



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS (MORNING SITTING)

TUESDAY, MAY 12, 2020 AT 10:00 AM

1. The Senate assembled at Ten O'clock.
2. The proceedings were opened with Prayer said by the Deputy Speaker.
3. **COMMUNICATION ON CONSULTATIVE MEETING FOR SENATORS ON THE THIRD BASIS FOR REVENUE SHARING AMONG THE COUNTY GOVERNMENTS**

The Deputy Speaker conveyed the following Communication from the Chair: -

“Honorable Senators,

As you will recall, on Tuesday, 5th May, 2020 a number of Senators, while contributing to the debate on the Second Reading of the County Allocation of Revenue Bill (Senate Bills No. 7 of 2020), raised concern on the status of the Third Basis for Revenue Sharing among County Governments.

Following the concerns raised by Senators, the Chairperson of the Standing Committee on Finance and Budget moved that debate on the County Allocation of Revenue Bill (Senate Bills No. 7 of 2020) be adjourned pursuant to Standing Order 105. The adjournment was done on the premise that Senators required a forum for consultation on the Third Basis for Revenue Sharing among County Governments before proceeding with the Second Reading of the Bill.

Honorable Senators,

In compliance with the directive of the Chair, the Standing Committee on Finance and Budget, in collaboration with the Commission on Revenue Allocation, has organized a meeting for all Senators to discuss the proposed Third Basis for Revenue Sharing among County Governments. This event will take place on Thursday, 14th May, 2020 at the Bomas of Kenya in Nairobi from 8:00 a.m.

All Honourable Senators are invited to participate in this crucial meeting. Honourable Senators may confirm their participation with the Office of the Clerk of Senate for planning purposes.

I thank you.”

4. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE PASSAGE OF THE REPRESENTATION OF SPECIAL INTEREST GROUPS LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 52 OF 2019)**

The Deputy Speaker 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 Message from the Speaker of the National Assembly regarding the passage of the Representation of Special Interest Groups Laws (Amendment) Bill (National Assembly Bills No. 52 of 2019). Pursuant to the said Standing Orders, I now report the Message-

“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 Representation of Special Interest Groups Laws (Amendment) Bill (National Assembly Bills No. 52 of 2019) was published vide Kenya Gazette Supplement No. 107 of 3rd July, 2019 as a Bill concerning county governments to amend various laws to give further effect to Article 100 of the Constitution; to promote the representation in Parliament of women, persons with disabilities, youth, ethnic and other minorities and marginalized communities;

AND WHEREAS the National Assembly considered and passed the said Bill on Wednesday, March 11, 2020 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.”

Honourable Senators,

Pursuant to Standing Order 157, which requires that a Bill originating 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 139, I direct that the Bill be listed for First Reading today, Tuesday, 12th May, 2020 in the afternoon.

I thank you.”

5. **PETITION**

Pursuant to Standing Order 226(1)(a) and 230(2)(b) of the Senate, the Deputy Speaker presented to the Senate a Petition on the plight of former Machakos County Ward Representative Staff.

Pursuant to Standing Order 231, the Deputy Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Labour and Social Welfare for consideration, pursuant to Standing Order 232(1).

6. **PAPERS**

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

- i) The Fifth Progress Report of the Ad-hoc Committee on COVID-19 situation in Kenya.

(Chairperson, Ad-hoc Committee on COVID-19 Situation in Kenya)

- ii) The Report of the Standing Committee on Land, Environment and Natural Resources on the Sectional Properties Bill (National Assembly Bills No. 23 of 2019).

- iii) The Report of the Standing Committee on Land, Environment and Natural Resources on the National Drought Management Authority (Amendment) Bill (National Assembly Bills No. 26 of 2019)

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

7. **NOTICE OF MOTION** - (Chairperson, Ad-hoc Committee on COVID-19 Situation in Kenya)

THAT, the Senate adopts the Fifth Progress Report of the Ad-hoc Committee on COVID -19 Situation in Kenya, laid on the Table of the Senate on Tuesday, 12th May, 2020.

8. **STATEMENTS****i) Statement pursuant to Standing Order 47(1)**

The Senator for Kilifi County (Sen. Stewart Madzayo, MP) made a Statement on a matter of general topical concern pursuant to Standing Order 47 (1), namely, the alleged rape and murder of Ms. Margret Shukrani Masha at the Bamba Police Station in Bamba Ward, Kilifi County, and the ensuing unrest in Bamba area following protests against the alleged rape and murder.

In his statement, the Senator narrated the circumstances that led to the detention and death of Ms. Masha in police custody. The Senator raised concern that her detention at the police station without an arrest warrant was

in direct violation of the Children's Act and other laws since she was only 17 years old. He alleged that the claim that the deceased committed suicide in the police cell was false and that the body of the deceased exhibited signs of sexual assault.

