



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, AUGUST 07, 2018 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. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair:-

**(i) Visiting students and teachers from Chemase Secondary School, Nandi County**

“Honorable Senators,

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

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

**(ii) Visiting students and teachers from Kapsokwony Adventist Primary School, Bungoma County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Kapsokwony Adventist Primary School, Bungoma County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

3. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE APPOINTMENT OF A MEMBER INTO THE PARLIAMENTARY SERVICE COMMISSION**

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

“Hon. Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4), I received the following Message from the Speaker of the National Assembly, regarding appointment of a Member into the Parliamentary Service Commission.

“THAT, pursuant to the provisions of Article 127(2)(d) of the Constitution, by a resolution passed on Wednesday, August 1, 2018, the National Assembly appointed the Hon. Samuel Kiprono Chepkong'a as a Member of the Parliamentary Service Commission;

NOW THEREFORE, in accordance with the said provisions of the Standing Orders, I hereby convey the aforementioned resolution of the National Assembly and invite the Senate to also consider the said person for appointment to the Parliamentary Service Commission.”

Honourable Senators,

Pursuant to Standing Order 41 (6), when the Speaker reports a message from the National Assembly under paragraph (4) or (5), the message shall be deemed to have been laid before the Senate and the Speaker may-

- a) Direct that the Message be dealt with forthwith;
- b) Appoint a day for the consideration of the Message; or
- c) Refer the Message to the relevant Committee of the Senate for consideration.

Honourable Senators,

I now, therefore, refer the Message to the Standing Committee on Labour and Social Welfare for consideration together with the Report on the appointment of non-Member to the Parliamentary Service Commission that was tabled in the Senate on Thursday, 1<sup>st</sup> August, 2018. I direct the Committee to consider the Report and the Message from the National Assembly and report back to the Senate by Thursday, 9<sup>th</sup> August, 2018.

I thank you.”

4. **PETITION**

Pursuant to Standing Order 220(1) (a) and 225(2) (b), the Speaker reported to the Senate a Petition by one Mr. David Muiga concerning alleged unlawful deprivation of a parcel of land situate in Kaputiei North, Kajiado County.

Pursuant to Standing Order 226, the Speaker invited Senators to comment on the Petition and, subsequently, committed it to the Standing Committee on Lands, Environment and Natural Resources.

5. **PAPERS LAID**

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

- (i) Report of the Standing Committee on Finance and Budget on the Salaries and Remuneration Commission (Amendment) Bill (Senate Bills No. 12 of 2018).

*(Chairperson, Standing Committee on Finance and Budget)*

- (ii) The Second Report of the Procedure and Rules Committee on the Review of the Standing Orders laid on the Table of the House on Tuesday, 7<sup>th</sup> August, 2018.

*(Sen. (Prof.) Margaret Kamar)*

6. **NOTICE OF MOTION** – (Chairperson, Senate Standing Committee on Justice, Legal Affairs and Human Rights)

THAT, AWARE that the Senate passed a Motion on “Review of Policy and Legislative Framework on the Fight Against Corruption” by Sen. (Dr.) Isaac Mwaura on 31<sup>st</sup> May, 2018 and referred it to the Senate Standing Committee on Justice, Legal Affairs and Human Rights for consideration;

APPRECIATING, that the duration accorded to the Committee to consider the Motion is due to lapse on 31<sup>st</sup> July, 2018;

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

NOW THEREFORE, the Senate resolves to extend the duration by a further period of thirty (30) days to enable it conclude its work and table its report in the House.

7. **NOTICE OF MOTION** - (Sen. (Prof.) Margaret Kamar)

THAT, AWARE THAT Youth Polytechnics, also known as Village Polytechnics, are educational institutions that offer primary school leavers opportunities to acquire relevant knowledge especially technical and vocational skills to increase their employability;

FURTHER AWARE THAT youth polytechnics provide industrial and entrepreneurial skills training to young people in order to increase employment opportunities, reduce dependency levels and increase self-reliance among the youth;

RECALLING THAT in 2005, the Youth Training Department of the then Ministry of Youth Affairs and Sports was established through the Presidential Circular No.1 of 2005, with a mandate of revitalizing the Youth Polytechnics countrywide in order to empower youth through provision of accessible, appropriate and quality training in technical, vocational, industrial, entrepreneurship and life skills;

COGNIZANT THAT youth polytechnics are a devolved function;

PERSUADED THAT Vocational Education and Training is a critical aspect for a developing economy and that it would contribute towards the realization of the Big Four Agenda;

CONCERNED THAT, in Kenya, the number of young people who have completed the primary school education but have not joined secondary schools continues to rise by the day;

FURTHER CONCERNED THAT county governments have not prioritized youth polytechnic functions despite the polytechnics' capacity to ultimately contribute to both social and economic development;

NOW THEREFORE the Senate calls upon each of the 47 county governments to-

- a) establish youth polytechnics in every location within their respective the areas of jurisdiction and to revamp the already existing youth polytechnics;
- b) to develop a structure/guidelines for sensitizing the youth who have completed their primary school education but have not joined form one to embrace vocational training in order to acquire the necessary skills to join the labour market.

