



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, MARCH 21, 2019 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 Temporary Speaker (Sen. Rose Nyamunga, MP)
3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker issued the following Communications from the Chair-

i) Visiting delegation from the Centre for Parliamentary Studies

"Honorable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting delegations from Isiolo County, Wajir County, Kirinyaga County and Nyandarua County who are undertaking training at the Centre for Parliamentary Studies on the Future Security Management competencies in a legislative setting.

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. Abdullahi Jillo Dadacha - Isiolo County Assembly,
2. Abdi Eno Mohammed - Isiolo County Assembly,
3. Fatuma Hibaz Ahmed - Isiolo County Assembly,
4. Dahaba Abdullahi - Wajir County Assembly,
5. James Njenga Kang'ethe – Kirinyaga County Assembly,
6. Stanley Kimeria, HSC - Nyandarua County Assembly,

7. Stephen Mwangi Kairu - Nyandarua County Assembly, and
8. Leah W. Njenga - Nyandarua County Assembly.

On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you."

ii) Visiting delegates of the Inaugural African Researchers' Conference

"Honorable Senators,

I would like to acknowledge the presence, in the Speaker's and the Public Gallery this afternoon, of visiting delegates of the Inaugural African Researchers' Conference taking place in Nairobi County.

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

- | | |
|----------------------------------|---------------------------------|
| 1. Keorkeng P. Moatswi | - Botswana, |
| 2. Titus M. Lenwatabe | - Botswana, |
| 3. Mugabi John Bagonda | - Democratic Republic of Congo, |
| 4. Ntela Kiama Jean Claude | - Democratic Republic of Congo, |
| 5. Mban Yav Germain | - Democratic Republic of Congo, |
| 6. Dr. Leah Komen | - Kenya, |
| 7. Mohamed Hassan Musee | - Somalia, |
| 8. Ahmed Yusuf Abdulle | - Somalia, |
| 9. Awongine M. Wester | - South Africa, |
| 10. Ribdwaan Baboo | - South Africa, |
| 11. Teddy M. Luvisa | - Kenya, |
| 12. Masenate Molapo | - Lesotho, |
| 13. Nuwabiine Meshach Bayarukayo | - Uganda, |
| 14. Tunyamwela Medod | - Uganda, |
| 15. Namugenyi Mariam | - Uganda, |
| 16. Kyangoza Moses | - Uganda, |
| 17. Jesin Ismail | - Uganda, |
| 18. Tonny Okwera | - Uganda, |
| 19. Kobere Betty Nayah | - Uganda, and |
| 20. Sunday Apolo | - Uganda. |

On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you."

iii) Visiting Masters Students in Social Transformation and Faculty Members of Tangaza University College.

"Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting Masters Students in Social Transformation and Faculty Members of Tangaza University College.

On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you."

iv) Visiting Students from Kenyatta University Taita Taveta Group, Nairobi County.

"Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Students from Kenyatta University Taita Taveta Group, Nairobi

County. On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you."

v) Visiting Pupils and Teachers from Fountain Group of Schools, Kiambu County.

"Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from Fountain Group of Schools, Kiambu County. On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you."

vi) Visiting Pupils and Teachers from St. Antony Secondary School, Narok County.

"Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from St. Antony Secondary School, Narok

County. On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you."

4. PAPERS LAID

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

- a) Report of the Auditor-General on the Financial Statements of County Assembly of Machakos for the Year ended 30th June 2018;
- b) Report of the Auditor-General on the Financial Statements of Kitui County Assembly for the Year ended 30th June 2018;
- c) Report of the Auditor-General on the Financial Statements of Siaya County Assembly for the Year ended 30th June 2018;
- d) Report of the Auditor-General on the Financial Statements of Turkana County Assembly for the Year ended 30th June 2018;
- e) Report of the Auditor-General on the Financial Statements of Homa-Bay County Assembly for the Year ended 30th June 2018;
- f) Report of the Auditor-General on the Financial Statements of County Executive of Uasin-Gishu Enterprise Development Fund for the Year ended 30th June 2018;
- g) Report of the Auditor-General on the Marsabit County Enterprise Fund for the Year ended 30th June 2017;
- h) Report of the Auditor-General on the Financial Statements of Meru County Assembly Staff Car Loan and Housing Fund for the Year ended 30th June 2018;
- i) Report of the Auditor-General on the Financial Statements of Uasin Gishu County Executive Mortgage and Car Loan Scheme for the Year ended 30th June 2018;
- j) Report of the Auditor-General on the Financial Statements of County Assembly of Kitui Members Car and Mortgage Loan Scheme for the Year ended 30th June 2017;
- k) Report of the Auditor-General on the Financial Statements of Murang'a South Water and Sanitation Company Limited for the Year ended 30th June 2017;
- l) Report of the Auditor-General on the Financial Statements of Uasin Gishu County Assembly Mortgage and Car Loan Scheme Fund for the year ended 30th June 2017;
- m) Report of the Auditor-General on the Financial Statements of Murang'a South Water and Sanitation company Limited for the Year ended 30th June 2016;
- n) Report of the Auditor-General on the Financial Statements of County Assembly of Narok for the Year ended 30th June 2018;

