



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, JUNE 12, 2018 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. **COMMUNICATION FROM THE CHAIR – SENSITIZATION MEETING ON ALTERNATIVE DISPUTE RESOLUTION**

The Speaker conveyed the following communication from the Chair:-

“Honourable Senators,

The Senate, in partnership with the Centre for Alternative Dispute Resolution and the Chartered Institute of Arbitrators (Kenya Branch), has scheduled a Breakfast Meeting to sensitize Senators on alternative dispute resolution.

The Centre for Alternative Dispute Resolution has invited a number of seasoned facilitators who shall cover diverse topics, including -

1. Dispute Resolution Mechanisms;
2. Structures and Principles of Arbitration; and
3. Overview of the Intergovernmental Dispute Resolution Regulations.

As Honourable Senators will observe, these topics are at the centre of the Senate’s role in ensuring the success of devolution and, specifically, the settlement of disputes that may arise between the various governments.

This is to invite all Senators to the Breakfast Meeting, which will be held at the Intercontinental Hotel, Nairobi on Thursday, 14th June, 2018 from 7:30 a.m. I encourage all Senators to take note and plan to attend.

Kindly confirm your participation with the Office of the Clerk of the Senate for planning purposes.

I thank you.”

4. PAPER LAID

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

Report of the Standing Committee on Devolution and Intergovernmental Relations on consideration of the County Boundaries Bill (Senate Bill No.6 of 2017).

(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

5. STATEMENTS PURSUANT TO STANDING ORDER NO. 46 (2)(A)

- (i) A Nominated Senator (Sen. Rose Nyamunga) made a Statement concerning alleged plans by the Government of Kenya to import buses for the planned Bus Rapid Transit (BRT) from the Republic of South Africa.

Thereupon, the Senator pointed to the House that it was not right for the Government to import buses worth 500 million from South Africa, while local companies had capacity to assemble the same, thus compromising the spirit behind the “Buy Kenya, Build Kenya” initiative.

The Senator reminded the House that Kenya had six (6) motor assemblers and around 12 body building companies and, therefore, importing buses would not only hurt the individual businesses but also export jobs at a time when the economy was very slow in growth.

The Senator also informed the House that local firms had the capacity to meet the demands within and outside Kenya, as they had built adequate factories and a trained man power over the years. The local firms had already built over 104 high capacity buses, which were being piloted on Kenyan roads.

The Senator, therefore, appealed to the Government to rescind the decision on the importation of the buses from South Africa.

- (ii) The Senator for Mombasa County (Sen. Mohamed Faki Mwinyihaji) made a Statement regarding alleged disappearance persons in Mombasa County.

Thereupon, Senator informed the House that, in the recent past, several persons had been abducted and/or disappeared mysteriously in Mombasa County, the most recent of which was Mr. Huzni Mubarak, who went missing on Friday 25th May 2018.

He stated that the disappearance had been reported to the relevant authorities but no action had been taken, nor any updates on investigations provided.

The Senator also informed the House that the disappearance had caused pain and stress to the family and friends of Mr. Mubarak, and urged the Government to investigate the whereabouts of the missing person and bring the perpetrators to book.

6. **THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2018)**

(Chairperson, Standing Committee on Finance and Budget)

Order for First Reading read;

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

7. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2018)**

(Sen. Aaron Cheruiyot)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Devolution and Intergovernmental Relations.

8. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(A temporary Chairperson of Committees (Sen. Lelegwe) – in the Chair)

THE DIVISION OF REVENUE (AMENDMENT) BILL (SENATE BILLS NO. 14 OF 2018)

Clause 2 - vote deferred

The Title and Clause 1 - vote deferred

Progress Report

Motion made:-

THAT, the Committee of the Whole do report to the House its consideration of the Division of Revenue (Amendment) Bill (Senate Bills No. 14 of 2018) and seek leave to sit again tomorrow.

(Sen. Mutula Kilonzo Jr on behalf of the Chairperson, Standing Committee on Finance and Budget)

Question put and agreed to.

9. **HOUSE RESUMED** – the Deputy Speaker in the Chair
10. **THE DIVISION OF REVENUE (AMENDMENT) BILL (SENATE BILLS NO. 14 OF 2018)**

Progress reported;

THAT, the Committee of the Whole has considered the Division of Revenue (Amendment) Bill (Senate Bills No. 14 of 2018) and seeks leave to sit again tomorrow.

(Sen. Steve Lelegwe)

Motion made and Question proposed:-

THAT, the Senate do agree with the Committee of the Whole in the said report.

(Sen. Mutula Kilonzo Jr on behalf of the Chairperson, Standing Committee on Finance and Budget)

There being no Senator wishing to contribute;

Question put and agreed to.

11. **THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (SENATE BILLS NO. 6 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed :-

THAT, the County Governments Retirement Scheme Bill (Senate Bills No. 6 of 2018) be now read a Second Time.

(The Chairperson, Standing Committee on Labour and Social Welfare - 5.06.2018)

Debate interrupted on Tuesday, 5th June, 2018 resumed;

There being no other Senator wishing to contribute;

Sen. Petronila Were Lokorio replied on behalf of the Mover;

Rising on a point of order, Sen. Petronila Were Lokorio requested for the deferment of putting of the Question to a later date, pursuant to Standing Order 55(3).

And a Temporary Speaker (Sen. Lelegwe) acceding to the request, nominated Wednesday 14th June, 2018 as the date when the Question shall be put.

12. **THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)**

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

(Second Reading)

Order deferred.

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

(Sen. Amos Wako)

(Second Reading)

Order deferred.

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

(Sen. Mutula Kilonzo Jnr and Sen. Sakaja Johnson)

(Second Reading)

Order deferred.

15. **THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 7 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed:-

THAT the Office of the County Printer Bill (Senate Bills No. 7 of 2018) be now read a Second Time.

(Sen. Petronila Were Lokorio)

Debate arising;

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

16. **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
Wednesday, June 13, 2018 at 2.30 p.m.*