW THEREFORE, in accordance with the provisions of Article 110 (4) of the Constitution and Standing Order 144 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for concurrence”.

Honourable Senators,

Article 112 (1) (b) of the Constitution provides that *if one House passes an ordinary Bill concerning counties and the second House passes the Bill in an amended form, it shall be referred back to the originating House for reconsideration.*

Honourable Senators,

It is in this regard, and pursuant to standing order 150 of the Senate Standing Orders that I direct that the National Assembly amendments to the Statute Law (Miscellaneous Amendments) Bill (Senate Bill No. 6 of 2014) be circulated to all Senators and the same be listed, for consideration, in the Order Paper for Thursday, 24th November, 2016.

I thank you.”

5. **STATEMENTS**

(i) Statement pursuant to Standing Order 45 (2) (a)

The Chairperson of the Sessional Committee on County Public Accounts and Investments (Sen. (Prof.) Anyang Nyong'o) issued a Statement on an issue of tropical concern regarding alleged disorderly conduct of the Governor of Murang'a County, Mr. Mwangi wa Iria, during a sitting of the Committee held on 27th October, 2016.

Thereupon, the Chairperson informed the Senate that the Governor was invited to respond to audit queries contained in the Auditor General's Report on financial operations of Murang'a County Executive for the Financial Year 2013/2014 but had refused to provide response, to any questions regarding purchase of a parcel of land in Murang'a County, insisting that the issue had been disposed with in the previous impeachment attempt against him.

The Chairperson also informed the Senate that, due to the hostile conduct of the Governor as a witness, who also accused the Senator for Murang'a County of politicizing the issue of the purchase of land, the Chairperson was forced to adjourn the sitting pre-maturely and ordered the Serjeant-At-Arms to escort the Governor out of the precincts of Parliament.

The Chairperson further informed the Senate that the Committee was exploring available options to deal with the matter while drawing the attention of the Senate to the inadequacy of the existing law on privileges to deal with matters such as the one facing the County Public Accounts and Investments Committee.

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

- a) The Vice-Chairperson of the Standing Committee on National Security and Foreign Relations issued a Statement on Kenya's participation in and commitment to the Open Government Partnership (OGP).

Thereupon, the Vice-Chairperson informed the Senate that Kenya is one of the 66 Countries in the OGP that had committed to implement ambitious principles and commitments on the promotion of transparency, public accountability, civic participation and innovation and had, as part of this commitment, co-hosted the Global Open Data for Agriculture and Nutrition (GODAN) Summit in September, 2016.

The Vice-Chairperson also informed the Senate that the Government continues to actively participate in Open Government Partnership (OGP) initiatives at the regional and international level.

- b) The Chairperson of the Standing Committee on Lands and Natural Resources issued a Statement regarding the water hyacinth menace in Lake Victoria.

Thereupon, the Chairperson informed the Senate that water hyacinth had infested a large area of Lake Victoria, with the most affected areas being Winam Gulf, Asembo Bay, Sangorota, Rakwaro, Kunya, Homabay Pier, Kananga, Kichinjio/Kisumu Port and Asat.

The Chairperson also informed the Senate that various studies had been undertaken and various attempts launched to control the weed, but without significant success.

The Chairperson further informed the Senate that the primary efforts to control the weed were being undertaken through the Lake Victoria Environmental Management and Project (LVEMP), with financial support from the World Bank, and that the Ministry of Agriculture, Livestock and Fisheries was in discussion with the National Treasury with a view to creating a specific budgetary item to help in sustaining mitigation and control of the weed, a measure which would make it possible for some resources to be allocated to the affected Counties in the future.

6. THE COUNTY STATISTICS BILL (SENATE BILL NO. 11 OF 2016)

(Sen. Naisula Lesuuda)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 10th November, 2016)

(Division)

Order deferred.

7. **THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILL NO. 5 OF 2016)**

(Chairperson, Standing Committee on National Security and Foreign Relations)

(Second Reading)

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

(Division)

Order deferred.

8. **THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2015)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 16th November, 2016)

(Division)

Order deferred.

9. **THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 8 OF 2016)**

(Sen. (Eng.) Muriuki Karue)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 17th November, 2016)

(Division)

Order deferred.

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

(The Senate Majority Leader)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 3rd November, 2016)

(Division)

Order deferred.

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

(The Senate Majority Leader)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 3rd November, 2016)

(Division)

Order deferred.

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

(Sen. Judith Sijeny)

(Second Reading)

(Resumption of Debate interrupted on Tuesday, 26th July, 2016)

(Division)

Order deferred.

13. **COMMITTEE OF THE WHOLE**
THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF
ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 8 OF 2015)
(Sen. Hassan Omar)

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

Order deferred.

14. **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, 15th November, 2016)
(Division)

Order deferred.

15. **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)
(Division)

Order deferred.

16. **COMMITTEE OF THE WHOLE**
THE NATIONAL CEREALS AND PRODUCE BOARD (AMENDMENT) BILL
(SENATE BILL NO. 15 OF 2015)
(Sen. (Dr.) Zipporah Kittony)

(Resumption of Debate interrupted on Wednesday, 16th November, 2016)
(Division)

Order deferred.

17. **COMMITTEE OF THE WHOLE**
THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 10 OF
2015)
(Chairperson, Sessional Committee on Delegated Legislation)

(Resumption of Debate interrupted on Wednesday, 16th November, 2016)
(Division)

Order deferred.

18. **THE CYBER SECURITY AND PROTECTION BILL (SENATE BILL NO. 12 OF 2016)**

(Sen. Mutahi Kagwe)

Order for Second reading Read;

Order deferred.

19. **THE LOCAL CONTENT BILL (SENATE BILL NO. 13 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed:-

THAT, the Local Content Bill (Senate Bill No. 13 of 2016) be now read a Second Time.

(Sen. Gideon Moi)

Debate arising;

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

20. **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, November 23, 2016 at 2:30 p.m.*

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