



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, SEPTEMBER 11, 2019 AT 2:30 PM

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer said by the Speaker.

3. **PETITIONS**

- (a) Pursuant to Standing Order 230(2)(a), Nominated Senator (Sen. (Dr.) Isaac Mwaura, MP) presented to the Senate a Petition concerning challenges facing individuals with connective tissue disorder disease.

Pursuant to Standing Order 231, the Speaker allowed Senators to make comments and observations in relation to the Petition and, subsequently, committed it to the Standing Committee on Health, pursuant to Standing Order 232(1).

- (b) Pursuant to Standing Order 230(2)(a), the Senator for Kitui County (Sen. Enock Wambua, MP) presented to the Senate a Petition concerning the closure of Kyuso Level IV Hospital in Kitui County.

Pursuant to Standing Order 231, the Speaker allowed Senators to make comments and observations in relation to the Petition and, subsequently, committed it to the Standing Committee on Health, pursuant to Standing Order 232(1).

4. **PAPERS**

The following Paper was laid on the Table of the Senate:-

Report of the Mediation Committee on the Division of Revenue (No. 2) Bill
(National Assembly Bills No. 59 of 2019)

(Chairperson, Mediation Committee)

5. **NOTICE OF MOTION** – (Chairperson, Mediation Committee)

THAT, the Senate adopts the Report of the Mediation Committee on the Division of Revenue (No. 2) Bill (National Assembly Bills No. 59 of 2019) laid on the Table of the Senate on Wednesday, 11th September, 2019 and pursuant to Article 113 of the

Constitution and Standing Order 161 (3) of the Senate Standing Orders, approves the mediated version of the said Bill.

6. **THE REGISTRATION OF PERSONS (AMENDMENT) BILL (SENATE BILLS NO. 14 OF 2019)**

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on National Security, Defence and Foreign Relations.

7. **THE KENYA SIGN LANGUAGE BILL (SENATE BILLS NO. 15 OF 2019)**

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Education.

8. **MOTION – ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE DIVISION OF REVENUE (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2019)**

Order read;

Motion made and Question Proposed;

THAT, the Senate adopts the Report of the Mediation Committee on the Division of Revenue (No. 2) Bill (National Assembly Bills No. 59 of 2019) laid on the Table of the Senate on Wednesday, 11th September, 2019 and pursuant to Article 113 of the Constitution and Standing Order 161 (3) of the Senate Standing Orders, approves the mediated version of the said Bill.

(Chairperson, Mediation Committee)

Debate arising;

There being no other Senator wishing to Contribute;

The Mover replied;

The House proceeded to a Division;

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

Upon the expiry of five 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

1. Sen. Ali Abdullahi Ibrahim
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Hargura Godana
5. Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
6. Sen. Imana Malachy Ekal
7. Sen. Kajwang' Moses Otieno
8. Sen. Kibiru Charles Reubenson
9. Sen. Prengei Victor – voted on behalf of Nakuru County Delegation
10. Sen. Kilonzo Mutula Junior
11. Sen. Sen. Mwaura Isaac – voted on behalf of Kiambu County Delegation
12. Sen. Langat Christopher Andrew
13. Sen. Linturi Franklin Mithika
14. Sen. Mbito Michael Maling'a
15. Sen. Mahamud Mohamed Maalim
16. Sen. Inimah Getrude Musuruve – voted on behalf of Kamaega County Delegation
17. Sen. Murkomen Onesimus Kipchumba
18. Sen. Mwaura Johnes Mwashushe
19. Sen. Mwinyihaji Faki
20. Sen. Nderitu John Kinyua
21. Sen. Ndwiga Peter Njeru
22. Sen. Ongeru Samson Kegengo
23. Sen. Orengo James
24. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
25. Sen. Sakaja Johnson
26. Sen. Wambua Enock Kiio
27. Sen. Wambua Enoch

NOES

1. Sen. Mbogo George Ayacko
2. Sen. Mwangi Paul Githiomi
3. Sen. Olekina Ledama

Question agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate adopts the Report of the Mediation Committee on the Division of Revenue (No. 2) Bill (National Assembly Bills No. 59 of 2019) laid on the Table of the Senate on Wednesday, 11th September, 2019 and pursuant to Article 113 of the Constitution and Standing Order 161 (3) of the Senate Standing Orders, approves the mediated version of the said Bill.

