



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 27, 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 Speaker.

3. **PETITIONS**

- a) Pursuant to Standing Order 230(2)(a), the Senator for Taita Taveta (Sen. Johnes Mwaruma, MP) presented to the Senate a Petition by Residents of Taita Taveta County regarding the effects of iron ore mining at Kishushe in Taita Taveta County.

Pursuant to Standing Order 231, the Speaker allowed Senators to comments and observations in relation to the Petition and subsequently, committed it to the Standing Committee on Land, Environment and Natural Resources, pursuant to Standing Order 232(1).

- b) Pursuant to Standing Order 230(2)(b), the Speaker reported to the Senate a Petition by Dr. Eric Mugambi Kinyua concerning the review of the Basic Education Curriculum framework by the Ministry of Education.

Pursuant to Standing Order 231, the Speaker allowed Senators to comments and observations in relation to the Petition and subsequently, committed it to the Standing Committee on Education, pursuant to Standing Order 232(1).

- c) Pursuant to Standing Order 232(2), the Chairperson, Standing Committee on Finance and Budget (Sen. Mohamed M. Mahamud, MP) tabled before the Senate the report of the Standing Committee on Finance and Budget on a Petition to the Senate regarding issuance of Kenya currency usable by blind and visually impaired persons.

- d) Pursuant to Standing Order 232(2), the Speaker allowed Senators to make comments in relation to a report by the Standing Committee on Health on a Petition to the Senate by residents of Isiolo County regarding an agreement between Living Goods Ltd and the County Government of Isiolo.

4. PAPERS

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

- a) Report of the Auditor-General on the Financial Statements of Garissa Water and Sewerage Company for the year ended 30th June 2015; and
- b) Report of the Auditor-General on the Financial Statements of County Assembly of Kitui Staff Car and Mortgage Loan Scheme for the year ended 30th June 2017.

(The Deputy Senate Majority Leader)

- c) Report of the Standing Committee on Finance and Budget on the Annual Report of the County Governments Budget Implementation Review for Financial Year 2017/2018.
- d) Report of the Standing Committee on Finance and Budget on a Petition to the Senate regarding issuance of Kenya currency usable by blind and visually impaired persons.

(The Chairperson, Standing Committee on Finance and Budget)

- e) Report of the Standing Committee on Roads and Transportation on its consideration of the County Planning (Roads, Pavements and Parking Bays) Bill (Senate Bills No. 18 of 2018).

(The Vice Chairperson, Standing Committee on Roads and Transportation)

5. STATEMENTS**a) Statements Pursuant to Standing Order No. 47 (1)**

The Senator for Isiolo County (Sen. Fatuma Dullo, MP) made a statement regarding escalating insecurity in Isiolo County.

In the Statement, the Senator informed the House that Isiolo County had witness increased cases of inter-communal disputes and violence over boundaries and grazing areas in the past few years as a result of limited resources.

The Senator further informed the House that the disputes had led to several homes, schools and dispensaries being burnt down, with residents being forced to vacate their homes. She indicated that the disputes have resulted in the displacement of more than 200 families and alleged that the Government had not made any effort to resettle those affected.

The Senator highlighted that the ongoing violence, particularly in Modogashe Town and in Merti Sub-County had led to the deaths of four people and the theft of livestock despite the presence of security personnel, including the Anti-Stock Theft Unit.

