



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, DECEMBER 05, 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. **COMMUNICATION FROM THE CHAIR – ADDRESS ON THE END OF THE THIRD SESSION OF THE 12TH PARLIAMENT**

The Speaker conveyed the following Communication from the Chair: -

“Honourable Senators,

As you are aware, at the rise of the Senate today, Thursday, 5th December, 2019, the House will proceed on recess until Tuesday, 11th February, 2020 as per the Senate Calendar.

Honourable Senators,

It has been a long and hectic year for all of us and I am sure, everyone is looking forward to this well-deserved break and enjoying time with family, friends and constituents during the festive season.

This long recess also provides an opportunity for us to reflect on our achievements and challenges throughout the year. This retrospection is ideal in a relaxed environment, devoid of the hustle and bustle of our busy legislative schedules and Committee operations.

Looking at what the Senate has considered during the Third Session in terms of Bills, Motions, Petitions and Statements, I can say without any fear of contradiction that we have been truthful to the role assigned to us, particularly in Article 96 of the Constitution. Specifically, I cite the Sittings of the Senate held in Kitui County from 16th – 20th September, 2019, as a major achievement of this Session, at which event, the Senate rose above its normal call of duty to engage with the residents of Kitui County and provide solutions to their everyday challenges through legislative interventions.

Thanks to our individual and collective efforts, the Counties in particular and the devolved system of government in general are in a good place and the future is secure.

Honourable Senators,

Looking at the general status of the business of the Senate, the House will however require a moment of introspection to plan for the Fourth Session, bearing in mind that the next session will be the midway point of the term of this Parliament. Towards this end, the office of the Speaker undertakes to provide a forum, in consultation with the House Leadership, for the Senate to undertake this exercise. Further communication on this matter will be given in the coming weeks.

Honourable Senators,

In preparation for the next Session, the coming recess affords an opportunity for officers of the Senate to take their annual leave and join their families and friends to celebrate the festive season, as well as to reinvigorate and re-energize in preparation for the Fourth Session in February, 2020. Consequently, I direct that all meetings of Select Committees be suspended, as is the tradition, with effect from 13th December, 2019 until 31st January, 2020.

I take this opportunity to thank you for your service, commitment and dedication in upholding the mandate of this House, in this Session and to wish you a Merry Christmas and prosperous New Year, 2020!

I thank you.”

4. **MESSAGE FROM THE NATIONAL ASSEMBLY REGARDING PASSAGE, BY THE ASSEMBLY, OF VARIOUS BILLS**

The Temporary Speaker (Sen. Rose Nyamunga, MP) conveyed the following Message from the National Assembly: -

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4), I have received the following messages from the Speaker of the National Assembly regarding the passage by the Assembly of the Early Childhood Education Bill (Senate Bill No. 26 of 2018), the Office of the County Attorney Bill (Senate Bill No. 3 of 2018) and the Petition to County Assemblies (Procedure) Bill (Senate Bill No. 22 of 2018)-

i) Passage of the Early Childhood Education Bill (Senate Bill No. 26 of 2018)

“PURSUANT to the provisions of Standing Orders 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the Early Childhood Education Bill (Senate Bill No. 26 of 2018) was passed by the Senate on Wednesday, 22nd May, 2019 with amendments and referred to the National Assembly for consideration;

AND WHEREAS, the National Assembly passed the said Bill on Thursday, 21st November, 2019 with further amendments, attached herewith;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Order 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

ii) Passage of the Office of the County Attorney Bill (Senate Bill No. 3 of 2018)

“PURSUANT to the provisions of Standing Order 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the Office of the County Attorney Bill (Senate Bill No. 3 of 2018) was passed by the Senate on Thursday, 3rd October 2018 with amendments and referred to the National Assembly for consideration;

AND WHEREAS, the National Assembly passed the said Bill on Thursday, 21st November 2019 with further amendments, attached herewith;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

iii) Passage of the Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018)

“PURSUANT to the provisions of Standing Order 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018) was passed by the Senate on Thursday, 3rd October 2018 with amendments and referred to the National Assembly for consideration;

AND WHEREAS, the National Assembly passed the said Bill on Thursday, 21st November 2019 with further amendments, attached herewith;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

iv) Passage of the Public Finance Management (Amendment) Bill, (National Assembly Bill No. 51 of 2017)

