



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, SEPTEMBER 20, 2018 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 Deputy Speaker.
3. **COMMUNICATION FROM THE CHAIR**

The Deputy Speaker issued the following communication from the Chair:-

**Visiting students and teachers from Nyakoiba Secondary School, Kisii County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Nyakoiba Secondary School, Kisii County.

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

I thank you.”

4. **PAPERS LAID**

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

- i) Report of the Auditor-General on the financial statements of the Nyamira County Education Support Fund for the year ended 30 June, 2017.
- ii) Statement of the business of the Senate for the week commencing Tuesday, 25<sup>th</sup> September, 2018.

*(The Senate Majority Leader)*

5. **ADJOURNMENT MOTION PURSUANT TO THE PROVISIONS OF STANDING ORDER 34 TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE RELATING TO THE RISING COST OF PUBLIC DEBT AND HIGH TAXATION IN KENYA**

Raising a point of order, the Senator for Bungoma County (Sen. Moses Wetang'ula) sought leave to move a Motion of the adjournment of the Senate to discuss a definite matter of urgent national importance, namely the rising cost of public debt and high taxation in Kenya.

And there being the requisite number of Senators rising in support of the claim;

Thereupon, the Deputy Speaker directed that the Motion be moved at 4.30pm on the same day.

5. **STATEMENTS**

**a) Statements pursuant to Standing Order 48 (1)**

- i) Nominated Senator (Sen. (CPA) Farhiya Haji, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations, regarding land and property belonging to the National Police Service.
- ii) Nominated Senator (Sen. Judith Pareno, MP) sought a statement from the Standing Committee on Agriculture and Fisheries, regarding the hazardous Ipomoea weed which has invaded agricultural land in Kajiado County.
- iii) Nominated Senator (Sen. Judith Pareno, MP) sought a statement from the Standing Committee on Tourism, Trade and Industrialization concerning the state of the East African Portland Cement Company (EAPCC).

**b) Statement Pursuant to Standing Order 52(1)**

The Senate Majority Leader issued a statement on the Business of the Senate for the week commencing Tuesday, 25<sup>th</sup> September, 2018.

6. **MOTION – APPROVAL OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR FISCAL YEAR 2018/19**

Motion made and Question proposed:

**THAT**, pursuant to Standing Order 183, the Senate approves the Report of the Standing Committee on Finance and Budget on the County Governments Cash Disbursement Schedule for Fiscal Year 2018/2019, laid on the Table of the House on Thursday, 13<sup>th</sup> September, 2018.

*(Chairperson, Standing Committee on Finance and Budget – 18.9.2018)*

Debate interrupted on Wednesday, 19<sup>th</sup> September, 2018 resumed on a Division;

Before the question was put and pursuant to Standing Order 79, the Deputy Speaker informed the Senate that the Motion affected counties and voting would be by Delegation;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 81 (1) and that the division bell be rung for one minute;

After the expiry of one minute, the Deputy Speaker directed that the bars be drawn, the doors be locked and requested Senators to confirm that they were logged-in for electronic voting;

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 provisions of Standing Order 81 (5), the Deputy Speaker allowed two Senators to record their vote verbally.

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

- 1) Sen. Boy Issa Juma
- 2) Sen. Kindiki Kithure

The results of the Division were as follows:-

AYES – 26

NOES – 0

ABSTENTIONS – 0

**AYES**

1. Sen. Halakhe Abshiro Soka – voted on behalf of Isiolo County Delegation
2. Sen. Boy Issa Juma – voted verbally
3. Sen. Haji Mohamed Yusuf
4. Sen. Hargura Godana
5. Sen. Kibiru Charles Reubenson
6. Sen. Kihika Susan Wakarura
7. Sen. Kilonzo Mutula Junior
8. Sen. Kimani Wamatangi Paul
9. Sen. Kindiki Kithure – voted verbally
10. Sen. Lelegwe Steve Ltumbesi
11. Sen. Linturi Franklin Mithika
12. Sen. Mahamud Mohamed Maalim
13. Sen. Malalah Cleophas Wakhungu
14. Sen. Mbito Michael Maling’a
15. Sen. Mpaayei Phillip Salau
16. Sen. Murkomen Onesimus Kipchumba
17. Sen. Mwangi Paul Githiomi
18. Sen. Mwinyihaji Mohamed Faki
19. Sen. Nderitu John Kinyua
20. Sen. Olekina Ledama
21. Sen. Orenge James
22. Sen. Outa Fredrick Otieno
23. Sen. Poghisio Samuel Losuron

24. Sen. Haji Farhiya Ali – voted on behalf of Nairobi City County Delegation
25. Sen. Wako Sitswila Amos
26. Sen. Wetang'ula Moses Masika

Question put and agreed to.

