



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 07, 2019 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. **COMMUNICATION FROM THE CHAIR - VISITING DELEGATION OF LEADERSHIP FROM THE COUNTY ASSEMBLY OF ELGEYO-MARAKWET**

The Speaker conveyed the following communication from the Chair :-

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery, this afternoon, of a visiting delegation from the Leadership of County Assembly of Elgeyo-Marakwet.

They are: -

- 1) Hon. Paul Kipyatich, MCA - Chairperson, Public Accounts Committee
- 2) Hon. Tich Cheboi, MCA - Chairperson, Finance Committee
- 3) Hon. Musa Limo, MCA - Chairperson, Tourism Committee
- 4) Hon. Jonah Tanui, MCA - Deputy Majority Leader
- 5) Hon. Zack Magut, MCA - Chairperson, Roads Committee
- 6) Hon. Neddy Kiptoo, MCA - Vice-Chairperson, Finance Committee

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. **PETITIONS**

The following Reports on Petitions were laid on the Table of the Senate, pursuant to standing order 232(2): -

- i) Report of the Standing Committee on Land, Environment and Natural Resources on the Petition by Residents of Kajiado County on the adverse

environmental and social effects arising from the construction of Phase 2A of the Standard Gauge Railway (Nairobi- Naivasha Section);

- ii) Report of the Standing Committee on Land, Environment and Natural Resources on the Petition by representatives of Community Wildlife Conservancies on budgetary support to wildlife conservancies for sustainable conservation and community development;
- iii) Report of the Standing Committee on Land, Environment and Natural Resources on the Petition by Mr. David Ng'ang'a on alleged unlawful deprivation of a parcel of land situated in Kaputiei North, Kajiado County;
- iv) Report of the Standing Committee on Land, Environment and Natural Resources on the Petition by Residents of Mwatate Constituency on ownership of Mgeno Land Reserve in Taita Taveta County;
- v) Report of the Standing Committee on Land, Environment and Natural Resources on the Petition by Residents of Taita Taveta County on non-payment of compensation for land compulsorily acquired to construct Mwatate-Taveta-Holili Road; and
- vi) Report of the Standing Committee on Land, Environment and Natural Resources on the Petition by Residents of Taita Taveta County on adverse effects of iron ore mining at Kishushe in Taita Taveta County.

(Vice-Chairperson, Standing Committee on Land, Environment and Natural Resources)

5. **PAPERS**

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

- i) Report of the Auditor-General on the Financial Statements of Vihiga County Community Empowerment Fund for the Year ended 30th June 2018.

(The Senate Majority Leader)

- ii) Statement on the business of the Senate for the week commencing Tuesday, 12th November, 2019;

(Sen. Ledama Olekina, MP on behalf of the Senate Majority Leader)

6. **NOTICE OF MOTION** – (Vice-Chairperson, Standing Committee on Labour and Social Welfare)

THAT, the Senate notes the Report of the Standing Committee on Labour and Social Welfare on the 12th Session of the Conference of Parties to the Convention on the Rights of Persons with Disabilities held at the United Nations Headquarters in New York, USA from 11th to 13th June, 2019.

7. **NOTICE OF MOTION** – (Chairperson, Ad hoc Committee to investigate the Managed Medical Equipment Services)

THAT, AWARE that the Senate resolved to establish a select Committee comprising nine (9) Senators to investigate and establish the facts surrounding the leasing of the Medical Equipment, in the now 119 beneficiary hospitals country wide;

APPRECIATING, that the mandate of the Select Committee is due to lapse on Friday, 8th November 2019;

REGRETING, that due to heavy workload and sheer magnitude of the assignment, the Committee is yet to table its report in the House and requires more time to conduct a further and thorough inquiry into the subject matter of its mandate;

NOW THEREFORE, the Senate resolves to renew the mandate of the Committee by a further period of forty-five (45) days to enable it conclude its work and table its report in the House.

8. **STATEMENTS**

a) Statement Pursuant to Standing Order 51(1)(a)

The Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights made a statement on a matter for which the Committee was responsible, namely the financial autonomy and independence of the judiciary in Kenya.

Thereupon, the Chairperson informed the Senate that access to justice for millions of Kenya was at risk, following a directive by the National Treasury to reduce the budgetary allocation to the judiciary for the current financial year. He noted that this action threatened the autonomy and independence of the judiciary as an equal arm of government, and eroded the gains made over many years of advancement in democracy and rule of the law in the country.

The Chairperson also recalled that the Constitution insulated the judiciary from the control or direction of any person or authority in carrying out its work, a hallmark of which was the establishment of a judiciary fund to ensure the financial autonomy of the judiciary. He further noted that, while best practice across the world was to allocate the judiciary about 3.5% of the national budget, in Kenya the allocation to the institution had reduced from 1.1% in the 2014/15 financial year to a low of 0.57% in the 2019/20 financial year. The proposed reduction of the said allocation by 50% would therefore significantly affect the operations of the judiciary.

The Chairperson assured the Senate that the Committee was engaging stakeholders to ensure the matter was expeditiously resolved, and that the appropriate legislative framework was put in place to ring-fence the budgetary allocation to the judiciary to safeguard its financial autonomy and independence.

b) Statement Pursuant to Standing Order 52(1)

The Senator for Narok County (Sen. Ledama Olekina, MP) issued a Statement on behalf of the Majority Leader on the business of the Senate for the week commencing Tuesday, 12th November, 2019.

9. MOTION - ELECTION OF A SENATOR TO PRESIDE OVER SITTINGS OF THE SENATE IN THE ABSENCE OF THE SPEAKER AND DEPUTY SPEAKER

Motion made and Question proposed;

THAT, pursuant to Article 107 (1) (c) of the Constitution and Standing Order 15, the Senate elects Sen. Abshiro Halake Soka to preside over the Sittings of the Senate, in the absence of the Speaker and Deputy Speaker, for the remainder of the day's Sitting.

(The Senate Majority Leader)

And there being no Senator wishing to contribute;

Before the Question was put, the Speaker ruled, pursuant to Standing Order 79 (1), that the Motion did not affect counties.

Question put and agreed to.

10. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2018)

(The Senate Majority Leader)

Order for First Reading read;

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

11. THE SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2019)

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Land, Environment and Natural Resources.

12. THE REGISTRATION OF PERSONS (AMENDMENT) BILL (SENATE BILLS NO. 14 OF 2019)

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Registration of Persons (Amendment) Bill (Senate Bills No. 14 of 2019) be now read a Second Time.

(Sen. (Dr.) Isaac Mwaura, MP)

Debate arising;

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

13. **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, November 12, 2019 at 2.30 p.m.*

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