The Senator concluded by urging the National Government to resettle the displaced families, to pay those whose livestock was taken during the Livestock Off-take Programme, design appropriate structures and institutions that would facilitate sustainable conflict resolution mechanisms and to resolve the boundary disputes in order to stop further loss of lives.

b) Statements Pursuant to Standing Order No. 48 (1)

- i) The Senator for Migori County (Sen. (Dr.) Ochilo Ayacko, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning mining activities in Migori County.
- ii) Nominated Senator (Sen. (Canon) Naomi Jilo Waqo, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations on the increased insecurity in Marsabit County.
- iii) The Senator for Migori County (Sen. (Dr.) Ochilo Ayacko, MP) sought a statement from the Standing Committee on National Security and Foreign Relations on the criminal activities of the “*Sangwenya*” gang in Migori County.
- iv) Nominated Senator (Sen. (Dr.) Alice Milgo, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources on the recent move by the National Environment Management Authority (NEMA) to ban non-woven polypropylene carrier bags.
- v) The Senator for Narok County (Sen. Ledama Olekina, MP) sought a Statement from the Standing Committee on Information and Communication on the protection of customer data by telecommunication companies.

6. MOTION – CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2017)

Motion made and Question proposed;

THAT pursuant to Standing Order 159, the amendments of the National Assembly to the County Governments (Amendment) Bill (Senate Bills No. 11 of 2017) be now considered.

(The Deputy 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, the Deputy Speaker informed the House that the Motion did not affect counties.

Question put and **agreed to.**

Resolved accordingly –

THAT pursuant to Standing Order 159, the amendments of the National Assembly to the County Governments (Amendment) Bill (Senate Bills No.11 of 2017) be now considered.

7. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – in the Chair)

The County Early Childhood Education Bill (Senate Bills No. 26 of 2018)

Clauses 3 – 5

Motion made and Question proposed;

That, Clauses 3 – 5 be part of the Bill.

Clauses 3 – 5 – vote deferred.

Clause 6 – Amendment proposed

THAT clause 6 of the Bill be amended in paragraph (d) by deleting the words “that are secular in nature and that promote culture” appearing immediately after the words “curriculum programs” and substituting therefor the words “that promote positive culture”.

(Chairperson, Standing Committee on Education)

Clause 6 – vote deferred.

Clauses 7 – 18

Motion made and Question proposed;

That, Clauses 7 – 18 be part of the Bill.

Clauses 7 – 18 – vote deferred.

Clause 19 – amendment proposed

THAT clause 19 be amended by-

- (a) deleting sub-clause (3) and substituting therefore the following new sub-clause-

(3)The compound in which an education centre is situated shall not be less than one acre in measurement.

(b) deleting sub-clause (4).

(Chairperson, Standing Committee on Education)

Clause 19 - vote deferred.

Clauses 20 – 29

Motion made and Question proposed;

That, Clauses 20 – 29 be part of the Bill.

Clauses 20 – 29 - vote deferred.

Clause 30 - amendment proposed

THAT clause 30 of the Bill be amended-

- (a) in sub-clause 1 by inserting the words “living with disability” immediately after the words “one person” appearing in paragraph (e);
- (b) in sub-clause (3) by deleting the words “and shall report to the County Education Board in the performance of his or her functions under this Act” appearing immediately after the words “board of management”; and
- (c) by inserting the following new sub-clause immediately after sub-clause (3)-
 - (3A) The board of management shall report to the County Education Board on the performance of its functions under this Act.

(Chairperson, Standing Committee on Education)

Clause 30 - vote deferred.

Clauses 31 – 37

Motion made and Question proposed;

That, Clauses 31 – 37 be part of the Bill.

Clauses 31 – 37 - vote deferred.

Clause 38 - amendment proposed

THAT clause 38 of the Bill be amended in sub-clause (1) by deleting the word “training” appearing immediately after the words “Recruitment and” in paragraph (a) and substituting therefor the words “professional development”.

(Chairperson, Standing Committee on Education)

Clause 38 - vote deferred.

Clauses 39 and 40

Motion made and Question proposed;

That, Clauses 39 and 40 be part of the Bill.

Clauses 39 and 40 – vote deferred.

Clause 41 – amendment proposed

THAT clause 41 be amended in sub-clause (1) by deleting the word “three” appearing immediately after the words “the age of” and substituting therefor the word “four”.

(Chairperson, Standing Committee on Education)

Clause 41 – vote deferred.