**RESOLVED ACCORDINGLY**

**THAT**, pursuant to Standing Order 183, the Senate approves the Report of the Standing Committee on Finance and Budget on the County Governments Cash Disbursement Schedule for Fiscal Year 2018/2019, laid on the Table of the House on Thursday, 13<sup>th</sup> September, 2018.

7. **MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE NAKURU COUNTY EXECUTIVE FOR FY 2013/2014**

Motion made and Question proposed:

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial Operations of Nakuru County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

*(Chairperson, Sessional Committee on County Public Accounts and Investments – 19.9.2018)*

Debate interrupted on Wednesday, 19<sup>th</sup> September, 2018 resumed on a Division;

Before the question was put and pursuant to Standing Order 79, the Deputy Speaker informed the Senate that the Motion affected counties and voting would be by Delegation;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 81 (1) and that the division bell be rung for one minute;

After the expiry of one minute, the Deputy Speaker directed that the bars be drawn, the doors be locked and requested Senators to confirm that they were logged-in for electronic voting;

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 provisions of Standing Order 81 (5), the Deputy Speaker allowed two Senators to record their vote verbally.

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

- 1) Sen. Boy Issa Juma
- 2) Sen. Kindiki Kithure

The results of the Division were as follows:-

AYES – 27

NOES – 0

ABSTENTIONS – 0

**AYES**

1. Sen. Halakhe Abshiro Soka – voted on behalf of Isiolo County Delegation
2. Sen. Boy Issa Juma – voted verbally
3. Sen. Haji Mohamed Yusuf
4. Sen. Hargura Godana
5. Sen. Kibiru Charles Reubenson
6. Sen. Kihika Susan Wakarura
7. Sen. Kilonzo Mutula Junior
8. Sen. Kimani Wamatangi Paul
9. Sen. Kindiki Kithure – voted verbally
10. Sen. Lelegwe Steve Ltumbesi
11. Sen. Linturi Franklin Mithika
12. Sen. Mahamud Mohamed Maalim
13. Sen. Malalah Cleophas Wakhungu
14. Sen. Mbito Michael Maling'a
15. Sen. Mogeni Erick Okong'o
16. Sen. Mpaayei Phillip Salau
17. Sen. Murkomen Onesimus Kipchumba
18. Sen. Mwangi Paul Githiomi
19. Sen. Mwinyihaji Mohamed Faki
20. Sen. Nderitu John Kinyua
21. Sen. Olekina Ledama
22. Sen. Orengo James
23. Sen. Outa Fredrick Otieno
24. Sen. Poghisi Samuel Losuron
25. Sen. Haji Farhiya Ali – voted on behalf of Nairobi City County Delegation
26. Sen. Wako Sitswila Amos
27. Sen. Wetang'ula Moses Masika

Question put and agreed to.

**RESOLVED ACCORDINGLY**

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial Operations of Nakuru County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

8. **MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE KILIFI COUNTY EXECUTIVE FOR FY 2013/2014**

Motion made and Question proposed:

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial Operations of Kilifi County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

*(Chairperson, Sessional Committee on County Public Accounts and Investments –  
19.9.2018)*

Debate interrupted on Wednesday, 19<sup>th</sup> September, 2018 resumed on a Division;

Before the question was put and pursuant to Standing Order 79, the Deputy Speaker informed the Senate that the Motion affected counties and voting would be by Delegation;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 81 (1) and that the division bell be rung for one minute;

After the expiry of one minute, the Deputy Speaker directed that the bars be drawn, the doors be locked and requested Senators to confirm that they were logged-in for electronic voting;

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 provisions of Standing Order 81 (5), the Deputy Speaker allowed two Senators to record their vote verbally.