“PURSUANT to the provisions of Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, The Public Finance Management (Amendment) Bill, (National Assembly Bill No. 51 of 2017) was published vide Kenya Gazette Supplement No. 195 of 29th December, 2017 as a Bill concerning county governments, to provide for the proper management of public finances by the National and County governments;

AND WHEREAS, the National Assembly considered the Bill at the Committee Stage on Wednesday, 20th November, 2019 and passed the said Bill on Thursday, 21st November, 2019 with amendments, in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.”

v) Passage of the National Drought Management Authority (Amendment) Bill (National Assembly Bill No. 26 of 2019)

“PURSUANT to the provisions of Standing Order 41 and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the National Drought Management Authority (Amendment) Bill (National Assembly Bill No. 26 of 2019) was published vide Kenya Gazette Supplement No. 43 of 5th April 2019 to provide for the establishment of the coordinating committees and management of the National Drought Emergency Fund;

AND WHEREAS, the National Assembly considered and passed the said Bill without amendments on Tuesday, 10th September 2019 in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order 41 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.”

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,

In this regard, I direct that-

- a) The Standing Committee on Education considers the National Assembly amendments to the Early Childhood Education Bill (Senate Bills No. 26 of 2018) and report to the Senate; and
- b) The Standing Committee on Justice, Legal Affairs and Human Rights considers the National Assembly amendments to the County Attorney Bill (Senate Bills No. 3 of 2018) and the Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018) and report to the Senate.

Further, pursuant to Standing Order 159 (1) of the Senate Standing Orders, I also direct that the National Assembly amendments to the said Bills be circulated to all Senators and be listed on the Order Paper for consideration when the Senate next meets.

Honourable Senators,

Standing Order No. 157 requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No. 139.

In that regard, I direct that the Public Finance Management (Amendment) Bill, (National Assembly Bill No. 51 of 2017) and the National Drought Management Authority (Amendment) Bill (National Assembly Bill No. 26 of 2019) be read a First Time when the Senate next meets.

I thank you!"

5. PETITIONS

- a) Pursuant to Standing Order 230(2)(b), the Speaker reported to the Senate a Petition by former residents of Dundori Forest, concerning their forceful eviction from the Forest.

Pursuant to Standing Order 231, the Speaker invited Senators to comment, make observations or seek clarification in relation to the Petition and, subsequently, committed it to the Standing Committee on Land, Environment and Natural Resources, pursuant to Standing Order 232(1).

- b) Pursuant to Standing Order 230(2)(a), the Senator for Mombasa County (Sen. Mohamed Mwinyihaji, MP) presented to the Senate a Petition by residents of Ganjoni, in Mombasa County, concerning harmful effects resulting from loading and unloading of iron ore.

Pursuant to Standing Order 231, the Speaker invited Senators to comment, make observations or seek clarification in relation to the Petition and, subsequently, committed it to the Standing Committee on Land, Environment and Natural Resources, pursuant to Standing Order 232(1).

c) The following reports on Petitions were laid on the Table of the Senate, pursuant to standing order 232(2): -

i) Report of the Standing Committee on Labour and Social Welfare on its consideration of the Petition to the Senate concerning clearances required by public bodies on application for jobs in Kenya.

(Sen. Samson Cherarkey, MP on behalf of the Chairperson, Standing Committee on Labour and Social Welfare)

ii) Report of the Standing Committee on Roads and Transportation on its consideration of the Petition to the Senate on delayed compensation by National Land Commission to landowners affected by the construction of Eldoret town Bypass Road Project in Uasin Gishu County.

(Chairperson, Standing Committee on Roads and Transportation)

6. PAPERS

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

i) Report of the Seminar on Advancing Gender Equality in Kenya held in Naivasha, Kenya from 15th to 17th November, 2018.

(Sen. Susan Kihika, MP)

ii) Report of the Standing Committee on Finance and Budget on the stoppage of transfer of funds to County Governments.

(Chairperson, Standing Committee on Finance and Budget)

iii) Report of the Standing Committee on Energy on the oil spillage at Kiboko area in Makueni County and implementation status and measures put in place to mitigate the situation after the oil spillage.

(Chairperson, Standing Committee on Energy)

iv) Report of the Standing Committee on Devolution and Intergovernmental Relations on the delayed handover of the Lake Basin Mall in Kisumu County.

