



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, FEBRUARY 20, 2020 AT 2.30 P.M.

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with a prayer said by the Speaker
3. **NOTICE OF MOTION**– (Sen. Abshiro Halake, MP)

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 50th Commonwealth Parliamentary Association (CPA) Africa Region Conference held in Zanzibar, Tanzania from 30th August to 5th September, 2019 and laid on the Table on 27th November, 2019.

4. **STATEMENTS**

i. Pursuant to Standing Order 47 (1)

- a) The Senator for Nairobi County (Sen. Johnson Sakaja, MP) made a statement regarding recent spate of arbitrary killings of innocent young Kenyans by police officers across the Nairobi County City.

He noted that the mission of the National police service is to provide professional and people centered service through community partnership and upholding the rule of law for a safe and secure society. He was however, concerned that here are rogue elements within the police service that have no regard for the sanctity of life or the rule of law itself.

He stated that in the last fifteen months 107 men and women have been killed by police officers, 50% of which taking place in Nairobi and further that 69% of the dead were between 18 – 35 years of age with less than 10% of these cases leading to arrest and prosecution of suspected officers.

He was further concerned that the number of young people being brutalized and executed by rogue officers is alarming. He asked the Senate to demand that all those responsible be reprimanded, dismissed from the National Police Service and prosecuted in accordance with the Law. He further stated that the Inspector General should be held personally liable and should be summoned to shed more light on the steps taken to bring this to an end and the status of all the prosecutions. He called on the Inspector General of Police to present to Parliament strategy and new regulations that ensure humane, professional and responsible policing during demonstrations and picketing as allowed for under Article 37 and the right to assembly. He further asked him to update the Senate on the state of investigations and prosecution of the four officers mentioned.

- b) The Senator for Vihiga County (Sen. George Khaniri, MP) made a statement regarding the delayed release of funds to counties leading to industrial action by county workers, in particular nurses in Vihiga County.

He noted that it is in the public domain that counties have had challenges in terms of settling Pending Bills spanning from as far back as the 2013/2014 Financial Year. He was concerned that it is both constitutionally and morally wrong for the National Treasury to delay or deny counties their fair share of revenue for whatsoever reason on account of non-payment of Pending Bills.

The Senator further stated that the County Government of Vihiga is currently in the middle of the worst labor relations circus in the country, specifically in the Department of Health. He was concerned that currently nurses in Vihiga County are on strike, a common occurrence in the counties. The county referral hospital, the sub-county hospitals and even clinics and health centers managed by the county government did not have no nurses on duty due to the strike.

The Senator urged the National Government to appreciate the spirit of devolution and separation of powers, appreciating that the National Treasury was within its rights to advise counties on financial matters but should not withhold funds entirely.

ii. Pursuant to Standing Order 48 (1)

The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Finance and Budget regarding the pending payment of casual staff who were engaged to work during the 2019 Kenya Population and Housing Census.

iii. Pursuant to Standing Order 51 (1) (a)

The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries issued a statement regarding locust invasion in parts of the country.

In his statement, the Chairperson informed the Senate that a meeting that had been scheduled to take place between the Committee and the Cabinet Secretary for Agriculture, Livestock, Fisheries and Cooperative on 20th February, 2020 at 9.00 a.m. did not take place. This, he informed the Senate was because the Cabinet Secretary had requested that the meeting be rescheduled since he was engaged in other official duties.

The Chairperson further informed the Senate that the Committee had again invited the Cabinet Secretary to a meeting on Monday, 24th February, 2020 at 12.00 noon in the Senate Chamber and that all Senators were invited to attend.

After deliberations, the Speaker of the Senate directed that the Cabinet Secretary for Agriculture, Livestock, Fisheries and Cooperative appears before the Standing Committee on Agriculture, Livestock and Fisheries on Monday, 24th February, 2020 at 12.00 noon failing which the provisions of Article 125 of the Constitution shall apply to enforce his attendance.

iv. Statement Pursuant to Standing Order 52 (1)

The Senate Majority Leader issued a Statement on the Business of the Senate for the coming week commencing 25th February, 2020.

5. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 13 OF 2018)

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 4th December, 2019)

(Division)

Order deferred.

6. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 1 OF 2018)

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 18th February, 2020)

(Division)

Order deferred.

7. **THE FISHERIES MANAGEMENT AND DEVELOPMENT (AMENDMENT) BILL (SENATE BILLS NO. 22 OF 2019)**

(Sen. Moses Kajwang', MP)

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 19th February, 2020)
(Division)***

Order deferred.

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

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Independent Electoral and Boundaries Commission (Amendment) (No. 3) Bill (National Assembly Bills No.35 of 2019) be now read a Second Time.

(The Senate Majority Leader- 19-02-2020)

Debate interrupted on Wednesday, 19th February, 2020 resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order, the mover requested that putting of the Question be deferred to a later date, pursuant to Standing Order 61 (3).

And the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP) acceding to his request deferred putting of the Question to Wednesday, 26th February, 2020.

9. **THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2019)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 10th September, 2019)

Order deferred to allow for consultations with the Senate Business Committee.

10. **THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 16 OF 2019)**

(Sen. (CPA) Farhiya Ali Haji, MP and Sen. Mutula Kilonzo Junior, MP)

(Second Reading)

Order deferred.

11. **THE SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2019)**

(The Senate Majority Leader)

(Second Reading)

Order deferred.

12. **MOTION ON THE ADOPTION OF 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**

(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.

13. **MOTION ON THE ADOPTION OF THE REPORT 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.

14. **MOTION ON THE ADOPTION OF THE REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 7TH SYMPOSIUM OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION OF HONG KONG (ICAC) HELD IN HONG KONG ON 22-24, MAY 2019.**

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

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 7th Symposium of the Independent Commission against Corruption of Hong Kong (ICAC) held in Hong Kong on 22-24, May 2019 and laid on the Table on Wednesday, 19th February, 2020.

Order deferred.

And there being no other business, the Temporary (Sen. (Dr.) Lelegwe Ltumbesi, MP) adjourned the Senate at twenty five minutes past Five O'clock without Question put, pursuant to the Standing Orders.

15. SENATE ROSE - at twenty five minutes past Five O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, February 25, 2020 at 2.30 p.m.*

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