Clauses 42 – 48

Motion made and Question proposed;

That, Clauses 42 – 48 be part of the Bill.

Clauses 42 – 48 – vote deferred.

Clause 49 – amendment proposed

THAT clause 49 be amended by inserting the words “and the County Education Boards” at the end of the clause.

(Chairperson, Standing Committee on Education)

Clause 49 – vote deferred.

Clauses 50 – 62

Motion made and Question proposed;

That, Clauses 50 – 62 be part of the Bill.

Clauses 50 – 62 – vote deferred.

Clause 63 – amendment proposed

THAT clause 63 be amended-

(a) in sub-clause (1) by –

(i) inserting the words “of either gender” immediately after the words “two persons” in paragraph (a);

(ii) deleting paragraph (b) and inserting therefore the following new paragraph-

(b)the county executive committee member responsible for education or a representative nominated by the county executive member in writing;

(iii) by inserting the following new paragraph immediately after paragraph (b)-

(ba) one public officer in the department responsible for health, nominated by the respective county executive committee member responsible for matters relating to health;

(b) by inserting the following sub-clauses immediately after sub-clause (1)-

(1A) The appointments under subsections (1)(a) and (1)(d) shall be for a term of three years renewable for one further term.

(1B) The Committee shall, at its first meeting elect a Chairperson.

(1C)The County executive committee member responsible for education shall establish a secretariat to support the Committee.

(Chairperson, Standing Committee on Education)

Clause 63 - vote deferred.

Clauses 64 – 66

Motion made and Question proposed;

That, Clauses 64 – 66 be part of the Bill.

Clauses 64 – 66 - vote deferred.

Clause 67 - amendment proposed

THAT clause 67 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (1)-

(1A) The Cabinet Secretary shall in consultation with the Teachers Service Commission and the Council of County Governors prescribe minimum standards relating to schemes of service for early childhood teachers within one year of enactment of this Act.

(Sen. (Dr.) Agnes Zani, MP)

Clause 67 - vote deferred.

Clauses 68 and 69

Motion made and Question proposed;

That, Clauses 68 and 69 be part of the Bill.

Clauses 68 and 69 - vote deferred.

New Clause 66A - insertion of New Clause proposed

THAT the following new clause be inserted immediately after clause 66-

Qualified persons. 66A. A person employed as an early childhood teacher at the commencement of this Act and does not possess the minimum requirements as stated under section 36(1) shall continue to qualify for employment as an early childhood teacher if that person obtains the necessary qualifications within four years of the commencement of this Act.

(Chairperson, Standing Committee on Education)

Motion made and question proposed;

THAT, the new clause 66A be now read a Second Time.

(Chairperson, Standing Committee on Education)

New Clause 66A - vote deferred.

The First and Second Schedules, Clause 2 and the Title

Motion made and Question proposed;

THAT, the First and Second Schedules, Clause 2 and the Title be part of the Bill.

The First and Second Schedules, Clause 2 and the Title - vote deferred.

Clause 1 - amendment proposed

THAT Clause 1 of the Bill be amended by deleting the word “County” appearing immediately after the words “cited as the”.

(Chairperson, Standing Committee on Education)

Clause 1 - vote deferred.

Progress report

Motion made;

THAT, the Committee of the Whole do report progress on its consideration of the County Early Childhood Education Bill (Senate Bills No. 36 of 2018) and seek leave to sit again tomorrow.

(Chairperson, Standing Committee on Education)

Before the Question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties.

Question put and **agreed to.**

- 8. **HOUSE RESUMED** – Temporary Speaker (Sen. Judith Pareno, MP) – in the Chair
- 9. **THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF 2018)**

Progress reported;

Motion made and Question Proposed;

THAT, the House do agree with the Committee in the said report.

