



REPUBLIC OF KENYA

TWELFTH PARLIAMENT - THIRD SESSION

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, MAY 29, 2019 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 issued the following communications from the Chair: -

a) On visiting students and teachers from Kangaru Girls School from Embu County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Kangaru Girls School, Embu 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.”

b) On visiting student Leaders from the University of Eldoret

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting Student Leaders from the University of Eldoret.

I request the students to stand when called out so that they may be acknowledged in the Senate tradition. They are-

1. Samuel Mwangi Njuru
2. Regina Gitau
3. John Karanja

4. Judy Mwende
5. Joy Gracious
6. Auma Belinda
7. Julius Mungai
8. Steve Njehia

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you”.

c) On the appointment of Senators to the Mediation Committee in respect of the Kenya Roads Bill (National Assembly Bill No. 47 of 2017)

“Honourable Senators,

As you may recall, in concurrence with the Speaker of the National Assembly on the constitution of a Mediation Committee in accordance with Articles 112 (1) (a), 112(2) (b) and 113 of the Constitution, I appointed the following Senators to serve in the Mediation Committee on the Kenya Roads Bill (National Assembly Bill No. 47 of 2017):

1. Sen. Fatuma Dullo, CBS, MP;
2. Sen. Paul Wamatangi, MP;
3. Sen. Samson Cherarkey, MP;
4. Sen. Enoch Wambua, MP; and
5. Sen. (Dr.) Ochilo Ayacko, MP.

Honourable Senators,

Upon further consultations with the leadership of the Majority and Minority, I have appointed Sen. Naomi Shiyonga, MP, Sen. Millicent Omanga, MP, and Sen. Kibiru Charles Reubenson, MP, to the Mediation Committee on the Kenya Roads Bill (National Assembly Bill No. 47 of 2017) to replace Sen. (Dr.) Ochilo Ayako, MP, Sen. Fatuma Dullo, MP, and Sen. Samson Cherarkey, MP, respectively.

I urge the Mediation Committee to move with speed and deal with this important assignment.

I thank you!”

4. PETITION

Pursuant to Standing Order 232 (2), the Vice Chairperson, Standing Committee on National Security, Defence and Foreign Relations, laid on the Table of the Senate report of the Standing Committee on Defence and Foreign Relations on a Petition to the Senate by residents of Teri – B ranch in Taita Taveta County, regarding insecurity caused by camel herders.

Thereupon, the Speaker directed that the Petition be scheduled in the Order Paper for Thursday, 30th May, 2019, to allow for comments or observations by Senators, pursuant to Standing Order 232 (2).

5. PAPERS

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

- i. The Commission on Administrative Justice Annual Report for Financial Year 2017/2018;
- ii. Report of the Auditor-General on the Financial Statements of Bungoma County Disaster Management Emergency Fund;
- iii. Report of the Auditor-General on the Financial Statements of Nanyuki Water and Sewerage Company Limited for the Year ended 30th June 2018;
- iv. Report of the Auditor-General on the Financial Statements of Gatamathi Water and Sanitation Company Limited for the Year ended 30th June 2017;
- v. Report of the Auditor-General on the Financial Statements of Gatamathi Water and Sanitation Company Limited for the Year ended 30th June 2018; and
- vi. Report of the Auditor-General on the Financial Statements of Murang'a Water and Sanitation Company Limited for the Year ended 30th June 2018.

(The Senate Majority Leader)

- vii. Report of the Standing Committee on Defence and Foreign Relations on a Petition to the Senate by residents of Teri – B ranch in Taita Taveta County, regarding insecurity caused by camel herders;
- viii. Report by the Standing Committee on National Security, Defence and Foreign Relations on the Prevention of Terrorism (Amendment) Bill (Senate Bills No. 20 of 2018); and
- ix. Report by the Standing Committee on National Security, Defence and Foreign Relations on the County Law Compliance and Enforcement Bill (Senate Bills No. 23 of 2018).

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

6. STATEMENTS**Statement pursuant to Standing Order 48 (1)**

- (a) Nominated Senator (Sen. Judith Pareno, MP) sought a statement from the Standing Committee on Roads and Transportation concerning land compensation for road construction and environmental restoration during and after road construction.
- (b) The Senator for Kitui County (Sen. Enoch Wambua, MP) sought a statement from the Standing Committee on Education regarding the countrywide interdiction of teachers by the Teachers Service Commission for allegedly seeking information on the preparedness in rolling out the new Competency Based Curriculum (CBC).

5. THE DETERMINATION OF THE NATURE OF BILLS (PROCEDURE) BILL (SENATE BILLS NO. 30 OF 2018)

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Determination of the Nature of Bills (Procedure) Bill (Senate Bills No. 30 of 2018) be now read a Second Time.

