



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, JUNE 13, 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. (Prof.) Margaret Kamar, MP).
3. **COMMUNICATIONS FROM THE CHAIR**

The Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) conveyed the following Communications from the Chair.

a) Visiting Students and Teachers from Jasmina Carmel Girls School, Nairobi City County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Jasmina Carmel Girls School in Nairobi City County.

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

I thank you.”

b) Visiting Students and Teachers from Orero Boys High School, Homa Bay County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Orero Boys High School in Homa Bay County.

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

I thank you.”

c) Visiting Students and Teachers from Bujwang'a Secondary School, Busia County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Bujwang'a Secondary School in Busia County.

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

I thank you.”

d) Visiting Students and Teachers from Mwakogo Secondary School, Taita Taveta County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Mwakogo Secondary School in Taita Taveta County.

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

I thank you.”

4. **PETITION**

Pursuant to Standing Order 226(1)(a) and 230(2)(b), the Temporary Speaker (Sen. (Prof.) Margaret Kamar) reported to the Senate a Petition by Reuben Kibegwa Mageuzi concerning the state of corruption, procurement, recruitment, abuse of office, public participation and marginalization in Nyamira County.

Pursuant to Standing Order 231, the Temporary Speaker (Sen. (Prof.) Margaret Kamar) invited Senators to comment on the Petition and subsequently, committed the Petition to the Standing Committee on Justice, Legal Affairs and Human Rights, 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 Kikuyu Water Company Limited for the Year ended 30th June 2018;
- ii) Report of the Auditor-General on the Financial Statements of Nyeri County Elimu Fund for the Year ended 30th June 2018;

- iii) Report of the Auditor-General on the Financial Statements of Laikipia County Assembly Members Car and Mortgage Fund for the Year ended 30th June 2018;
- iv) Report of the Auditor-General on the Financial Statements of Kisii Demonstration Farms Fund for the Year ended 30th June 2018;
- v) Report of the Auditor-General on the Financial Statements of Laikipia County Assembly Staff Car and Mortgage Fund for the Year ended 30th June 2018;
- vi) Report of the Auditor-General on the Financial Statements of Bomet Water Company Limited for the Year ended 30th June 2018;
- vii) Report of the Auditor-General on the Financial Statements of Migori Water and Sanitation Company Limited for the Year ended 30th June 2018; and
- viii) Report of the Auditor-General on the Financial Statements of Naromoru Water and Sanitation Company Limited for the Year ended 30th June 2018;

(The Senate Majority Leader)

- ix) Statement on the business of the Senate for the week commencing Tuesday, 18th June, 2019.

(The Senate Majority Whip)

6. **STATEMENTS**

i) Statement pursuant to Standing Order 47 (1)

The Senator for Siaya County (Sen. James Orengo, MP) made a statement on an issue of regional concern, namely an appeal for solidarity and action on the humanitarian situation in the Republic of Sudan.

In the statement, the Senator noted that the people of the Republic of Sudan, through legitimate, peaceful and unarmed protests, managed to President Omar el-Bashir out of office, partially bringing to an end a quasi-military and authoritarian regime that had lasted three decades. Following this, the affairs of the Republic of Sudan had been presided over, since April 2019, by a Transitional Military Council (TMC).

He regretted that, although talks had been going on between the TMC and an alliance bringing together opposition political parties, civil society and professional organizations, towards determining a pathway for return to democratic and constitutional civilian rule, the talks had collapsed in early June following a violent crackdown by the military that had left more than a hundred protestors dead.

That being the case, the Senator called upon the Government of Kenya to lobby the African Union to urgently intervene in mediating the conflict and, thereafter, to support and oversee the transition in the Republic of Sudan to a civilian-led government.

ii) Statements pursuant to Standing Order 48 (1)

- a) The Senator for Kericho County (Sen. Aaron Cheruiyot, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations on the challenges faced by Kenyans seeking to acquire new passports;
- b) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Education on the re-appointment of Prof. Teresia Akeng'a as the Vice Chancellor of the University of Eldoret.