(Chairperson, Standing Committee on Education)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Judith Pareno, MP) ruled that the Question did not affect counties;

Question put and **agreed to.**

- 10. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – in the Chair)

The Public Participation Bill (Senate Bills No. 4 of 2018)

Clause 3 - amendment proposed

THAT clause 3 of the Bill be amended-

(a) in the introductory clause by inserting the words “and developmental programmes” immediately after the words “in governance processes”;

(b) by inserting the following new paragraph immediately after paragraph (f)-

(g) promote participation by non-state actors in decision-making processes.

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

Clause 3 - vote deferred.

Clause 4 - amendment proposed

THAT clause 4 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph-

- (a) that the public, communities and organizations to be affected by a decision shall have a right to be notified, heard and involved in the decision-making process;

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

Further amendment proposed

THAT clause 4 of the Bill be amended—

- (a) by numbering the existing clause as sub-clause (1);
- (b) in the new sub-clause (1) by deleting the words “taken into consideration in” appearing immediately after the words “views shall be” in paragraph (d) and substituting therefor the words “the basis of”;
- (c) by inserting the following new sub-clauses immediately after sub-clause (1)—
 - (2) In conducting public participation, the responsible authority shall—
 - (a) allocate sufficient time before the public participation event to create public awareness on the subject matter;
 - (b) avail the relevant information to the members of the public with respect to the issue under consideration;
 - (c) engage the relevant stakeholders in such manner as the responsible authority shall consider appropriate;
 - (d) where the issue under consideration is of a technical nature, avail an independent technical expert to take members of the public through the matter under consideration in detail; and
 - (e) put in place a feedback mechanism to enable stakeholders submit their views and to receive feedback on the decisions made by the responsible authority.
 - (3) Where the issue for public participation relates to a matter that affects the nation generally, the responsible authority shall conduct public participation forums with respect to that matter in at least twenty-four counties.
 - (4) The responsible authority shall, in determining the counties in which public participation is to be conducted under sub-section (3), ensure that the forums are held in the counties alternately and that the residents in the counties in which the forums are not conducted are carried out through an alternative appropriate method.

(Sen. Mutula Kilonzo Junior on behalf of Sen. Petronilla Were)

Clause 4 - vote deferred.

Clause 5 - amendment proposed

THAT clause 5 of the Bill be amended in sub-clause (2)-

(a) by deleting paragraph (c) and substituting therefor the following new paragraph-

(c) independent commissions or offices, boards, authorities or any other public body, the respective chief executive officer or secretary to the public body;

(b) in paragraph (f) by deleting the words “County Secretaries” appearing immediately after the words “County Executive” and substituting therefor the words “respective county executive committee member”.

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

Further amendment proposed

THAT clause 5 of the Bill be amended by inserting the following new subclause immediately after subclause (2)-

(2A) The responsible authority shall, in developing the guidelines specified under subsection (1), consult with the departments in the respective entity.

(Sen. (Dr.) Agnes Zani, MP)

Clause 5 - vote deferred.

Clause 6 - amendment proposed

THAT clause 6 of the Bill be amended in sub-clause (2) by deleting the word “specific” appearing immediately after the word “include” in paragraph (a) and substituting therefor the words “any further”;

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

Further amendment proposed

THAT clause 6 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3)—

(4) The responsible authority shall publicize and publish, by notice in the *Gazette*, the guidelines.

(Sen. Mutula Kilonzo Junior, MP on behalf of Sen. Petronilla Were, MP)

Further amendment proposed

THAT clause 6 of the Bill be amended in subclause (1) by inserting the words “in accordance with this Act” immediately after the words “shall develop guidelines”.

(Sen. (Dr.) Agnes Zani, MP)

Clause 6 - vote deferred.

Clause 7 - amendment proposed

THAT clause 7 of the Bill be amended by inserting the words “publicize and” immediately after the words “authority shall”.

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

Clause 7 - vote deferred.

Clause 8 - amendment proposed

THAT clause 8 of the Bill be amended in sub-clause (4) by inserting the words “including information on the purpose, dates and participants” immediately after the words “of public participation” in paragraph (a).