(Sen. Mutula Kilonzo Jnr., MP and Sen. Sakaja Johnson, MP – 22.05.2019)

Debate interrupted on Wednesday, 22nd May, 2019 resumed on a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for three minutes;

Upon the expiry of three minutes, the Speaker directed that the doors be locked and the bars be 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;

The results of the Division were as follows:-

AYES – 24

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
3. Sen. Imana Malachy Ekal
4. Sen. Kabaka Boniface Mutinda
5. Sen. Kajwang’ Moses Otieno
6. Sen. Khaniri George
7. Sen. Kihika Susan Wakarura
8. Sen. Kilonzo Mutula Junior
9. Sen. Langat Christopher Andrew
10. Sen. Lelegwe Steve Ltumbesi
11. Sen. Linturi Franklin Mithika
12. Sen. Loitiptip Anuar
13. Sen. Mbogo George Ochilo Ayacko
14. Sen. Mogeni Erick Okong’o
15. Sen. Mpaayei Phillip Salau
16. Sen. Murkomen Onesimus Kipchumba
17. Sen. Mwangi Paul Githiomi
18. Sen. Mwaruma Johnes Mwashushe
19. Sen. Mwinyi Haji Mohamed
20. Sen. Ndwiga Peter Njeru
21. Sen. Orengo James
22. Sen. Sakaja Johnson Arthur
23. Sen. Wambua Enoch Kiio
24. Sen. Wetang’ula Moses Masika

Question agreed to.

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

6. **MOTION – REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE ANNUAL REPORT OF THE COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW FOR FINANCIAL YEAR 2017/2018**

Motion made and Question proposed:-

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Annual Report of the County Governments Budget Implementation Review for Financial Year 2017/2018, laid on the Table of the Senate on Wednesday, 27th March, 2019.

(Chairperson, Standing Committee on Finance and Budget – 23.05.2019)

Debate interrupted on Thursday, 23rd May, 2019 resumed on a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for three minutes;

Upon the expiry of three 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;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 81 (5), the Speaker allowed one (1) Senator to record her vote verbally.

Thereupon, Sen. Naomi Shiyonga recorded her vote as **“Yes”** on behalf of the Kakamega County Delegation.

The results of the Division were as follows:-

AYES – 26

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
3. Sen. Imana Malachy Ekal
4. Sen. Kabaka Boniface Mutinda
5. Sen. Kajwang’ Moses Otieno
6. Sen. Kamar Margaret Jepkoech
7. Sen. Khaniri George
8. Sen. Kihika Susan Wakarura
9. Sen. Kilonzo Mutula Junior
10. Sen. Langat Christoper Andrew
11. Sen. Lelegwe Steve Ltumbesi
12. Sen. Linturi Franklin Mithika

13. Sen. Loitiptip Anuar
14. Sen. Naomi Shiyonga – voted verbally on behalf of Kakamega County Delegation.
15. Sen. Mbogo George Ayacko
16. Sen. Mogeni Erick Okong’o
17. Sen. Mpaayei Phillip Salau
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyi Haji Faki
22. Sen. Ndwiga Peter Njeru
23. Sen. Orengo James
24. Sen. Sakaja Johnson Arthur
25. Sen. Wambua Enoch Kiio
26. Sen. Wetang’ula Moses Masika

Question agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Annual Report of the County Governments Budget Implementation Review for Financial Year 2017/2018, laid on the Table of the Senate on Wednesday, 27th March, 2019.

7. **COMMITTEE OF THE WHOLE**
THE IMPEACHMENT PROCEDURE BILL (SENATE BILLS NO. 15 OF 2018)
(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)
Order for Committee read;
Order deferred.
8. **COMMITTEE OF THE WHOLE**
THE PREVENTION OF TERRORISM (AMENDMENT) BILL (SEN. BILLS NO. 20 OF 2018)
(Sen. (Canon) Naomi Jilo Waqo, MP)
Order deferred.
9. **COMMITTEE OF THE WHOLE**
THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2017)
(The Senate Majority Leader)
Order deferred.
10. **COMMITTEE OF THE WHOLE**
THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 27 OF 2018)
(Sen. Abshiro Halake, MP)
Order deferred.

11. **THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILLS NO. 35 OF 2018)**

Motion made and Question proposed;

THAT, the National Cohesion and Peace Building Bill (Senate Bills No. 35 of 2018) be now read a Second Time.

(Sen. Judith Pareno, MP – 22.05.2019)

Debate interrupted on Tuesday, 28th May, 2019 resumed;

There being no other Senator wishing to contribute;

The Mover replied;

Raising a point of order, Nominated Senator (Sen. Judith Pareno,MP) requested that the putting of the Question be deferred to a later date, pursuant to Standing Order 61(3);

And the Deputy Speaker, acceding to the request, nominated Thursday, 30th May, 2019, as the day when the Question shall be put.

12. **THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 32 OF 2018)**

Motion made and Question proposed;

THAT, the Mental Health (Amendment) Bill (Senate Bills No. 32 of 2018) be now read a Second Time.

(Sen. (Arch.) Sylvia Kasanga, MP)

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. (Dr.) Lelegwe) interrupted the proceedings and 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
Thursday, May 30, 2019 at 2.30 p.m.*

--x--