



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, JULY 11, 2018 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 -

(i) Visiting Members and staff from the County Assembly of Trans Nzoia

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of visiting Members and staff from the County Assembly of Trans Nzoia.

I request each member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition.

They are:

- | | |
|-----------------------------|---|
| 1. Hon. Martin Simiyu | - Chairperson, Committee on Delegated Legislation |
| 2. Hon. Margaret Mutai | - Member |
| 3. Hon. Alfred Weswa | - Member |
| 4. Hon. Patrick Kisiero | - Member |
| 5. Hon. Everlyne K. Cheniar | - Member |
| 6. Hon. Elikana Mamsari | - Member |
| 7. Hon. Philip Simiyu | - Member |
| 8. Hon. Wambwa Bernard | - Member |
| 9. Hon. Jeremiah Wakhuria | - Member |

10. Hon. Mercy Tanui - Member
11. Ms. Joan Ngetich - Public Relations
12. Ms. Kibonei Lucy - Legal Counsel
13. Mr. Eutin Nakitare - Senior Research Officer
14. Mr. Mohamed Ismail - Committee Clerk
15. Mr. Leonard Wambalaba - Hansard
16. Mr. Nicholas Nandasaba - Serjeant-At-Arms

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

(ii) Visiting Members and staff from the County Assembly of Busia

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of visiting Members and staff from the County Assembly of Busia.

I request each member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition.

They are:

1. Hon. Patrick Obongoya - Chairperson, Committee on Delegated Legislation
2. Hon. Kassamon Elzere - Member
3. Hon. Ruth A. Ochola - Member
4. Hon. Hakla Ismail - Member
5. Hon. Erick Kaibe - Member
6. Ms. Eileen Aswan - Hansard
7. Mr. Wilberforce Obolla - Serjeant-At-Arms
8. Ms. Stellah Odanga - Committee Clerk

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

(iii) Visiting students and teachers from Matiku Secondary School, Makueni County

“Hon. Senators,

I would like to acknowledge the presence in the Speaker’s Gallery this afternoon of visiting students and teachers from Matiku Secondary School in Makueni County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

I thank you.”

(iv) Visiting students and teachers from Kerugoya Good Shepherd Academy, Kirinyaga County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Kerugoya Good Shepherd Academy, Kirinyaga County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

(v) Visiting students and teachers from Logorate Primary School, Samburu County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Logorate Primary School, Samburu County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

4. **PAPER LAID**

The following paper was laid on the Table of the Senate-

Report of the Commission on Administrative Justice for the period June-December, 2017.

(The Deputy Senate Majority Leader)

5. **STATEMENTS**

a) Pursuant to Standing Order 46 (2)(a)

The Senator for Turkana County (Sen. (Prof.) Imana Malachy, MP) made a statement on cattle-rustling between the Samburu and Turkana communities and the ongoing resultant police brutality in Isiolo County.

In his statement, the Senator stated that the ongoing cattle-rustling between the Samburu and Turkana communities living in Isiolo County had resulted in brutal police intervention that had led to the killing of three (3) people, among them a child while four others were wounded.

The Senator decried the fact that sustainable peace among pastoral communities who have engaged in long-standing armed cattle rustling had proved to be elusive. He stated that there was need to device techniques for constructively handling different and divergent communities so as to prevent disputes from erupting into violent crisis.

The Senator called upon the National and County Governments to undertake development projects in the pastoralist areas that would spur economic growth and serve as an alternative form of livelihood for the said communities.

b) Pursuant to Standing Order 46 (2)(d)

The Chairperson, Standing Committee on Labour and Social Welfare (Sen. Johnson Sakaja, MP) made a statement regarding the welfare of the staff of the Standard Gauge Railway (SGR) Project.

In his statement, the Chairperson informed the Senate that the Committee was in the process of investigating concerns regarding claims of racism and mistreatment of Kenyans working for the Project.

He stated that among the issues to be addressed would be the alleged violation of the rights and freedoms of Kenyans working at the SGR; the terms and conditions of service for the Chinese vis-à-vis the Kenyan staff; the role of the Kenya Railways in the management of the SGR as well as that of the China Roads and Bridge Corporation.

6. **THE PUBLIC PARTICIPATION BILL (SENATE BILLS NO. 4 OF 2018)**

Motion made and Question proposed;

THAT, the Public Participation Bill (Senate Bills No. 4 of 2018) be now read a Second Time.

