



REPUBLIC OF KENYA

TWELFTH PARLIAMENT - THIRD SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, MAY 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 Speaker.
3. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE APPOINTMENT OF ADDITIONAL MEMBERS TO THE MEDIATION COMMITTEE ON THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2019)**

The Speaker conveyed the following Message from the National Assembly: -

“Honourable Senators,

As you may recall, on Tuesday, 14th May, 2019, I reported a Message from the National Assembly on the Decision of the National Assembly on the Senate Amendments to the Division of Revenue Bill (National Assembly Bill No. 11 of 2019). In that Message, I indicated the names of Members of the National Assembly and the Senate who had been appointed to serve in the Mediation Committee on the Division of Revenue Bill, (National Assembly Bill No. 11 of 2019).

Subsequently, I received communication from the Clerk of the National Assembly, confirming that the Speaker of the National Assembly had nominated an additional Member to the Committee, the Hon. (Dr.) Makali Mulu, MP. Consequently, I have appointed Sen. Johnson Sakaja, MP to the Committee.

Honourable Senators,

The Membership of the Committee will be as follows-

1. The Hon. Adan Duale, EGH, MP;
2. The Hon. John Mbadi, EGH, MP;
3. The Hon. Kimani Ichung'wa, MP;

4. The Hon. Cecily Mbarire, MGH, MP;
5. The Hon. (Dr.) Makali Mulu, MP;
6. Sen. Mohamed M. Mahamud, MP;
7. Sen. Mutula Kilonzo Jnr. MP;
8. Sen. Susan Kihika, MP;
9. Sen. Ledama Olekina, MP; and
10. Sen. Johnson Sakaja, MP

I thank you!”

4. **PETITION**

Pursuant to Standing Order 226(1) (a) and 230(2) (b), the Speaker reported to the Senate a Petition by residents of Lumumba and Kibuye Estates in Kisumu County concerning the National Housing Policy.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and subsequently, committed the Petition to the Standing Committee on Land, Environment and Natural Resources, pursuant to Standing Order 232.

5. **PAPERS LAID**

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

- i. Report of the Auditor-General on the Financial Statements of Bungoma County Assembly - MCAs Car Loan and Mortgage Fund for the Year ended 30th June, 2018.

(The Senate Majority Leader)

- ii. Parliament of Kenya Delegation Report on the 3rd Statutory Meeting of the Committee on Economic Development, Regional Integration and Natural Resources of the FP-ICGLR held in Bujumbura, Burundi, 13th – 14th March, 2019.

(Sen. Samuel Poghiso, MP)

6. **NOTICE OF MOTION**- *(Sen. Samuel Poghiso, MP)*

THAT, this House notes the Report on the 3rd Statutory Meeting of the Committee on Economic Development, Regional Integration and Natural Resources of the FP-ICGLR held in Bujumbura, Burundi, 13th – 14th March, 2019 laid on the Table of the House on Tuesday, 21st May, 2019.

7. **STATEMENTS**

(i) Statement pursuant to Standing Order 51 (1) (a)

- a) The Senator for Nandi County (Sen. Samson Cherarkey) made a statement concerning the unexplained detention and abuse of the rights of Sen. Cleophas Malalah, former Cabinet Secretary Rashid

Echesa, Hon. Justus Murunga, MP Matungu and Hon. David Gikaria MP, Nakuru town East.

The Senator expressed his concern over what he termed knee jerk directives from security heads specifically Cabinet Secretary Fred Matiang'I, DCI, Mr. George Kinoti, the IG Mr. Hillary Mutyambai and DPP Mr. Noordin Haji in the country whom he said were contravening fundamental rights as guaranteed in the constitution by detaining the legislators without charges. He said the right to freedom is so fundamental that its deprivation should only be informed by concrete evidence ready for presentation to a court of law.

The Senator decried the killings witnessed in Matungu constituency and stated if the security agents continue with the trend of abusing the fundamental rights of arrested persons, then the victims of Matungu violence may never get justice.

The Senator urged the Senate to pronounce itself on the place of the Constitution in light of the arbitrary arrests and infringement of the rights of arrested persons who should otherwise be presumed innocent until proven otherwise in a court of law.

(ii) Statement Pursuant to Standing Order No. 51 (1) (b)

The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries (Sen. Njeru Ndwiga) issued a Statement relating to the activities of the Committee during the previous three months.

(iii) Personal Statement pursuant to Standing Order 53

The Senator for Kakamega County (Sen. Cleophas Malalah, MP) made a personal statement on his arrest and detention for two days and subsequent release without charge.

The Senator thanked all Members of Parliament who visited him while in detention. He said while his rights were violated, the focus should remain the plight of the people of Matungu Constituency.

The Senator informed the house that the police deployed to Matungu to uproot criminal elements perpetrating violence in Matungu are also using violence against the local population in an attempt to nab the criminals and in turn harming innocent citizens.

The House was further informed that the police in Matungu constituency do not have adequate capacity to fight crime; the Senator informed the house that the constituency has only one vehicle for patrols and forty police officers for the 5 wards in the constituency.

The Senator emphasized the importance of community policing and improve the quality of intelligence gathered for purposes of securing the country. The

Senator said he would continue agitating for the rights of the people of Matungu despite the woes he faced.

8. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 3 OF 2019)**

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

Order for First Reading read;

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

9. **THE CONTROL OF STRAY DOGS BILL (SENATE BILLS NO. 4 OF 2019)**

(Sen. Mary Seneta, MP)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Agriculture, Livestock and Fisheries.

10. **THE COUNTY TOURISM BILL (SENATE BILLS NO. 5 OF 2019)**

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

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Tourism, Trade and Industrialization.

11. **THE COMMISSION ON ADMINISTRATIVE JUSTICE (AMENDMENT) BILL (SENATE BILL NO. 6 OF 2019)**

(Sen. Petronilla Were Lokorio, MP)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Justice, Legal Affairs and Human Rights.

12. **THE ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2018)**

(Sen. Ledama Olekina, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 14th May, 2019)

(Division)

Order deferred.

13. **THE ELECTION LAWS (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 37 OF 2018)**

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

(Second Reading)

(Resumption of debate interrupted on Thursday, 16th May, 2019)

(Division)

Order deferred.

14. **MOTION – ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE WAREHOUSE RECEIPT SYSTEM BILL (SENATE BILLS NO. 10 OF 2017)**

THAT, the Senate adopts the Report of the Mediation Committee on the Warehouse Receipt System Bill (Senate Bills No. 10 of 2017) laid on the Table of the Senate on Tuesday, 14th May, 2019 and pursuant to Article 113 of the Constitution and Standing Order 161 (3) of the Senate Standing Orders approves the mediated version of the Bill.

(Chairperson, Mediation Committee)

(Resumption of debate interrupted on Wednesday, 15th March, 2019)

(Division)

Order deferred.

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

Motion made and Question proposed: -

THAT, the Determination of the Nature of Bills (Procedure) Bill (Senate Bills No. 30 of 2018) be now read a Second Time.

(Sen. Sakaja Johnson, MP and Sen. Mutula Kilonzo Jnr., MP – 03.04.2019)

Debate interrupted on Wednesday, 3rd April, 2019 resumed;

And the time being thirty minutes past Six O'clock, the Deputy Speaker 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, May 22, 2018 at 2.30 p.m.*

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