- o) Report of the Auditor-General on the Financial Statements of Meru Water and Sewerage Services Registered Trustees for the Year ended 30th June 2017;
- p) Report of the Auditor-General on the Financial Statements of Uasin Gishu County Bursary and Skills Development Fund for the Year ended 30th June 2018;
- q) Report of the Auditor-General on the Financial Statements of Uasin Gishu County Alcoholic Drinks Control Fund for the Year ended 30th June 2018;
- r) Report of the Auditor-General on the Financial Statements of Elgeyo Marakwet Alcoholic Drinks Control Fund for the year ended 30th June, 2016;
- s) Report of the Auditor-General on the Financial Statements of Uasin Gishu County Executive Emergency Fund for the year ended 30th June, 2018; and
- t) Statement of the Senate Majority Leader on the business of the Senate for the week commencing Tuesday, 26th March, 2019.

(The Senate Majority Leader)

5. **MOTION - ELECTION OF A SENATOR TO PRESIDE OVER SITTINGS OF THE HOUSE PURSUANT TO STANDING ORDER 15**

Motion Made and Question proposed-

THAT, pursuant to Standing Order 15 and Article 107(1) (c) of the Constitution, the Senate elects Sen. (Dr.) Agnes Zani, MP to preside over the sitting of the Senate for the remainder of the day in the absence of the Speaker and Deputy Speaker.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 79 (1), the Temporary Speaker (Sen. Rose Nyamunga, MP) informed the House that the Motion did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

That; pursuant to standing Orders 15 and Article 107(1) (c) of the Constitution, the Senate elects Sen. (Dr.) Agnes Zani, MP to preside over the sitting of the Senate for the remainder of the day in the absence of the Speaker and Deputy Speaker.

6. **STATEMENTS**

i) Statements pursuant to Standing Order No. 47(1)

- a) The Senator for Kakamega County (Sen. Cleophas Malalah, MP) made a statement on an issue of National concern on the renewed war against corruption by the Multi-Agency Anti-Graft team

In his statement the Senator noted that the offices of the Directorate of Criminal Investigation (DCI), Directorate of Public Prosecution (DPP) and the Ethics and Anti-Corruption Commission (EACC), were all established for the sole purpose of fighting this vice.

He stated that the war against corruption targets no one specifically and no tribe in particular but the corrupt individual and entreated fellow members to stop misleading the country that this war targets some individuals or tribes and give the DCI, DPP and EACC time to continue with this fight to finality.

The Senator cited previous instances when, the fight against corruption was killed by absolute lack of political goodwill, stating that this is not the case today, where there is evidence of strong and unwavering commitment to shake the country free from the shackles of grand theft of public money and resources.

The Senator concluded by appealing to fellow elected leaders, to choose what side of history they wish to be on, citing the side that supports corruption but fights it incognito, or the side supporting the fight against corruption, ramifications notwithstanding.; and,

- b) Seneta anayewakilisha Kaunti ya Mombasa (Sen. Mohamed Faki, MP) alitoa taarifa kuhusu hali ya uchumi wa Kaunti ya Mombasa na Kaunti jirani za Kilifi, Kwale, Taita Taveta, Makueni, Kajiado na Machakos.

Sen. Faki alielezea kwamba kaunti hizi ziko katika Ukanda wa Kaskazini (*Northern Corridor*), unaoanzia Bandari ya Mombasa na kuelekea hadi Nairobi, Kampala, Kigali, Bujumbura, Goma na Juba. Alisistiza umuhimu wa ukanda huu kwa Biashara na makazi ya watu wa kaunti hizo saba.