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

- 1) Sen. Boy Issa Juma
- 2) Sen. Kindiki Kithure

The results of the Division were as follows:-

AYES – 27

NOES – 0

ABSTENTIONS – 0

**AYES**

1. Sen. Halakhe Abshiro Soka – voted on behalf of Isiolo County Delegation
2. Sen. Boy Issa Juma – voted verbally
3. Sen. Haji Mohamed Yusuf
4. Sen. Hargura Godana
5. Sen. Kibiru Charles Reubenson
6. Sen. Kihika Susan Wakarura
7. Sen. Kilonzo Mutula Junior
8. Sen. Kimani Wamatangi Paul
9. Sen. Kindiki Kithure – voted verbally
10. Sen. Lelegwe Steve Ltumbesi
11. Sen. Linturi Franklin Mithika
12. Sen. Mahamud Mohamed Maalim
13. Sen. Malalah Cleophas Wakhungu
14. Sen. Mbito Michael Maling’a
15. Sen. Mogeni Erick Okong’o
16. Sen. Mpaayei Phillip Salau
17. Sen. Murkomen Onesimus Kipchumba
18. Sen. Mwangi Paul Githiomi

19. Sen. Mwinyihaji Mohamed Faki
20. Sen. Nderitu John Kinyua
21. Sen. Olekina Ledama
22. Sen. Orengo James
23. Sen. Outa Fredrick Otieno
24. Sen. Poghismo Samuel Losuron
25. Sen. Haji Farhiya Ali – voted on behalf of Nairobi City County Delegation
26. Sen. Wako Sitswila Amos
27. Sen. Wetang'ula Moses Masika

Question put and agreed to.

**RESOLVED ACCORDINGLY**

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial Operations of Kilifi County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

9. **MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE HOMA BAY COUNTY EXECUTIVE FOR FY 2013/2014**

Motion made and Question proposed:

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial Operations of Homa Bay County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

*(Chairperson, Sessional Committee on County Public Accounts and Investments –  
19.9.2018)*

Debate interrupted on Wednesday, 19<sup>th</sup> September, 2018 resumed on a Division;

Before the question was put and pursuant to Standing Order 79, the Deputy Speaker informed the Senate that the Motion affected counties and voting would be by Delegation;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 81 (1) and that the division bell be rung for one minute;

After the expiry of one minute, the Deputy Speaker directed that the bars be drawn, the doors be locked and requested Senators to confirm that they were logged-in for electronic voting;

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 provisions of Standing Order 81 (5), the Deputy Speaker allowed one Senator to record their vote verbally.

Thereupon, (Sen. Kindiki Kithure) recorded his vote as **“Yes”**-

The results of the Division were as follows:-

AYES – 27

NOES – 0

ABSTENTIONS – 0

**AYES**

1. Sen. Halakhe Abshiro Soka – voted on behalf of Isiolo County Delegation
2. Sen. Boy Issa Juma
3. Sen. Haji Mohamed Yusuf
4. Sen. Hargura Godana
5. Sen. Kibiru Charles Reubenson
6. Sen. Kihika Susan Wakarura
7. Sen. Kilonzo Mutula Junior
8. Sen. Kimani Wamatangi Paul
9. Sen. Kindiki Kithure – voted verbally
10. Sen. Lelegwe Steve Ltumbesi
11. Sen. Linturi Franklin Mithika
12. Sen. Mahamud Mohamed Maalim
13. Sen. Malalah Cleophas Wakhungu
14. Sen. Mbito Michael Maling’a
15. Sen. Mogeni Erick Okong’o
16. Sen. Mpaayei Phillip Salau
17. Sen. Murkomen Onesimus Kipchumba
18. Sen. Mwangi Paul Githiomi
19. Sen. Mwinyihaji Mohamed Faki
20. Sen. Nderitu John Kinyua
21. Sen. Olekina Ledama
22. Sen. Orengo James
23. Sen. Outa Fredrick Otieno
24. Sen. Poghio Samuel Losuron
25. Sen. Haji Farhiya Ali – voted on behalf of Nairobi City County Delegation
26. Sen. Wako Sitswila Amos
27. Sen. Wetang’ula Moses Masika

Question put and agreed to.