(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

v) Statement on the business of the Senate for the week commencing Tuesday, 11th February, 2020.

(The Deputy Senate Majority Leader)

7. **NOTICE OF MOTION** – (Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the stoppage of transfer of funds to County Governments laid on the Table of the Senate on Thursday, 5th December, 2019.

8. **STATEMENT PURSUANT TO STANDING ORDER 52(1)**

The Deputy Senate Majority Leader issued a Statement on the business of the Senate for the week commencing Tuesday, 11th February, 2020.

9. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE STOPPAGE OF TRANSFER OF FUNDS TO COUNTY GOVERNMENTS.**

Order read;

Motion made and Question proposed -

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the stoppage of transfer of funds to County Governments laid on the Table of the Senate on Thursday, 5th December, 2019.

(Chairperson, Standing Committee on Finance and Budget)

Debate arising;

Closure of debate pursuant to Standing Order 104(1)

Rising in her place on a point of order pursuant to Standing Order 104 (1), the Senate Majority Whip claimed to move “THAT, the Mover be now called upon to reply”;

And the Speaker, acceding to the claim;

Question put and agreed to;

Thereupon the Mover replied;

The House proceeded to a Division;

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

Upon the expiry of two minutes, the Speaker directed that the doors be locked 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 – 4

ABSTENTION – NIL

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
5. Sen. Waqo Naomi Jilo – voted on behalf of the Marsabit County Delegation
6. Sen. Kamar Margaret Jepkoech
7. Sen. Khaniri George
8. Sen. Kibiru Charles Reubenson
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Kimani Paul Wamatangi
12. Sen. Kirinyaga Ephraim Mwangi Maina
13. Sen. Lang’at Christopher Andrew
14. Sen. Mahamud Mohamed Maalim
15. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
16. Sen. Mwangi Paul Githiomi
17. Sen. Mwinyihaji Mohamed Faki
18. Sen. Nderitu John Kinyua
19. Sen. Ndwiga Peter Njeru
20. Sen. Ongeru Samson Kegengo
21. Sen. Orenge James
22. Sen. Haji Farhiya Ali – voted on behalf of Nairobi City County Delegation
23. Sen. Wako Sitswila Amos
24. Sen. Wetang’ula Moses Masika

NOES

1. Sen. Kajwang Moses Otieno
2. Sen. Mbogo George Ochilo Ayacko
3. Sen. Olekina Ledama
4. Sen. Outa Fredrick Otieno

Question agreed to.

RESOLVED ACCORDINGLY -

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the stoppage of transfer of funds to County Governments laid on the Table of the Senate on Thursday, 5th December, 2019.

10. **MOTION – ADOPTION OF REPORT OF SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON ACCOUNTS OF COUNTY EXECUTIVES FOR FINANCIAL YEAR 2014/2015**

Order read;

Motion made and Question proposed -

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of Baringo, Busia, Elgeyo Marakwet, Embu, Kajiado, Kericho, Kilifi, Kirinyaga, Kisii, Kwale, Lamu, Makueni, Marsabit, Meru, Nakuru, Narok, Nyamira, Uasin Gishu, Vihiga and West Pokot County Executives for Financial year 2014/2015 (1st July, 2014 to 30th June, 2015), laid on the Table of the Senate on Wednesday, 9th October, 2019.

*(Chairperson, Sessional Committee on County Public Accounts and Investments
– 22.10.2019)*

Debate interrupted on Wednesday, 6th November, 2019 resumed on a Division;

The House proceeded to a Division;

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

Upon the expiry of two minutes, the Speaker directed that the doors be locked 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 two (2) Senators to record their votes verbally.

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

- 1) Sen. Kamar Margaret Jepkoech
- 2) Sen. Haji Farhiya Ali – voted on behalf of Nairobi City County Delegation