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

Further amendment proposed

That clause 8 of the Bill be amended in sub-clause (5) by deleting the words “in such other manner” appearing immediately after the words “and publicized in” and substituting therefor the words “through such other appropriate platform”.

(Sen. Mutula Kilonzo Junior, MP on behalf of Sen. Petronilla Were, MP)

Further amendment proposed

THAT clause 8 of the Bill be amended in subclause (4) by inserting the following new paragraph immediately after paragraph (b)-

(ba) particulars of persons or organizations that have taken part in any public participation exercise conducted by the relevant entity.

(Sen. Agnes Zani, MP)

Clause 8 - vote deferred.

Clause 9 - amendment proposed

THAT clause 9 of the Bill be amended by inserting the words “within six months of the coming into operation of this Act” immediately after the words “the Cabinet Secretary may”.

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

Clause 9 - vote deferred.

New Clause 7A - insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 7—

Provision of resources for public participation. 7A. The responsible authority shall provide the necessary resources for the conduct of public participation under this Act.

(Sen. Mutula Kilonzo Junior, MP on behalf of Sen. Petronilla Were, MP)

Motion made and Question proposed;

THAT, the new clause 7A be now read a Second Time;

(Sen. Mutula Kilonzo Junior, MP on behalf of Sen. Petronilla Were, MP)

New Clause 7A - vote deferred

New Clause 8A - insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 8-

General penalty.	8A. A person contravenes a provision of this Act commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand shillings.
---------------------	---

(Sen. (Dr.) Agnes Zani, MP)

Motion made and question proposed;

THAT, the new clause 8A be now read a Second Time;

(Sen. (Dr.) Agnes Zani, MP)

New Clause 8A - vote deferred

The Schedule - amendment proposed

THAT the schedule to the Bill be amended-

- (a) in paragraph 2 by deleting the word “continuing” appearing immediately after the words “shall facilitate” and substituting therefor the word “continuous”;
- (b) in paragraph 5 by inserting the words “youth, minorities and marginalized communities” immediately after the words “persons with disabilities” in sub-paragraph (2);
- (c) by deleting paragraph 8 and substituting therefor the following new paragraph-
 - 8.** Every public participation forum shall be undertaken within a reasonable timeframe from the earliest possible time for consultation, allowing a reasonable period for each stage of the process.
- (d) in paragraph 11 by deleting sub-paragraph (b) and substituting therefor the following new sub-paragraphs-
 - (b) the final decision, including the reasons for the decision, is made widely available in a timely manner to the public;
 - (ba) the final decision is publicized in the same manner required for giving notice for public participation under these guidelines;

- (e) in paragraph 13 by inserting the words “and may be subject to penal consequences under any relevant law” immediately after the words “from a meeting” in sub-paragraph (2).

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

Further amendment proposed

THAT the schedule be amended-

- (a) in paragraph 4(2) by deleting subparagraph (f) and substituting therefor the following new paragraph-

(f) radio stations and print media.

- (b) in paragraph 5 by inserting the words “including ensuring non-discrimination and reasonable access to information by such persons” immediately after the words “public participation processes” appearing in subparagraph (2);

- (c) in paragraph 10(3) by deleting subparagraph (c) and substituting therefor the following new sub-subparagraph –

- (d) shall be subject to the limitations on the right to access to information as set out in section 6 of the Access to Information Act.

(Sen. (Dr.) Agnes Zani, MP)

Further amendment proposed

THAT paragraph 10 of the schedule be amended by inserting the following new sub-paragraph immediately after sub-paragraph (4) to read—

(4A) The confidentiality requirement imposed by the responsible authority shall be reasonable and not unduly fetter the rights of the applicant.

(Sen. Mutula Kilonzo Junior, MP on behalf of Sen. Petronilla Were, MP)

The Schedule - vote deferred.

