



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, JUNE 04, 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 conveyed the following Communications from the Chair: -

a) Half-day Retreat of the Senate and the Commission on Revenue Allocation (CRA)

“Honourable Senators,

As you are aware, the Commission on Revenue Allocation (CRA), is an independent Commission set up under Article 215 of the Constitution of Kenya. Its core mandate is to recommend the basis for equitable sharing of revenues raised nationally between the national and the county governments, and among the county governments.

As you may recall, the Report of the Commission on Revenue Allocation (CRA) Recommendation Concerning the Third Basis for Revenue Sharing among County Governments for Financial Years 2019/20 – 2023/24 was tabled in the Senate on 30th April, 2019 and committed to the Senate Standing Committee on Finance and Budget. This Report, which is prepared in accordance with the provision of Article 216(1)(b) of the Constitution of Kenya, is very important as it forms the basis for equitable sharing of revenue raised nationally among the county governments.

It is on this basis that the Standing Committee on Finance and Budget has organized a half-day consultative retreat with the CRA to discuss the Third Basis for Revenue Sharing among County Governments. The retreat is scheduled to be held in Nairobi County on Wednesday, 12th June, 2019

starting 8.00 am. At the retreat, the Commission shall present the underpinning logic for the Third Basis for Revenue Sharing.

Because of this important exercise, I direct all Committee Chairpersons not to schedule other meetings on that day.

I therefore invite and urge all Honourable Senators to plan to attend this important retreat.

I thank you!"

b) Visiting Pupils and Teachers from St. Mary's Sosio Girls' Secondary School, Bungoma County.

"Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting pupils and teachers from St. Mary's Sosio Secondary School, Bungoma County.

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

I thank you."

c) Visiting Pupils and Teachers from Maasai Girls' Secondary School, Narok County.

"Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting pupils and teachers from Maasai Girls Secondary School, Narok County.

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

I thank you."

d) Visiting Pupils and Teachers from Gititu Secondary School, Murang'a County.

"Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting pupils and teachers from Gititu Secondary School, Murang'a County.

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

I thank you."

e) Visiting Pupils and Teachers from Cardinal Otunga Girls' Secondary School, Bungoma County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting pupils and teachers from Cardinal Otunga Girls' Secondary School, Bungoma County.

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

I thank you.”

4. **PETITION**

Pursuant to Standing Order 226(1)(b) and 230(2)(a) the Senator for Nandi County (Sen. Samson Cherarkey, MP) presented to the Senate, on behalf of the Senator for Nyamira County (Sen. Okong'o Mogeni), a Petition concerning alleged mass examination failure at the Kenya School of Law.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Justice, Legal Affairs and Human Rights for its consideration, pursuant to Standing Order 232(1).

5. **STATEMENTS**

(i) Statement Pursuant to Standing Order 47 (1)

The Senator for Homa Bay County (Sen. Moses Kajwang', MP) made a Statement on illegal concessions of Lake Victoria to foreign investors.

The senator informed the House that, fishermen in Suba had been holding protests for the last two weeks against what they called ‘illegal grabbing of a section of the lake by a foreign investor’, who has been granted a 315-acre concession covering both the lake and dry land without public participation, and were demanding access to their traditional fishing grounds, preservation of fish breeding grounds as well as reopening of their traditional transport routes that have been blocked by the investor.

The Senator brought to the attention of the House that one fisherman was on Thursday 30th May, 2019, killed in peaceful protests against the alleged grabbing of the lake.

He also informed the House that, three years after Parliament passed the Fisheries Management and Development Act, none of the objectives of the Act appear to have been achieved and the Cabinet Secretary is yet to bring any regulations concerning the fisheries sector for approval by Parliament, and claimed that the apparent lethargy witnessed in implementation of the

Fisheries law is a well calculated strategy of economic sabotage of the region.

The senator implored the Senate to stand for the rights of fisher folk in the country by demanding the full implementation of the Fisheries Management and Development Act. He also called on the Executive to table in the Senate the relevant regulations that will strengthen the fisheries sector, and the Senate to resolve that no further concessions should be granted for large scale commercial aquaculture in the lake until regulations are approved by the Senate.

Pursuant to Standing Order 47 (3), the Speaker referred the Statement to the Standing Committee on Agriculture, Livestock and Fisheries for consideration.

(ii) Statement Pursuant to Standing Order 48(1)

Nominated Senator (Sen. (Dr.) Getrude Musuruve, MP) sought a statement from the Standing Committee on Labour and Social Welfare concerning the noncompliance with Article 54(2) of the Constitution on the representation of persons with disabilities in elective and appointive bodies.

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

Order for Second Reading read;

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 – 29.05.2019)

Debate interrupted on Wednesday 29th May, 2019 resumed;

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

7. **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, June 06, 2019 at 2.30 p.m.*

--x--