**RESOLVED ACCORDINGLY**

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial Operations of Homa Bay County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

10. **MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE KISII COUNTY EXECUTIVE FOR FY 2013/2014**

Motion made and Question proposed:

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial Operations of Kisii County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

*(Chairperson, Sessional Committee on County Public Accounts and Investments – 19.9.2018)*

Debate interrupted on Wednesday, 19<sup>th</sup> September, 2018 resumed on a Division;

Before the question was put and pursuant to Standing Order 79, the Deputy Speaker informed the Senate that the Motion affected counties and voting would be by Delegation;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 81 (1) and that the division bell be rung for one minute;

After the expiry of one minute, the Deputy Speaker directed that the bars be drawn, the doors be locked and requested Senators to confirm that they were logged-in for electronic voting;

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 provisions of Standing Order 81 (5), the Deputy Speaker allowed five Senators to record their vote verbally.

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

- 1) Sen. Kilonzo Mutula Junior
- 2) Sen. Kindiki Kithure
- 3) Sen. Malalah Cleophas Wakhungu
- 4) Sen. Mogeni Erick Okong’o
- 5) Sen. Orengo James

The results of the Division were as follows:-

AYES – 27

NOES – 0

ABSTENTIONS – 0

**AYES**

1. Sen. Halakhe Abshiro Soka – voted on behalf of Isiolo County Delegation
2. Sen. Boy Issa Juma
3. Sen. Haji Mohamed Yusuf
4. Sen. Hargura Godana
5. Sen. Kibiru Charles Reubenson
6. Sen. Kihika Susan Wakarura
7. Sen. Kilonzo Mutula Junior – voted verbally
8. Sen. Kimani Wamatangi Paul
9. Sen. Kindiki Kithure – voted verbally
10. Sen. Lelegwe Steve Ltumbesi
11. Sen. Linturi Franklin Mithika
12. Sen. Mahamud Mohamed Maalim

13. Sen. Malalah Cleophas Wakhungu – voted verbally
14. Sen. Mbito Michael Maling'a
15. Sen. Mogeni Erick Okong'o – voted verbally
16. Sen. Mpaayei Phillip Salau
17. Sen. Murkomen Onesimus Kipchumba
18. Sen. Mwangi Paul Githiomi
19. Sen. Mwinyihaji Mohamed Faki
20. Sen. Nderitu John Kinyua
21. Sen. Olekina Ledama
22. Sen. Orenge James – voted verbally
23. Sen. Outa Fredrick Otieno
24. Sen. Poghio Samuel Losuron
25. Sen. Haji Farhiya Ali – voted on behalf of Nairobi City County Delegation
26. Sen. Wako Sitswila Amos
27. Sen. Wetang'ula Moses Masika

Question put and agreed to.

**RESOLVED ACCORDINGLY**

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial Operations of Kisii County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

11. **MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON THE INQUIRY INTO POSSIBLE LOSS OF FUNDS THROUGH ACQUISITION OF LAND FOR PUBLIC USE**

Order read;

Raising a point of order, the Senate Majority Leader sought for a Ruling from the Chair on whether it was proper for the House to consider the Motion, at a time when the Committee on Powers and Privileges was scheduled to undertake an inquiry into allegations which had been made relating to the conduct of the Members of the Sessional Committee on County Public Accounts and Investments, during preparation of the Report under consideration;

And having considered the claim, the Deputy Speaker deferred consideration of the Motion to a later date, to allow the Committee on Powers and Privileges to conclude its inquiry on the matter.

12. **ADJOURNMENT MOTION PURSUANT TO THE PROVISIONS OF STANDING ORDER 34 TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE RELATING TO THE RISING COST OF PUBLIC DEBT AND HIGH TAXATION IN KENYA**

Motion made and Question proposed-

**THAT**, the Senate do now adjourn.

*(Sen. Moses Wetang'ula, MP)*

Debate arising;

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

13. **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, September 25, 2018 at 2.30 p.m. at the Uasin Gishu County Assembly  
Chamber.*

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