The results of the Division were as follows:-

AYES – 28

NOES – NIL

ABSTENTION – NIL

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
5. Sen. Waqo Naomi Jilo – voted on behalf of the Marsabit County Delegation
6. Sen. Kajwang Moses Otieno
7. Sen. Kamar Margaret Jepkoech – voted verbally
8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
10. Sen. Kihika Susan Wakarura
11. Sen. Kilonzo Mutula Junior
12. Sen. Kimani Paul Wamatangi
13. Sen. Kirinyaga Ephraim Mwangi Maina
14. Sen. Lang’at Christopher Andrew
15. Sen. Mahamud Mohamed Maalim
16. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
17. Sen. Mbogo George Ochilo Ayacko
18. Sen. Mwangi Paul Githiomi
19. Sen. Mwinyihaji Mohamed Faki
20. Sen. Nderitu John Kinyua
21. Sen. Ndwiga Peter Njeru
22. Sen. Olekina Ledama
23. Sen. Ongeru Samson Kegengo
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno
26. Sen. Haji Farhiya Ali – voted verbally on behalf of Nairobi City County Delegation
27. Sen. Wako Sitswila Amos
28. Sen. Wetang’ula Moses Masika

Question agreed to.

RESOLVED ACCORDINGLY -

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of Baringo, Busia, Elgeyo Marakwet, Embu, Kajiado, Kericho, Kilifi, Kirinyaga, Kisii, Kwale, Lamu, Makueni, Marsabit, Meru, Nakuru, Narok, Nyamira, Uasin Gishu, Vihiga and West Pokot County Executives for Financial year 2014/2015 (1st July, 2014 to 30th June, 2015), laid on the Table of the Senate on Wednesday, 9th October, 2019.

11. **MOTION – ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON THE FINANCIAL OPERATIONS OF VARIOUS COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2013/2014**

Order read;

Motion made and Question proposed -

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the Financial Operations of Kiambu, Busia, Kwale, Tana River, Trans Nzoia, Nyandarua, Migori, Kisumu, Samburu, Kericho, Bomet, Bungoma, Garissa, Isiolo, Kitui, Lamu, Makueni, Mandera, Marsabit, Meru, Mombasa, Nyamira, Taita Taveta, Uasin Gishu, Vihiga and Wajir County Executives for the Financial Year 2013/2014 (1st July, 2013-30th June, 2014), laid on the Table of the Senate on Thursday, 21st November, 2019.

*(Chairperson, Sessional Committee on County Public Accounts and Investments
– 26.11.2019)*

Debate interrupted on Tuesday, 26th November, 2019 resumed on a Division;

The House proceeded to a Division;

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

Upon the expiry of two minutes, the Speaker directed that the doors be locked 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 his vote verbally.

Thereupon, Sen. Mwangi Paul Githiomi recorded his vote as **“Yes”**-

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTION – NIL

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
5. Sen. Waqo Naomi Jilo – voted on behalf of the Marsabit County Delegation
6. Sen. Kajwang Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George

9. Sen. Kibiru Charles Reubenson
10. Sen. Kihika Susan Wakarura
11. Sen. Kilonzo Mutula Junior
12. Sen. Kimani Paul Wamatangi
13. Sen. Lang'at Christopher Andrew
14. Sen. Mahamud Mohamed Maalim
15. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Mwangi Paul Githiomi – voted verbally
18. Sen. Mwinyihaji Mohamed Faki
19. Sen. Nderitu John Kinyua
20. Sen. Ndwiga Peter Njeru
21. Sen. Olekina Ledama
22. Sen. Ongeru Samson Kegengo
23. Sen. Orengo James
24. Sen. Outa Fredrick Otieno
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 agreed to.

RESOLVED ACCORDINGLY -

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the Financial Operations of Kiambu, Busia, Kwale, Tana River, Trans Nzoia, Nyandarua, Migori, Kisumu, Samburu, Kericho, Bomet, Bungoma, Garissa, Isiolo, Kitui, Lamu, Makueni, Mandera, Marsabit, Meru, Mombasa, Nyamira, Taita Taveta, Uasin Gishu, Vihiga and Wajir County Executives for the Financial Year 2013/2014 (1st July, 2013-30th June, 2014), laid on the Table of the Senate on Thursday, 21st November, 2019.

12. **THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 11 OF 2019)**

Order read;

Motion made and Question proposed;

THAT, the Care and Protection of Child Parents Bill (Senate Bills No. 11 of 2019) be now read a Second Time.