9. **COMMITTEE OF THE WHOLE**
THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)
(Sen. Ledama Olekina, MP)

Order deferred.

10. **COMMITTEE OF THE WHOLE**
THE ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2018)
(Sen. Ledama Olekina, MP)

Order deferred.

11. **COMMITTEE OF THE WHOLE**
THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)
(Sen. Mary Seneta, MP)

Order deferred.

12. **COMMITTEE OF THE WHOLE**
THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 9 OF 2019)
(Sen. (Dr.) Abdullahi Ali, MP)

Order deferred.

13. **MOTION – PLANTING OF TREES ALONG MAJOR INFRASTRUCTURE PROJECTS IN KENYA**

Order read;

Motion made and Question Proposed;

THAT, AWARE of the numerous benefits that trees play in environmental conservation, combating climate change, air and water purification, carbon sequestration, flood control, prevention of soil erosion, human and wildlife sustenance, urban planning, as well as other social and economic benefits;

NOTING THAT Kenya has and continues to implement various infrastructure projects across the country, among them railways, roads and highways, airports, sea and inland ports, pipelines, dams, among others;

CONCERNED by the extent of environmental degradation that takes place when undertaking such infrastructure projects, entailing clearance of trees, foliage, soils, rocks, excavation of quarries, interference with forests, wetlands, rivers, drainage systems and other embankments, as well as human and wildlife displacement along the paths of the infrastructure projects;

ACKNOWLEDGING THAT the Environmental Management and Coordination Act (No. 8 of 1999) and the Guidelines issued thereon require an environmental audit to be undertaken before any infrastructure projects are undertaken, with a view to identifying potential environmental impacts of the proposed projects, assessing the significance of those impacts, and proposing mitigation measures to address the negative impacts of the said projects on the environment;

CONCERNED HOWEVER THAT the implementation of these provisions has failed to comprehensively address the continued large-scale environmental degradation that takes place during construction of these infrastructure projects, and that the mitigation measures undertaken thereon have failed to compensate for the damage done to the environment as well as the negative effects to human and wildlife populations along the infrastructure project paths;

AWARE THAT the National Government has launched an ambitious plan to plant 1.8 billion trees by the year 2022, with a view to enhancing the country's tree cover from 6.2% to the globally accepted minimum of 10%, and that this entails, among others, planting at least 1 million trees annually in each of the forty-seven Counties;

UNDERSCORING the need to balance between development and sustainable environmental management, for the benefit of present and future generations, as enshrined in the preamble to the Constitution of Kenya;

NOTING that planting of tree buffers alongside and around major infrastructure projects in the country would help offset the carbon footprint of these projects, enhance the beauty and aesthetics of the projects, create safe spaces for human recreation and for wildlife to thrive, and help in meeting the target of 10% national tree cover by the year 2022;

NOW, THEREFORE, the Senate resolves that the National Government, together with the County Governments, formulate a policy mandating the planting of trees alongside and around all major infrastructure projects across the country, setting out the roles of various actors at both the national and county levels, and outlining incentives and penalties to ensure that the policy is complied with, in ensuring a balance is attained between development and environmental conservation.

(Sen. Charles Reubenson Kibiru, MP)

Debate arising;

The Temporary Speaker (Sen. Judith Pareno, MP) adjourned the Senate at twenty-five Minutes past Six O'clock without question put, pursuant to Standing Order 31(2).

14. **SENATE ROSE** – at Twenty-five Minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Thursday, September 12, 2019 at 2.30 p.m.*

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