The Senator expressed deep concern at the manner in which the security authorities had handled this incident, including the use of excessive force on the residents of Kilifi who had organized peaceful demonstrations to demand for justice for Ms. Masha. He also informed the House that the post mortem autopsy taken by the government pathologist had still not been availed to the family three months after Ms. Masha's death.

The Senator concluded by urging the Standing Committee on National Security, Defence and Foreign Relations to get to the bottom of the issues and bring the culprits to book and ensure justice to the family of the deceased.

After deliberations, the Deputy Speaker directed that the Standing Committee on National Security, Defence and Foreign Relations, in consultation with the Senator, looks into the matter and provides a report to the Senate on the same.

ii) Statements pursuant to Standing Order 48(1)

- a) Nominated Senator (Sen. (Arch) Sylvia Kasanga, MP) sought a statement from the Standing Committee on Health on the operations of the National Hospital Insurance Fund.

After deliberations, the Deputy Speaker directed that the Standing Committee on Health provides a response to the Senate on the matter in two weeks.

- b) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a statement from the Ad-hoc Committee on the COVID-19 Situation in Kenya on the challenges currently experienced in Isiolo County relating to COVID-19 pandemic preparedness.
- c) The Senator for Vihiga County (Sen. George Khaniri, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations on the alleged increased cases of burglaries and robberies in the country during the curfew time.

Consequently, the Deputy Speaker directed that the Standing Committee on National Security, Defence and Foreign Relations provides a response to the Senate on the matter in two weeks.

- d) The Senator for Nyandarua County (Sen. Paul Githiomi, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations on the alarming wave of unresolved murder cases in Ol-Jororok Constituency, Nyandarua County in the last six months.

Thereupon, the Deputy Speaker directed that the Standing Committee on National Security, Defence and Foreign Relations provides a response to the Senate on the matter in two weeks.

9. **THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD BILL (NATIONAL ASSEMBLY BILLS NO. 2 OF 2019)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Agriculture, Livestock and Fisheries.

10. **THE PANDEMIC RESPONSE AND MANAGEMENT BILL (SENATE BILLS NO. 6 OF 2020)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Pandemic Response and Management Bill (Senate Bills No. 6 of 2020) be now read a Second Time.

(Vice Chairperson, Ad Hoc Committee on COVID-19 Situation in Kenya)

11. **COMMUNICATION ON CHANGE OF SENATE MAJORITY LEADER, SENATE MAJORITY WHIP AND DEPUTY SENATE MAJORITY WHIP**

The Speaker conveyed the following Communication from the Chair: -

“I have received the following communication from the Jubilee coalition from the Office of the Deputy Majority Whip, Senator Irungu Kang’ata, dated 11th May, 2020.

The letter of communication was accompanied with the following documents: -

- 1) The Minutes of the Jubilee Parliamentary Coalition meeting dated 11th May, 2020 which is a record of the proceedings of the meeting together with the resolution;
- 2) Duly signed list of Senators who attended the above indicated meeting;
- 3) Post-election coalition agreement between the Jubilee Party of Kenya and the Kenya African National Union; and
- 4) Registrar of political parties’ certificate dated 8th of May, 2020.

The Minutes show that 20 Senators attended the meeting and resolved unanimously to;

- a) Remove the current Leader of Majority, Senator Kipchumba Murkomen, in accordance with Senate Standing Order 19(5);
- b) Remove the current Majority Whip, Senator Susan Kihika, in accordance with Senate Standing Order 19(5);

- c) Elect Senator Samuel Poghiso as Senate Majority Leader;
- d) Elect Senator Irungu Kang'ata as Senate Majority Whip; and
- e) Elect Senator Haji Farhiya Ali as Senate Deputy Majority Whip.

I am satisfied that the changes were made in accordance with Senate Standing Order 19(1), (2), (3), (4), (5) and (7) and meets the threshold required under Standing Order 19(5), there having been a majority of votes.

Accordingly, I wish to communicate to the House that the Majority has effected changes which shall now take effect as follows –

- 1. Senate Majority Leader – Senator Samuel Poghiso;
- 2. Senate Majority Whip – Senator Irungu Kang'ata; and
- 3. Senate Deputy Majority Whip – Senator Haji Farhiya Ali.

For avoidance of doubt, Senator Adan Fatuma Dullo continues to be the Senate Deputy Majority Leader as no changes were made affecting her.

I will make a reasoned ruling in due course.

I thank you”

And the time being thirty Minutes past Twelve O'clock, the Speaker interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

- 12. **SENATE ROSE** – at thirty Minutes past Twelve O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, May 12, 2020 at 2:30 p.m.*