(Sen. Beatrice Kwamboka, MP – 06.11.2019)

The debate interrupted on Wednesday, 13th November, 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 two minutes;

Upon the expiry of two 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;

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTION – NIL

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
5. Sen. Waqo Naomi Jilo – voted on behalf of the Marsabit County Delegation
6. Sen. Kajwang Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
10. Sen. Kihika Susan Wakarura
11. Sen. Kilonzo Mutula Junior
12. Sen. Kimani Paul Wamatangi
13. Sen. Lang’at Christopher Andrew
14. Sen. Mahamud Mohamed Maalim
15. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Mwangi Paul Githiomi
18. Sen. Mwinyihaji Mohamed Faki
19. Sen. Nderitu John Kinyua
20. Sen. Ndwiga Peter Njeru
21. Sen. Olekina Ledama
22. Sen. Onger Samson Kegengo
23. Sen. Orengo James
24. Sen. Outa Fredrick Otieno
25. Sen. Haji Farhiya Ali – voted on behalf of Nairobi City County Delegation
26. Sen. Wako Sitswila Amos
27. Sen. Wetang’ula Moses Masika

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

Order read;

Motion made and Question proposed;

THAT, the Alternative Dispute Resolution Bill (Senate Bills No. 19 of 2019) be now read a Second Time.

(Sen. (Arch.) Sylvia Kasanga, MP – 13.11.2019)

The debate interrupted on Tuesday, 19th November, 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 two minutes;

Upon the expiry of two 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;

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTION – NIL

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
5. Sen. Waqo Naomi Jilo – voted on behalf of the Marsabit County Delegation
6. Sen. Kajwang Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
10. Sen. Kihika Susan Wakarura
11. Sen. Kilonzo Mutula Junior
12. Sen. Kimani Paul Wamatangi
13. Sen. Lang’at Christopher Andrew
14. Sen. Mahamud Mohamed Maalim
15. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Mwangi Paul Githiomi
18. Sen. Mwinyihaji Mohamed Faki
19. Sen. Nderitu John Kinyua
20. Sen. Ndwiga Peter Njeru

21. Sen. Olekina Ledama
22. Sen. Ongeru Samson Kegengo
23. Sen. Orengo James
24. Sen. Outa Fredrick Otieno
25. Sen. Haji Farhiya Ali – voted on behalf of Nairobi City County Delegation
26. Sen. Wako Sitswila Amos
27. Sen. Wetang'ula Moses Masika

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

14. **THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 15 OF 2019)**

Order read;

Motion made and Question proposed;

THAT, the Kenyan Sign Language Bill (Senate Bills No. 15 of 2019) be now read a Second Time.

(Sen. (Dr.) Getrude Musuruwe, MP and Sen. (Prof.) Margaret Kamar, MP – 20.11.2019)

The debate interrupted on Tuesday, 26th November, 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 two minutes;

Upon the expiry of two 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 two (2) Senators to record their votes verbally.

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

- 1) Sen. Mwangi Paul Githiomi
- 2) Sen. Mwinyihaji Mohamed Faki

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTION – NIL

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
5. Sen. Waqo Naomi Jilo – voted on behalf of the Marsabit County Delegation
6. Sen. Kajwang Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
10. Sen. Kihika Susan Wakarura
11. Sen. Kilonzo Mutula Junior
12. Sen. Kimani Paul Wamatangi
13. Sen. Lang’at Christopher Andrew
14. Sen. Mahamud Mohamed Maalim
15. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Mwangi Paul Githiomi – voted verbally
18. Sen. Mwinyihaji Mohamed Faki – voted verbally
19. Sen. Nderitu John Kinyua
20. Sen. Ndwiga Peter Njeru
21. Sen. Olekina Ledama
22. Sen. Ongeru Samson Kegengo
23. Sen. Orengo James
24. Sen. Outa Fredrick Otieno
25. Sen. Haji Farhiya Ali – voted on behalf of Nairobi City County Delegation
26. Sen. Wako Sitswila Amos
27. Sen. Wetang’ula Moses Masika

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

15. **THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 17 OF 2019)**

Order read;

Motion made and Question proposed;

THAT, the County Licensing (Uniform Procedure) Bill (Senate Bills No. 17 of 2019) be now read a Second Time.

(Sen. Mercy Chebeni, MP – 21.11.2019)

The debate interrupted on Tuesday, 26th November, 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 two minutes;

Upon the expiry of two 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 three (3) Senators to record their votes verbally.

