



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, NOVEMBER 14, 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. **COMMUNICATIONS**

The Speaker conveyed the following Communications from the Chair:-

(a) On visiting Staff from the Meru and Taita Taveta County Assemblies

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of visiting staff from the County Assemblies of Taita Taveta and Meru.

I request the two officers to stand when called out so that they may be acknowledged in the Senate tradition.

They are:

- i. Ms. Milkah Righa - Principal Research Officer, Taita Taveta County Assembly;
- ii. Mr. Kencos Mutuma - Research Officer, Meru County Assembly

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.”

(b) Regarding the proposed Senate – KEPSA Round Table Meeting

“Honourable Senators,

I wish to inform you that the Office of the Speaker of the Senate has organized a meeting between the Senate and the Kenya Private Sector Alliance (KEPSA) to deliberate on public - private sector engagement especially on legislative matters and its effects on the economy.

The Kenya Private Sector Alliance (KEPSA) is the apex body of the Private Sector in Kenya with a membership drawn from various sectors of the economy. KEPSA advocates on behalf of the Private Sector in respect of high-level national cross - cutting issues. It also coordinates the Private Sector’s engagement on public - private sector dialogue with the various arms of government, with the overarching goal of creating an environment conducive to business, which makes Kenya a globally competitive investment destination.

Honourable Senators,

During the 11th Parliament, KEPSA established a relationship with the Senate and held a number of forums that provided an engagement platform for the Senate and the private sector on matters regarding devolution, ease of doing business in the counties and ensuring that the legislative environment was supportive of socio-economic growth across Kenya. Such forums included the Liaison Committee - KEPSA Retreat held in September, 2014, and the Senate – KEPSA Round Table Meeting held in July, 2016.

Honourable Senators,

This year’s engagement will be a continuation of our partnership with KEPSA and the first one in the life of the 12th Parliament. The theme for the 2018 Speaker's Round Table retreat with KEPSA is *“Re-Imagining Kenya’s Political Economy”*.

The meeting will focus on the following broad objectives-

- i. To outline recommendations and a strategy for the conclusion of list of policies, laws and regulations in the areas of revenue generation, debt management, effective taxation, quality of policy and governance which will facilitate a conducive business environment, jobs, wealth creation, and inclusive prosperity;
- ii. To engage on key private sector recommendations on the legislative agenda; and to increase coordination between the Legislature and the Private Sector on Legislative agenda needed to drive the Big Four development agenda and to unlock private sector investment in the same; and

- iii. Enhance engagement between the Senate and the private sector through collaboration with Standing Committees.

Honourable Senators,

The retreat is scheduled to take place on 22nd to 24th November, 2018 at the Leisure Lodge, Diani, Kwale County. Senators are scheduled to depart for Diani on the evening of Thursday, 22nd November, 2018 and return to Nairobi on Saturday, 24th November, 2018.

I am therefore inviting all of you to plan to attend this important forum. You are requested to forward your preferred travel times to the Office of the Clerk of Senate for planning and logistical purposes.

I thank you.”

4. **PETITION**

The Chairperson, Standing Committee on Education (Sen. (Dr.) Andrew Langat) presented to the House, the Report of the Standing Committee on Education and the Standing Committee on National Security, Defense and Foreign Relations on a Petition by Non-local teachers working in Mandera County concerning their plight and welfare, pursuant to Standing Order 232(2).

5. **PAPERS LAID**

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

- a) Report of the Standing Committee on Education and the Standing Committee on National Security, Defense and Foreign Relations on a Petition by Non-local teachers working in Mandera County concerning their plight and welfare.

(Chairperson, Standing Committee on Education)

- b) Report of the Sessional Committee on County Public Accounts and Investments on Financial Operations of the 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).

- c) Report of the Sessional Committee on County Public Accounts and Investments on Fiduciary Risk regarding issues raised by the Auditor General on public financial management by county governments for Financial Years 2013/14 – 2015/16

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

- d) Report of the Auditor General on the Financial Statements of the Tharaka Nithi County Executive for the year ended 30th June 2017.

(The Senate Deputy Majority Leader)

6. **NOTICE OF MOTION** – (Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the Financial Operations of the 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).

7. **NOTICE OF MOTION** – (Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on Fiduciary Risk regarding issues raised by the Auditor General on public financial management by County Governments for Financial Years 2013/14 – 2015/16.

8. **STATEMENT PURSUANT TO STANDING ORDER NO. 47 (1)**

The Senator for Vihiga County (Sen. George Khaniri) made a statement on an issue of general topical concern regarding the alarming rates of teenage pregnancies.

In his Statement, the Senator informed the House that from the start of the 2018 Primary and Secondary Schools' National examinations, there have been many cases of pregnant school girls reported. He stated that several girls had failed to sit their examinations due to pregnancies, with some missing the examinations due to giving birth.