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

The Senate Majority Whip issued, on behalf of the Senate Majority Leader, a statement regarding the business of the Senate for the week commencing Tuesday, 18th June, 2019.

7. **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.

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

(Sen. Samuel Poghio, MP)

Order deferred.

9. **COMMITTEE OF THE WHOLE**
THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL (SEN. BILLS
NO. 26 OF 2018)

(Sen. George Khaniri, MP)

Order deferred.

10. **MOTION- SITTINGS OF THE SENATE OUTSIDE PARLIAMENT BUILDINGS,**
NAIROBI

Motion made and Question proposed: -

THAT, aware that the Senate of Kenya as established in the Constitution plays a critical role in the linkage of the devolved governments and the national government by representing and serving the interests of the counties and their governments;

FURTHER AWARE that on 21st June 2018, the Senate resolved to hold plenary and Committee sittings in Uasin Gishu County from 24th to 28th September, 2018, and further resolved that similar sittings be held in all regions of the country during the term of the current Parliament;

NOTING that the Senate held its first plenary and Committee sittings away from Nairobi in Uasin Gishu county from 24th – 28th September, 2018 providing an opportunity for several sectors of society to directly engage with the legislative arm of government through public participation on various issues, as well as participate in oversight through inspection of various projects and programs of national and county governments;

COGNIZANT that holding the plenary and Committee sittings of the Senate away from the traditional premises at the Parliament Buildings in Nairobi has great potential to, among others –

- i) enhance the interaction between the Senate and county governments;
- ii) bring the Senate closer to the counties and the general public;
- iii) provide an opportunity to members and staff of county assemblies to learn and borrow best practices from the Senate;
- iv) promote the role and work of the Senate;
- v) highlight existing opportunities for people to get involved in the work of the Senate;
- vi) develop and strengthen capacity and partnerships at the county level; and
- vii) enhance public awareness regarding the Business of the Senate.

NOW THEREFORE, pursuant to Article 126 (1) of the Constitution and Standing Order 31 (1) of the Senate, the Senate resolves that its plenary and committee sittings be held in Kitui County from 16th to 20th September, 2019.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

The Senator for Marsabit County (Sen. Hargura Godana) replied on behalf of the Mover;

Before the Question was put, and pursuant to Standing Order No. 79, 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, aware that the Senate of Kenya as established in the Constitution plays a critical role in the linkage of the devolved governments and the national

government by representing and serving the interests of the counties and their governments;

FURTHER AWARE that on 21st June 2018, the Senate resolved to hold plenary and Committee sittings in Uasin Gishu County from 24th to 28th September, 2018, and further resolved that similar sittings be held in all regions of the country during the term of the current Parliament;

NOTING that the Senate held its first plenary and Committee sittings away from Nairobi in Uasin Gishu county from 24th – 28th September, 2018 providing an opportunity for several sectors of society to directly engage with the legislative arm of government through public participation on various issues, as well as participate in oversight through inspection of various projects and programs of national and county governments;

COGNIZANT that holding the plenary and Committee sittings of the Senate away from the traditional premises at the Parliament Buildings in Nairobi has great potential to, among others –

- i) enhance the interaction between the Senate and county governments;
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- iii) provide an opportunity to members and staff of county assemblies to learn and borrow best practices from the Senate;
- iv) promote the role and work of the Senate;
- v) highlight existing opportunities for people to get involved in the work of the Senate;
- vi) develop and strengthen capacity and partnerships at the county level; and
- vii) enhance public awareness regarding the Business of the Senate.

NOW THEREFORE, pursuant to Article 126 (1) of the Constitution and Standing Order 31 (1) of the Senate, the Senate resolves that its plenary and committee sittings be held in Kitui County from 16th to 20th September, 2019.

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

11. **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, June 18, 2019 at 2.30 p.m.*