Clause 2

THAT clause 2 of the Bill be amended by inserting the following new definition immediately after the definition of the word “general guidelines”-

“public participation” means the process through which the public are broadly engaged in understanding and contributing to decision-making processes of the policy making, law making and implementation level.

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

Further amendment proposed

THAT clause 2 of the Bill be amended by inserting the following new definition immediately after the definition of the word “general guidelines” —

“public participation” means an effective and reasonable process in which the public is properly engaged in a given matter of public interest for the purpose of obtaining their views with the aim of facilitating a favourable outcome.

(Sen. Mutula Kilonzo Junior, MP on behalf of Sen. Petronilla Were, MP)

Amendment **withdrawn** by the Mover.

Clause 2 - Vote deferred

The Title - amendment proposed

THAT the Bill be amended in the long title by inserting the words “at the national and county level of government” immediately after the words “effective public participation”;

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

The Title - vote deferred.

Clause 1

Motion made and Question proposed-

THAT, Clause 1 be part of the Bill.

Clause 1 - vote deferred.

Progress report:

Motion made;

THAT, the Committee of the Whole do report progress on its consideration of the Public Participation Bill (Senate Bill No. 4 of 2018) and seek leave to sit again tomorrow.

(Sen. Mutula Kilonzo Junior, MP on behalf of Sen. Amos Wako, MP)

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and **agreed to.**

11. **HOUSE RESUMED** – Temporary Speaker (Sen. Judith Pareno, MP) – in the Chair
12. **THE PUBLIC PARTICIPATION BILL (SENATE BILL NO. 4 OF 2018)**

Progress reported;

Motion made and Question Proposed;

THAT, the House do agree with the Committee in the said report.

(Sen. Mutula Kilonzo Junior, MP on behalf of Sen. Amos Wako, MP)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Judith Pareno, MP) ruled that the Question did not affect counties;

Question put and **agreed to.**

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

(Sen. Ledama Olekina, MP)

Order deferred.

14. **COMMITTEE OF THE WHOLE**
THE DATA PROTECTION BILL (SENATE BILLS NO. 16 OF 2018)
(Chairperson, Standing Committee on Information and Technology)

Order deferred.

15. **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.

16. **COMMITTEE OF THE WHOLE**
THE COUNTY PLANNING (ROADS, PAVEMENTS AND PARKING BAYS) BILL (SENATE BILLS NO. 18 OF 2018)

(Sen. Ledama Olekina, MP)

Order deferred.

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

(Sen. Samuel Poghio, MP)

Order deferred.

18. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – in the Chair)

The Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018)

Clauses 3 and 4

Motion made and Question proposed;

THAT, Clauses 3 and 4 be part of the Bill.

Clauses 3 and 4 – vote deferred.

Clause 5 – amendment proposed.

THAT, clause 5 of the Bill be amended by-

(a) deleting subclause (1);

(b) deleting the introductory phrase to paragraph (4) and substituting therefor the following new introductory phrase-

(4) The relevant county assembly committee shall in considering the petition-

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

Clause 5 – vote deferred.

Clauses 6 and 7

Motion made and Question proposed;

THAT, Clauses 6 and 7 be part of the Bill.

Clauses 6 and 7 – vote deferred.

The Schedule

Motion made and Question proposed;

THAT, the Schedule be part of the Bill.

The Schedule – vote deferred.

Clause 2

Motion made and Question proposed;

THAT, Clause 2 be part of the Bill.

Clause 2 – vote deferred.

The Title

Motion made and Question proposed;

THAT, the Title be the title of the Bill.

The Title – vote deferred.

Clause 1

Motion made and Question proposed;

THAT, Clause 1 be part of the Bill.

Clause 1 – vote deferred.

Progress report

Motion made:

THAT, the Committee of the Whole do report progress on its consideration of the Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018) and seek leave to sit again tomorrow.