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

- 1) Sen. Kamar Margaret Jepkoech
- 2) Sen. Mahamud Mohamed Maalim
- 3) Sen. Mwinyihaji Mohamed Faki

The results of the Division were as follows: -

AYES – 27

NOES – NIL

ABSTENTION – NIL

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
5. Sen. Waqo Naomi Jilo – voted on behalf of the Marsabit County Delegation
6. Sen. Kajwang Moses Otieno
7. Sen. Kamar Margaret Jepkoech – voted verbally
8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
10. Sen. Kihika Susan Wakarura
11. Sen. Kilonzo Mutula Junior
12. Sen. Kimani Paul Wamatangi
13. Sen. Lang’at Christopher Andrew
14. Sen. Mahamud Mohamed Maalim – voted verbally
15. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Mwangi Paul Githiomi
18. Sen. Mwinyihaji Mohamed Faki – voted verbally
19. Sen. Nderitu John Kinyua
20. Sen. Ndwiga Peter Njeru
21. Sen. Olekina Ledama
22. Sen. Ongeru Samson Kegengo
23. Sen. Orenge James
24. Sen. Outa Fredrick Otieno
25. Sen. Haji Farhiya Ali – voted on behalf of Nairobi City County Delegation
26. Sen. Wako Sitswila Amos

27. Sen. Wetang'ula Moses Masika

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

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

Order read;

Motion made and Question proposed;

THAT, the Registration of Persons (Amendment) Bill (Senate Bills No. 14 of 2019) be now read a Second Time.

(Sen. (Dr.) Isaac Mwaura, MP – 07.11.2019)

The debate interrupted on Tuesday, 3rd December, 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 two minutes;

Upon the expiry of two 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 two (2) Senators to record their votes verbally.

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

- 1) Sen. Kimani Paul Wamatangi
- 2) Sen. Mwinyihaji Mohamed Faki

The results of the Division were as follows: -

AYES – 27

NOES – NIL

ABSTENTION – NIL

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
5. Sen. Waqo Naomi Jilo – voted on behalf of the Marsabit County Delegation
6. Sen. Kajwang Moses Otieno

7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
10. Sen. Kihika Susan Wakarura
11. Sen. Kilonzo Mutula Junior
12. Sen. Kimani Paul Wamatangi – voted verbally
13. Sen. Lang’at Christopher Andrew
14. Sen. Mahamud Mohamed Maalim
15. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Mwangi Paul Githiomi
18. Sen. Mwinyihaji Mohamed Faki – voted verbally
19. Sen. Nderitu John Kinyua
20. Sen. Ndwiga Peter Njeru
21. Sen. Olekina Ledama
22. Sen. Onger Samson Kegengo
23. Sen. Orengo James
24. Sen. Outa Fredrick Otieno
25. Sen. Haji Farhiya Ali – voted on behalf of Nairobi City County Delegation
26. Sen. Wako Sitswila Amos
27. Sen. Wetang’ula Moses Masika

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

17. THE ELECTIONS (AMENDMENT) BILL (SENATE BILLS NO. 18 OF 2019)

Order read;

Motion made and Question proposed;

THAT, the Elections (Amendment) Bill (Senate Bills No. 18 of 2019) be now read a Second Time.

(Sen. Ephraim Maina, MP – 04.12.2019)

The debate interrupted on Wednesday, 4th December, 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 two minutes;

Upon the expiry of two 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 two (2) Senators to record their votes verbally.

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

- 1) Sen. Cherarkey Samson Kiprotich
- 2) Sen. Kihika Susan Wakarura

The results of the Division were as follows: -

AYES – 27

NOES – NIL

ABSTENTION – NIL

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich – voted verbally
4. Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
5. Sen. Waqo Naomi Jilo – voted on behalf of the Marsabit County Delegation
6. Sen. Kajwang Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
10. Sen. Kihika Susan Wakarura – voted verbally
11. Sen. Kilonzo Mutula Junior
12. Sen. Kimani Paul Wamatangi
13. Sen. Lang’at Christopher Andrew
14. Sen. Mahamud Mohamed Maalim
15. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Mwangi Paul Githiomi
18. Sen. Mwinyihaji Mohamed Faki
19. Sen. Nderitu John Kinyua
20. Sen. Ndwiga Peter Njeru
21. Sen. Olekina Ledama
22. Sen. Onger Samson Kegengo
23. Sen. Orenge James
24. Sen. Outa Fredrick Otieno
25. Sen. Haji Farhiya Ali – voted on behalf of Nairobi City County Delegation
26. Sen. Wako Sitswila Amos
27. Sen. Wetang’ula Moses Masika