(Sen. James Orengo, MP on behalf of Sen. Amos Wako, MP – 03.07.2018)

The debate interrupted on Tuesday, 10th July, 2018 resumed on a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 75 (1) 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 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 Standing Order 75 (5), the Speaker allowed five (5) Senators to record their vote verbally;

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

1. Sen. Samson Kegengo Ongeru
2. Sen. Issa Boy Juma
3. Sen. Samson Cherarkey
4. Sen. Naomi Waqo – voted verbally on behalf of Marsabit County Delegation
5. Sen. Alice Milgo - voted verbally on behalf of Bomet County Delegation

The results of the Division were as follows:-

AYES – 28

NOES– 0

ABSTENTIONS – 0

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdulahi Ibrahim
3. Sen. Boy Issa Juma – voted verbally
4. Sen. Cherarkey Samson – voted verbally
5. Sen. Naomi Waqo – voted verbally on behalf of Marsabit County Delegation
6. Sen. Imana Malachy Charles Ekal
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kamar Margaret Jepkoech
9. Sen. Kibiru Charles Reubenson
10. Sen. Kilonzo Mutula Junior
11. Sen. Kindiki Kithure
12. Sen. Lelegwe Steve Ltumbesi
13. Sen. Alice Milgo – voted verbally on behalf of Bomet County Delegation
14. Sen. Inimah Getrude Musuruve – on behalf of Kakamega County Delegation
15. Sen. Mbito Michael Maling’a

16. Sen. Mogeni Eric Okong'o
17. Sen. Mwangi Paul Githiomi
18. Sen. Mwaruma Jones Mwashushe
19. Sen. Ndwiga Peter Njeru
20. Sen. Olekina Ledama
21. Sen. Outa Fredrick Otieno
22. Sen. Ongeru Samson Kegengo – Voted verbally
23. Sen. Sakaja Johnson Arthur
24. Sen. Seneta Mary Yiane – on behalf of Kajiado County Delegation
25. Sen. Mwaura Isaac – on behalf of Kiambu County Delegation
26. Sen. Wambua Enoch Kiio
27. Sen. Wario Golich Juma
28. Sen. Wetang'ula Moses Masika

Question put and **agreed to.**

7. **THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 8 OF 2018)**

Motion made and Question proposed: -

THAT, the Disaster Risk Management Bill (Senate Bills No. 8 of 2018) be now read a Second Time.

(Sen. Mutula Kilonzo Jnr., MP and Sen. Sakaja Johnson, MP – 10.7.2018)

The debate interrupted on Tuesday, 10th July, 2018 resumed on a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 75 (1) 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 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 Standing Order 75 (5), the Speaker allowed three (3) Senators to record their vote verbally;

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

1. Sen. Samson Kegengo Ongeru
2. Sen. Issa Boy Juma
3. Sen. Linturi Franklin Mithika

The results of the Division were as follows:-

AYES – 28**NOES– 0****ABSTENTIONS – 0**

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdulahi Ibrahim
3. Sen. Boy Issa Juma – voted verbally
4. Sen. Cherarkey Samson –
5. Sen. Naomi Waqo – on behalf of Marsabit County Delegation
6. Sen. Imana Malachy Charles Ekal
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kamar Margaret Jepkoech
9. Sen. Kibiru Charles Reubenson
10. Sen. Kilonzo Mutula Junior
11. Sen. Kindiki Kithure
12. Sen. Langat Christopher Andrew
13. Sen. Lelegwe Steve Ltumbesi
14. Sen. Linturi Franklim Mithika – voted verbally
15. Sen. Inimah Getrude Musuruve – on behalf of Kakamega County Delegation
16. Sen. Mbito Michael Maling'a
17. Sen. Mogeni Eric Okong'o
18. Sen. Mwangi Paul Githiomi
19. Sen. Mwaruma Jones Mwashushe
20. Sen. Ndwiga Peter Njeru
21. Sen. Olekina Ledama
22. Sen. Outa Fredrick Otieno
23. Sen. Ongeri Samson Kegengo – Voted verbally
24. Sen. Sakaja Johnson Arthur
25. Sen. Seneta Mary Yiane – on behalf of Kajiado County Delegation
26. Sen. Mwaura Isaac – on behalf of Kiambu County Delegation
27. Sen. Wambua Enoch Kiio
28. Sen. Sen. Wetang'ula Moses Masika

Question put and **agreed to.**

8. **COMMITTEE OF THE WHOLE**
THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2017)
 (Sen. Mutula Kilonzo Jnr., MP)

Order deferred.

9. **COMMITTEE OF THE WHOLE**
THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)
 (Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Order deferred.

10. **COMMITTEE OF THE WHOLE**
THE FOOD SECURITY BILL (SENATE BILLS NO. 12 OF 2017)
 (Senate Majority Leader)

Order deferred.

11. **THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Retirement Benefits (Deputy President and Designated State Officers) (Amendment) Bill (Senate Bills No. 2 of 2018) be now read a Second Time.

(Sen. Ledama Olekina, MP)

Debate arising;

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

12. **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, July 12, 2018 at 2.30 p.m.*

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