



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, AUGUST 08, 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. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following communication from the Chair:-

**Visiting Students from Makini Primary School, Kisumu County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Makini Primary School, Kisumu 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. **PAPERS LAID**

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

- i) Report of the Auditor-General on the Financial Statements of the Lamu County Emergency Fund for the year ended 30<sup>th</sup> June, 2017;
- ii) Report of the Auditor-General on the Financial Statements of Lamu County Emergency Fund for the year ended 30<sup>th</sup> June, 2016;
- iii) Report of the Auditor-General on the Financial Statements of the Malindi Water & Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2017;

- iv) Report of the Auditor-General on the Financial Statements of the Taita Taveta Water & Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2017;
- v) Report of the Auditor-General on the Financial Statements of the Tana River County Ward Bursary Fund for the year ended 30<sup>th</sup> June, 2015;
- vi) Report of the Auditor-General on the Financial Statements of the Tana River County Ward Bursary Fund for the year ended 30<sup>th</sup> June, 2016;
- vii) Report of the Auditor-General on the Financial Statements of the Tana River County Ward Bursary Fund for the year ended 30<sup>th</sup> June, 2017;
- viii) Report of the Auditor-General on the Financial Statements of the Lamu County Bursaries and Scholarships Fund for the year ended 30<sup>th</sup> June, 2017.

*(The Senate Majority Leader)*

- ix) Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into possible loss of funds through the acquisition of Land LR. No.7879/4 (part) by the National Land Commission, for use by two public schools (Ruaraka High School and Drive-In Primary School), Nairobi City County.

*(Chairperson, Sessional Committee on County Public Accounts and Investments)*

5. **NOTICE OF MOTION** – (Chairperson, Sessional Committee on County Public Accounts and Investments)

That, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into possible loss of funds through the acquisition of Land LR. No.7879/4 (part) by the National Land Commission, for use by two public schools (Ruaraka High School and Drive-In Primary School), Nairobi City County, laid on the Table of the House on Wednesday, 8th August, 2018.

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

Order for Second Reading read;

Motion made and Question proposed;

THAT, the County Governments (Amendment) Bill (Senate Bills No. 13 of 2018) be now read a Second Time.

*(Sen. Aaron Cheruiyot – 26.07.2018)*

Debate interrupted on Wednesday, 1<sup>st</sup> August, 2018 resumed on a Division;

The House proceeded to a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 75 (2) and that the Division Bell be rung for one minute;

Upon the expiry of one minute, the Speaker directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to the provisions of standing order 75 (5), the Speaker allowed two Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes as **“Yes”**-

- 1) Sen. Zani Agnes Philomena – on behalf of Kwale County Delegation
- 2) Sen. Mwaura Isaack – on behalf of Kiambu County Delegation

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 24

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Halake Abshiro Soka – Voted on behalf of Isiolo County Delegation
2. Sen. Zani Agnes Philomena- Voted verbally on behalf of Kwale County Delegation
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Iman Falhada Dekow - Voted on behalf of Garissa County Delegation
6. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kamar Margaret Jepkoech
9. Sen. Khaniri George
10. Sen. Kilonzo Mutula Junior
11. Sen. Mwaura Isaack – Voted verbally on behalf of Kiambu County Delegation
12. Sen. Langat Christopher Andrew
13. Sen. Masitsa Naomi Shiyonga- Voted on behalf of Kakamega County Delegation
14. Sen. Seneta Mary Yiane – Voted on behalf of Kajiado County Delegation
15. Sen. Murkomen Onesimus Kipchumba
16. Sen. Mwinyihaji Mohamed Faki
17. Sen. Nderitu John Kinyua
18. Sen. Olekina Ledama
19. Sen. Ongeru Samson Kegengo

20. Sen. Nyamunga Rose Ogendo – Voted on behalf of Kisumu County Delegation
21. Sen. Poghisio Samuel Losuron
22. Sen. Sakaja Johnson Arthur
23. Sen. Wambua Enoch Kiio
24. Sen. Wario Golich Juma

Bill read a Second time and committed to Committee of the Whole tomorrow.

7. **ESTABLISHMENT OF AN AD-HOC COMMITTEE TO INVESTIGATE THE MAIZE SITUATION IN THE COUNTRY**

Motion made and Question proposed-

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 Mbiti, MP; and
7. Sen. Boniface Kabaka, MP.

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

Amendment proposed

THAT, pursuant to Standing Order 56, the Motion be amended by adding the following two Senators to the membership of the Ad hoc Committee-

1. Sen. Erick Okong'o Mogeni, MP and
2. Sen. Naomi Shiyonga, MP

*(Sen. Moses Kajwang')*

Further Amendment to the amendment proposed

THAT, the amendment be amended by deleting the name of Sen. Naomi Shiyonga, MP and inserting therefor the name of Sen. Mary Seneta, MP.

*(The Senate Majority Leader)*

And there being no Senator wishing to contribute

Before the Question was put, and pursuant to Standing Order No. 73, the Speaker informed the Senate that the amendment to the Motion did not affect Counties.

Question of the amendment put and agreed to.

Debate on the Motion, as amended, resumed;

And the time allocated for debate on the Motion having expired;

The Co-Mover (Sen. Moses Wetangula, MP) replied;

Before the Question was put, and pursuant to Standing Order No. 73, the Temporary Speaker (Sen. (Prof.) Margaret Kamar) informed the Senate that the Motion did not affect Counties;

Question of the Motion, as amended, put and agreed to.

### **RESOLVED ACCORDINGLY**

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;
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- 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;
7. Sen. Boniface Kabaka, MP;
8. Sen. Erick Okong'o Mogeni, MP; and
9. Sen. Mary Seneta, MP.

8. **COMMITTEE OF THE WHOLE**  
**THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2017)**  
(Sen. Mutula Kilonzo Jnr., MP)

*(Resumption of Debate interrupted on Wednesday, 25<sup>th</sup> July, 2018)*

Order deferred.

9. **COMMITTEE OF THE WHOLE**  
**THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)**  
(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Order deferred.

10. **COMMITTEE OF THE WHOLE**  
**THE FOOD SECURITY BILL (SENATE BILLS NO. 12 OF 2017)**  
(The Senate Majority Leader)

Order deferred.

11. **COMMITTEE OF THE WHOLE**  
**THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 7 OF 2018)**  
(Sen. Petronila Were Lokorio, MP)

Order deferred.

12. **THE IMPEACHMENT PROCEDURE BILL (SENATE BILLS NO. 15 OF 2018)**  
(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)  
(*Second Reading*)

(*Resumption of Debate interrupted on Tuesday, 7<sup>th</sup> August, 2018*)

Order deferred.

13. **MOTION - EXTENSION OF TIME**

Motion made and Question proposed-

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 lapsed 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 the 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.

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

Debate arising;

And there being no other Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 73, the Temporary Speaker (Sen. (Prof.) Margaret Kamar) informed the Senate that the Motion did not affect Counties;

Question put and agreed to.

**RESOLVED ACCORDINGLY**

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 lapsed 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 the 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.

And the time being twenty-seven minutes past Six O'clock, the Temporary Speaker (Sen. (Prof.) Margaret Kamar) adjourned the Senate without Question put, pursuant to the standing orders.

14. **SENATE ROSE** - at twenty-seven minutes past Six O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Thursday, August 9, 2018 at 2.30 p.m.*

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