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

18. MOTION - REPORT ON THE 14TH ANNUAL GENERAL MEETING (AGM) OF THE INTERGOVERNMENTAL FORUM ON MINING, MINERALS, METALS

AND SUSTAINABLE DEVELOPMENT ON MODERN MINING LAW AND POLICY

Order read;

Motion made and Question proposed;

THAT, the Senate notes the Report of the Standing Committee on Land, Environment and Natural Resources on the 14th Annual General Meeting (AGM) of the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development on Modern Mining Law and Policy held in Geneva, Switzerland from 16th to 18th October, 2018.

(Chairperson, Standing Committee on Land, Environment and Natural Resources)

Debate arising;

And there being no Senator wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order No. 79(1), the Temporary Speaker (Sen. Rose Nyamunga, MP) ruled that the Motion did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY -

THAT, the Senate notes the Report of the Standing Committee on Land, Environment and Natural Resources on the 14th Annual General Meeting (AGM) of the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development on Modern Mining Law and Policy held in Geneva, Switzerland from 16th to 18th October, 2018.

19. MOTION - REPORT ON THE 18TH MEETING OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES) CONFERENCE OF PARTIES (COP 18)

Order read;

Motion made and Question proposed;

THAT, the Senate notes the Report of the Standing Committee on Land, Environment and Natural Resources on the 18th Meeting of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Conference of Parties (CoP 18) held in Geneva, Switzerland from 17th to 28th August, 2019.

(Chairperson, Standing Committee on Land, Environment and Natural Resources)

Debate arising;

And there being no Senator wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order No. 79(1), the Temporary Speaker (Sen. Rose Nyamunga, MP) ruled that the Motion did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY -

THAT, the Senate notes the Report of the Standing Committee on Land, Environment and Natural Resources on the 18th Meeting of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Conference of Parties (CoP 18) held in Geneva, Switzerland from 17th to 28th August, 2019.

20. MOTION - REPORT ON THE 12TH SESSION OF THE CONFERENCE OF PARTIES TO THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

(Chairperson, Standing Committee on Labour and Social Welfare)

THAT, the Senate notes the Report of the Standing Committee on Labour and Social Welfare on the 12th Session of the Conference of Parties to the Convention on the Rights of Persons with Disabilities held at the United Nations Headquarters in New York, USA from 11th to 13th June, 2019.

Order deferred.

21. MOTION - REPORT OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON ITS INQUIRY INTO PROJECTS UNDERTAKEN BY THE KENYA MARITIME AUTHORITY, KENYA FERRY SERVICES AND THE NATIONAL SOCIAL SECURITY FUND

(Chairperson, Standing Committee on Roads and Transportation)

THAT, the Senate adopts the Report of the Standing Committee on Roads and Transportation on its inquiry into projects undertaken by the Kenya Maritime Authority, Kenya Ferry Services and the National Social Security Fund, laid on the Table of the Senate on Thursday, 21st November, 2019.

Order deferred.

22. MOTION - REPORTS OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON ITS VISITS TO MALABA INTERNATIONAL BORDER POINT AND THE KIBWEZI-ATHI-MUTOMO-KITUI ROAD PROJECT

(Chairperson, Standing Committee on Roads and Transportation)

THAT, the Senate adopts the reports of the Standing Committee on Roads and Transportation on the visit to the Malaba International Border Point (OSBP) and the inspection visit and familiarization of the Kibwezi-Athi-Mutomo-Kitui Road Project in Kitui County laid on the Table of the Senate on Wednesday, 4th December, 2019.

Order deferred.

23. **THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO. 35 OF 2019)**

(The Senate Majority Leader)

(Second Reading)

Order deferred.

24. **MOTION - ADJOURNMENT OF THE SENATE**

Order read;

Motion made and Question proposed;

THAT, pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 11th February, 2020.

(Sen. Paul Githiomi on behalf of the Senate Majority Leader)

Pursuant to Standing Order 31(2), the Temporary Speaker (Sen. Rose Nyamunga, MP) adjourned the Senate at thirty-three minutes past Six O'clock, without Question put.

25. **SENATE ROSE** - at thirty-three minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, February 11, 2020 at 2.30 p.m.*

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