Sen. Khaniri highlighted statistics by the United Nations Population Fund (UNFP) which indicated that between June 2016 and July 2017, 378,397 adolescents in Kenya aged between 10 and 19 year got pregnant. He further stated that a local newspaper had featured alarming teen pregnancy statistics.

The Senator expressed concern that there was need to acknowledge that there were many cases of child defilement, leading to underage pregnancies and that when the girl in question was a minor, the case needed to be thoroughly investigated and the perpetrators involved prosecuted. The Senator urged the public to take its place to bring up a better-informed, equipped and empowered generation that makes the right decisions and choices for its children.

Puruant to Standing Order No. 47 (3) the Deputy Speaker referred the Statement to the Standing Committee on Labour and Social Welfare for consideration.

9. **THE DETERMINATION OF THE NATURE OF BILLS (PROCEDURE) BILL (SENATE BILLS NO. 30 OF 2018)**

(Sen. Kilonzo Mutula Junior, MP and Sen. Sakaja Johnson Arthur, MP)

Order for First Reading read;

Bill read a First time and committed to the relevant Standing Committee.

10. **THE COPYRIGHT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2017)**

Order for Second Reading read;

Motion made and Question proposed;

That, the Copyright (Amendment) Bill (National Assembly Bills No. 33 of 2017) be now read a Second Time.

(The Senate Majority Leader – 13.11.2018)

Debate interrupted on Tuesday, 13th November, 2018 resumed on a Division;

The House proceeded to 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 (2) 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 Standing Order 81 (5), the Speaker allowed two (2) Senators to vote verbally.

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

1. Sen. Naomi Shiyonga Masitsa – on behalf of Kakamega County Delegation
2. Sen. Irungu Kang’ata

Upon a division, Question agreed to;

The results of the Division were as follows:-

AYES – 26

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
6. Sen. Hargura Godana

7. Sen. Kajwang' Moses Otieno
8. Sen. Kang'ata Irungu – voted verbally
9. Sen. Khaniri George
10. Sen. Kihika Susan Wakarura
11. Sen. Kilonzo Mutula Junior
12. Sen. Kimani Wamatangi Paul
13. Sen. Kindiki Kithure
14. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
15. Sen. Naomi Shiyonga Masitsa – voted verbally on behalf of Kakamega County Delegation
16. Sen. Mbito Michael Maling'a
17. Sen. Mbogo George Ochilo Ayacko
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Olekina Ledama
22. Sen. Onger Samson Kegengo
23. Sen. Orengo James
24. Sen. Outa Fredrick Otieno
25. Sen. Sakaja Johnson Arthur
26. Sen. Wambua Enoch Kiio

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

11. **THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILLS NO. 19 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed;

That, the County Outdoor Advertising Control Bill (Senate Bills No. 19 of 2018) be now read a Second Time.

(Sen. Samuel Poghio, MP – 13.11.2018)

Debate interrupted on Tuesday, 13th November, 2018 resumed on a Division;

The House proceeded to 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 (2) 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 Standing Order 81 (5), the Speaker allowed two (2) Senators to vote verbally.

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

1. Sen. Naomi Shiyonga Masitsa – on behalf of Kakamega County Delegation
2. Sen. Irungu Kang’ata

Upon a division, Question agreed to;

The results of the Division were as follows:-

AYES – 26

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
6. Sen. Hargura Godana
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kang’ata Irungu – voted verbally
9. Sen. Khaniri George
10. Sen. Kihika Susan Wakarura
11. Sen. Kilonzo Mutula Junior
12. Sen. Kimani Wamatangi Paul
13. Sen. Kindiki Kithure
14. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
15. Sen. Naomi Shiyonga Masitsa – voted verbally on behalf of Kakamega County Delegation
16. Sen. Mbito Michael Maling’a
17. Sen. Mbogo George Ochilo Ayacko
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Olekina Ledama
22. Sen. Ongeru Samson Kegengo
23. Sen. Orengo James
24. Sen. Outa Fredrick Otieno
25. Sen. Sakaja Johnson Arthur
26. Sen. Wambua Enoch Kiio

Question – agreed to

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

12. **COMMITTEE OF THE WHOLE**
THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO.2 OF 2018)
(Sen. Ledama Ole Kina, MP)

Order deferred.

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

(Sen. Aaron Cheruiyot, MP)

Order deferred.

14. **COMMITTEE OF THE WHOLE**
THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILLS NO. 17 OF 2018)

(Sen. Aaron Cheruiyot, MP)

Order deferred.

15. **THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed;

That, the Land Value Index Laws (Amendment) Bill (National Assembly Bills No. 3 of 2018) be now read a Second Time.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

Mover replied;

Raising a point of order pursuant to Standing Order 61 (3), the Senate Majority Leader requested for the deferment of putting of the question to a later date;

And the Temporary Speaker (Sen. Judith Pareno) acceding to the request, nominated Tuesday, 20th November, 2018 as the day when the Question shall be put.

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

16. **SENATE ROSE** - at thirty two minutes past six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Thursday, November 15, 2018 at 2.30 p.m.*