Mheshimiwa Seneta aliieleza Seneti kwamba asilimia kubwa ya Watu wa Pwani wanaitegemea Bandari ya Mombasa kwa njia moja au nyingine kama vile ajira ya bandarini, wengine wanaotegemea bandari ni kama mama mboga, madereva wa lori, na wamiliki wa biashara ndogondogo kwenye barabara kuu inayoinuganisha bandari ya Mombasa na mataifa jirani.

Sen. Faki alielezea kuwa mchakato wote huu unaletea mapato Kaunti za Mombasa, Kwale, Kilifi, Taita-Taveta, Kajiado, Makueni na Machakos. Iwapo Biashara Bandarini itaathirika basi mapato katika Kaunti hizi yataathirika pakubwa na uwajibikaji wa kaunti hizi husika utaathirika.

Kuhusu suala la ajira, Seneta alielezea japokuwa makao makuu ya Shirika la Bandari ni Mombasa, wakazi wa Mombasa hawapati ajira kutoka Shirika hilo. Hakuna uwazi katika uajiri katika Shirika la Bandari.

Seneta Faki alielezea kwamba Bandari ya Mombasa imejenga kituo cha kisasa cha kupokea Makasha na pia reli mpya ya SGR, kusafirisha Makasha kutoka Bandarini hadi sehemu nyingine Nchini na Nje ya Nchi, wakaazi wa Mombasa wameathirika pakubwa na maendeleo haya. Makasha yakiteremshwa kutoka Melini yanapakiwa moja kwa moja kwenye SGR na kusafirishwa Nairobi. Hii imesababisha kampuni nyingi za Magari ya usafirishaji mizigo kukosa biashara, hivyo basi kusababisha kampuni hizo kufunga Biashara. Madereva wengi na wasaidizi wao wamekosa ajira. Hii imesababisha mapato ya Kaunti kupungua kwa asilimia kubwa kwa sababu mashirika hayataweza kulipa ushuru kwa Kaunti ya Mombasa, ilhali hakuna fidia kutoka kwa Serikali kwa walioathirika.

Seneta alipendekeza Serikali iwache soko huru ili kila mfanyibiashara apate riziki yake. Alipendekeza suala hili lipewe kipao mbele ili kamati husika kama vile Kamati ya Fedha na Bajeti ile ya Ugatuzi zifanye uchunguzi wa kindani kuona kwamba hatua muafaka zinachukuliwa kuiokoa Mombasa.

ii) Statement pursuant to Standing Order No. 48 (1)

The Senator for Nairobi City County (Sen. Johnson Sakaja, MP) sought a statement from the Standing Committee on Lands, Environment and Natural Resources on the compensation of Nairobi residents in Mihango ward, Embakasi East constituency by Kenya Power and Lighting Company for the illegal demolition of their houses.

iii) Statement Pursuant to Standing Order No. 52 (1)

The Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 26th March, 2019.

7. THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL (SENATE BILLS NO. 34 OF 2018)

Order for Second Reading read;

Motion made and Question proposed-

THAT, the County Wards (Equitable Development) Bill (Senate Bills No. 34 of 2018) be now read a Second Time.

(Chairperson, Standing Committee on Finance and Budget – 20.03.2019)

Debate interrupted on Wednesday, 20th March, 2019 resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order and pursuant to Standing Order 61 (3), the Chairperson of the Standing Committee on Finance and Budget requested the Temporary Speaker (Sen. (Dr.) Agnes Zani) to defer putting of the question to another day;

And the Temporary Speaker (Sen. (Dr.) Agnes Zani) acceding to the request, deferred putting of the question to a later date.

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

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

Order for Second Reading read;

Order deferred.

9. **MOTION - REPORT OF THE STANDING COMMITTEE ON FINANCE AND
BUDGET ON THE COUNTY GOVERNMENTS' INFRASTRUCTURE PROJECTS**

Motion made-

THAT, this House adopts the Report of the Standing Committee on Finance and Budget on the County Governments' infrastructure projects comprising County Executive Headquarter offices, Assembly Chambers and offices and County State officers' residences, laid on the Table of the Senate on Thursday, 29th November, 2018.

(Chairperson, Standing Committee on Finance and Budget)

And the time being thirty Minutes past Six O'clock, the Temporary Speaker (Sen. (Dr.) Agnes Zani) adjourned the Senate without question put, pursuant to the Standing Orders.

10. **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
Tuesday, March 26, 2019 at 2.30 p.m.*

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