(Sen. Ledama Olekina, on behalf of Sen. Judith Pareno)

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and **agreed to.**

- 19. **HOUSE RESUMED** – The Temporary Speaker (Sen. Judith Pareno, MP) in the Chair
- 20. **THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILLS NO. 22 OF 2018)**

Progress reported;

Motion made and Question Proposed;

THAT, the House do agree with the Committee in the said report.

(Sen. Ledama Olekina, on behalf of Sen. Judith Pareno)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Judith Pareno, MP) ruled that the Question did not affect counties;

Question put and **agreed to.**

21. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – in the Chair)

The Treaty Making and Ratification (Amendment) Bill (Senate Bills No. 23 of 2018)

Clause 2 – amendment proposed.

THAT clause 2 of the Bill be amended in the proposed new section 8 by inserting the following new subsection immediately after subsection (1)-

(1A) The memorandum submitted under subsection (1) shall include the same information specified under section 7.

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

Clause 2 – vote deferred.

Clauses 3, 4 and 5

Motion made and Question proposed;

THAT, Clauses 3, 4 and 5 be part of the Bill.

Clauses 3, 4 and 5 – vote deferred.

New Clause 1A – insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 1-

Amendment of 1A. Section 3 of the principal Act is amended in section 3 of No. subsection (2) by inserting the following new 45 of 2012. subparagraph immediately after subparagraph (v)-

(vi) any matter that may have an impact on national revenue and public finance.

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

Motion made and question proposed;

THAT, the new clause 1A be now read a Second Time.

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

New Clause 1A – vote deferred.

New Clause 4A – insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 4-

Amendment of 4A. Section 10 of the principal Act is amended by inserting section 10 of No. the following new subsection immediately after subsection 45 of 2012. (2)-

(2A) Where the Cabinet Secretary intends to withdraw a reservation to a treaty ratified under this Act, the Cabinet Secretary shall submit the proposed reservation to Parliament for approval in accordance with the procedure set out under this Part.

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

Motion made and question proposed;

THAT, the new clause 4A be now read a Second Time.

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

New Clause 4A – vote deferred.

The Title

Motion made and Question proposed;

THAT, the Title be the title of the Bill.

The Title – vote deferred.

Clause 1

Motion made and Question proposed;

THAT, Clause 1 be part of the Bill.

Clause 1 – vote deferred.

Progress report

Motion made:

THAT, the Committee of the Whole do report progress on its consideration of the Treaty Making and Ratification (Amendment) Bill (Senate Bills No. 23 of 2018) and seek leave to sit again tomorrow.

(Sen. (Dr.) Alice Milgo, MP on behalf of Sen. Fatuma Dullo, MP)

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and agreed to.

22. **HOUSE RESUMED** – The Temporary Speaker (Sen. Judith Pareno, MP) in the Chair
23. **THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2018)**

Progress reported;

Motion made and Question Proposed;

THAT, the House do agree with the Committee in the said report.

(Sen. (Dr.) Alice Milgo, MP on behalf of Sen. Fatuma Dullo, MP)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Judith Pareno, MP) ruled that the Question did not affect counties;

Question put and **agreed to**.

24. **THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 31 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Natural Resources (Benefit Sharing) Bill (Senate Bills No. 31 of 2018) be now read a Second Time.

(Sen. (Dr.) Agnes Zani, MP – 26.03.2019)

Debate interrupted on Tuesday, 26th March, 2019 resumed;

There being no other Senator wishing to contribute;

Mover replied;

Raising a point of Order, Nominated Senator (Sen. (Dr.) Agnes Zani, MP) requested that the putting of the Question be deferred to a later date, pursuant to Standing Order 61 (3).

And the Temporary Speaker (Sen. Judith Pareno, MP), acceding to the request, deferred the putting of the Question to Tuesday, 2nd April, 2019.

25. **THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 28 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the County Oversight and Accountability Bill (Senate Bills No. 28 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. Judith Pareno) interrupted the proceedings and adjourned the Senate without question put, pursuant to the Standing Orders.

26. **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, March 28, 2019 at 2.30 p.m.*

--x--