8. **NOTICE OF MOTION** - (Sen. (Prof.) Margaret Kamar)

THAT, WHEREAS maize is Kenya's staple food whose demand and supply is monitored by the government through the Strategic Grain Reserves;

AND WHEREAS that Kenya has been experiencing maize shortage mainly due to the high cost of production, the effects of climate change and poor management of the Strategic Grain Reserves;

NOTING that maize farmers have called to question the efficiency and capacity of the National Cereals and Produce Board (NCPB), which is the institution mandated to buy maize from farmers to continuously replenish the strategic reserves, to effectively handle and manage maize produce, forcing small-scale farmers to sell their produce to unscrupulous traders at very low prices;

COGNIZANT that the NCPB has on many occasions declined to buy maize from farmers, claiming that its stores are full to capacity, and failed to pay the farmers whose produce it has received, thereby exposing them to severe

financial problems;

CONCERNED that although the Government has committed to supporting maize farming in Kenya in order to ensure Kenya's food security, little has been done to improve the efficiency of NCPB and protect the maize farmers from exploitation;

AWARE that the Government, during periods of maize shortage, grants waivers to enable importation of maize duty-free;

CONCERNED that the last duty-free window which was scheduled to terminate in October, 2017 was not terminated and that deliveries continued until late December, 2017 leading to overstocking of most NCPB stores with no clarity as to where the maize deliveries came from;

CONCERNED that failure to properly manage the maize situation in Kenya could lead to disillusionment of farmers, famine, civil strife and economic sabotage;

NOW THEREFORE, the Senate resolves to establish an *Ad Hoc* Committee to inquire into the maize crisis in the country and report to the Senate within sixty (60) days after the adoption of this Motion on-

- i) why farmers who have delivered their produce to NCPB have not been paid to date;
- ii) the quantity of duty-free maize imported into the country during the duty-free window which was to end in October, 2017 and why the period was extended;
- iii) the challenges facing the maize farmers and the NCPB and make recommendations on how to resolve the challenges;
- iv) the maize received by the NCPB for the 2017/18 season, to establish the suppliers; and
- v) the criteria for identification of millers and business persons involved in the importation of maize to the country.

AND FURTHER that the following Senators be members of the *Ad Hoc* Committee-

1. Sen. (Prof.) Margaret Kamar, EGH, MP;
2. Sen. Moses Wetang'ula, EGH, MP;
3. Sen. Samson Cherarkey, MP;
4. Sen. (Dr.) Christopher Langat, MP;
5. Sen. Petronila Were Lokorio, MP;
6. Sen. (Dr.) Michael Mbito, MP; and
7. Sen. Boniface Kabaka, MP.

**9. STATEMENT PURSUANT TO STANDING ORDER 46 (2)(a)**

The Senator for Kitui County (Sen. Enoch Wambua) made a statement on a grisly road accident that occurred in Mwingi, Kitui County on Saturday, 4<sup>th</sup> August, 2018.

Thereupon, the Senator informed the Senate that the accident had claimed the lives of ten (10) pupils of St. Gabriel's Boarding Primary School in Mwingi Town, who were on their way back from a school trip in Mombasa. Sen. Wambua condoled with the families of the children who lost their lives and wished a quick recovery to those that were injured.

The Senator drew the attention of the Senate to the fact that the driver may have been fatigued from driving such a long distance and stated that the ban on night travel for school children must be enforced in order to avoid such accidents. Sen. Wambua further stated that the Nairobi-Garissa Road was dangerously narrow and had worn-out shoulders, which further compounded the danger on that road. The Senator informed the Senate that the Mwingi Level Four Hospital did not have a trauma centre and was, therefore, unable to deal with critical cases, despite the fact that it served both Mwingi and Kitui Counties. Sen. Wambua appealed to the Ministry of Health and the Department of Health, Kitui County Government, to collaborate and establish a trauma centre at the Mwingi Level Four Hospital.

**10. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2018)**

(*Sen. Aaron Cheruiyot*)

(Second Reading)

*(Resumption of Debate interrupted on Wednesday, 1<sup>st</sup> August, 2018)*

*(Division)*

Order for Second Reading read;

Order deferred.

**11. MOTION – REPORT OF THE SELECT COMMITTEE ON THE SOLAI DAM TRAGEDY**

THAT, this House adopts the Report of the Select Committee on the Solai Dam Tragedy, laid on the Table of the House on Thursday, 26<sup>th</sup> July, 2018.

*(Chairperson, Select Committee on the Solai Dam Tragedy – 02.08.2018)*

Debate interrupted on Thursday, 2<sup>nd</sup> August, 2018 resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order 73, the Temporary Speaker (Sen. Steven Lelegwe) ruled that the Motion did not affect counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

THAT, this House adopts the Report of the Select Committee on the Solai Dam Tragedy, laid on the Table of the House on Thursday, 26<sup>th</sup> July, 2018.

12. **THE LOCAL CONTENT BILL (SENATE BILLS NO. 10 OF 2018)**

(*Sen. Gideon Moi*)

(Second Reading)

Order for Second Reading read;

Order deferred.

13. **THE IMPEACHMENT PROCEDURE BILL (SENATE BILLS NO. 15 OF 2018)**

Order for Second Reading read;

Motion made -

THAT, the Impeachment Procedure Bill (Senate Bills No. 15 of 2018) be now read a Second Time.

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

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

14. **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, August 08, 2018 at 2.30 p.m.*

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