



REPUBLIC OF KENYA

TWELFTH PARLIAMENT - SECOND SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, SEPTEMBER 13, 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 Temporary Speaker (Sen. (Prof.) Margaret Kamar).
3. **COMMUNICATIONS FROM THE CHAIR**

The Temporary Speaker (Sen. (Prof.) Margaret Kamar) conveyed the following communication from the Chair:-

a) Visiting students and teachers from Ortum Mixed Secondary School, West Pokot County

"Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Ortum Mixed Secondary School, West Pokot 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 Members and Staff from the Kisumu County Assembly

"Honorable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting Members and staff from Kisumu County Assembly.

I request each member of the Delegation to stand when called out so that they may be acknowledged in the Senate tradition.

They are:

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|-------------------------|---|------------------------------|
| 1) Hon. Roy Samo | - | Deputy Speaker |
| 2) Hon. Victor Rogas | - | Member, Speaker's Panel |
| 3) Ms. Lynette Ochieng' | - | Clerk of the County Assembly |
| 4) Mr. David Ochieng' | - | Clerk Assistant |

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."

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 Marsabit County Executive Emergency Fund for the year ended 30 June, 2017.
- ii) Report of the Auditor-General on the financial statements of the Kwale County Trade Revolving Fund for the year ended 30 June, 2016.
- iii) Report of the Auditor-General on the financial statements of the Busia County Assembly Car Loan and Mortgage Scheme (Revolving Fund) for the year ended 30 June, 2017.
- iv) Report of the Auditor-General on the financial statements of the Bungoma County Trade Development Fund for the year ended 30 June, 2017.
- v) Report of the Auditor-General on the financial statements of the Bungoma County Youth Empowerment Fund for the year ended 30 June, 2017.

(The Senate Deputy Majority Leader)

- vi) Report of the Standing Committee on Labour and Social Welfare on the proposed appointment of Hon. Samuel Kiprono Chepkong'a as a member of the Parliamentary Service Commission.

(The Senate Majority Leader behalf of the Chairperson, Standing Committee on Labour and Social Welfare)

- vii) Report of the Standing Committee on Finance and Budget on its consideration of the County Government Cash Disbursement Schedule for the Financial Year 2018/2019

(Chairperson, Standing Committee on Finance and Budget)

viii) Statement of the business of the Senate for the week commencing Tuesday, 18th September, 2018.

(The Senate Majority Leader)

5. **NOTICE OF MOTION**- (The Senate Majority Leader)

THAT, pursuant to Standing Orders 187, 189 and 218, the Senate approves the nomination of Sen. Fred Outa, MP to serve in the Standing Committee on Health.

6. **NOTICE OF MOTION**- (The Senate Majority Leader on behalf of the 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 nomination to the Parliamentary Service Commission and approves the appointment of Hon. Samuel Kiprono Chepkong'a as a member of the Parliamentary Service Commission pursuant to Article 127(2)(d) of the Constitution.

7. **NOTICE OF MOTION**- (Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the report of the Standing Committee on Finance and Budget on its consideration of the County Governments Cash Disbursement Schedule for the Financial Year 2018/2019, laid on the Table of the Senate on Thursday, 13th September, 2018.

8. **STATEMENTS**

i) **Statement pursuant to Standing Order 47 (1)**

Nominated Senator (Sen. (Canon) Naomi Waqo, MP) made a statement on the killing of Ms. Sharon Otieno, who was a student at Rongo University. The Senator noted that, according to Police reports, Ms. Otieno died a cruel and painful death as she was stabbed with a knife several times, killing her and the baby that she was carrying.

Sen. Waqo regretted that the killing of Ms. Otieno continued a trend where young university students had died in mysterious circumstances, among them Ms. Mercy Keino, Ms. Caren Chepchumba and Ms. Caroline Ngumbu. In all these cases, the perpetrators were never brought to book.

The Senator took the opportunity to speak on the need to re-examine the moral and societal fabric as a country, highlighting the increased incidents of domestic violence, breakdown in families, the upsurge of young criminal gangs, and the pursuit by young people of relations with much older persons in the hope of a better lifestyle. She urged the youth to, instead, seek education, build their careers and lead a lifestyle that they could afford.

In concluding, Sen. Waqo appreciated the investigative agencies for the work they had done so far, and urged them to fast-track investigations and ensure the perpetrators of these heinous crimes were brought to book.

ii) Statement Pursuant to Standing Order 52(1)

The Senate Majority Leader issued a statement on the Business of the Senate for the week commencing Tuesday, 18th September, 2018.

iii) Statement Pursuant to Standing Order 53

The Senator for Busia County (Sen. Amos Wako, MP) made a personal statement on the passing on of the former UN Secretary General, H.E. Kofi Annan. In the statement, the Senator lauded the late Annan as a Nobel Peace Prize recipient, a renowned world leader, a great son of Africa and the highest diplomat Africa has ever produced.

Sen. Wako informed the House that he had known the Late Kofi Annan since the year 1981, when he was appointed Special Rapporteur of the UN Commission on Human Rights at a time when the Late Annan was serving as a Director at the United Nations. He further informed the House that it was Kofi Annan who appointed him, to the Panel of Eminent Persons which investigated the insecurity in Algeria for the Security Council in September 1996; Chair of the Panel of Experts to investigate the Habel Massacre in Liberia; and U.N. Resident Representative to East Timor, a position he declined as he had opted to join politics. Additionally, Kofi Annan encouraged him to seek election to the International Law Commission, for which he did and was elected as a Member.

The Senator recalled that, during the Post-Election violence mediation talks in Kenya following the disputed 2007 elections, the Late Annan would consult him from time to time whenever there was a development which he felt Sen. Wako could advise him on.

Sen. Wako expressed his utmost appreciation to the Late Kofi Annan together with his predecessor, Boutros Boutros Ghali, for their immense contribution to his international career. He stated that he had learnt a lot from the demeanour of Kofi Annan, his humility, his commitment to peace, human rights and development, his dignified bearing and his ability to go to the root of the matter.

In concluding, the Senator beseeched the Almighty God to give strength and comfort to the late Annan's family during the period of sorrow and rest his soul in eternal peace.

9. **THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILLS NO. 21 OF 2018)**

(Sen. Samuel Poghio, MP)

Order for First Reading Read;

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

10. **THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILLS NO. 22 OF 2018)**

(Sen. Judith Pareno, MP)

Order for First Reading Read;

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

11. **THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2018)**

(Sen. Fatuma Dullo, MP)

Order for First Reading Read;

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

12. **THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2018)**

(Chairperson, Delegated Legislation Committee)

Order for first Reading Read;

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

13. **MOTION- APPROVAL OF MEMBERSHIP TO SELECT COMMITTEE**

Motion made and Question proposed:

THAT, pursuant to Standing Orders 187, 189 and 218, the Senate approves the nomination of Sen. Fred Outa, MP to serve in the Standing Committee on Health.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Before the Question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Judith Pareno) informed the House that the Motion did not affect Counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, pursuant to Standing Orders 187, 189 and 218, the Senate approves the nomination of Sen. Fred Outa, MP to serve in the Standing Committee on Health.

14. **MOTION- APPROVAL OF THE NOMINATION OF HON. SAMUEL KIPRONO CHEPKONG'A TO THE PARLIAMENTARY SERVICE COMMISSION (PSC)**

Motion made and Question proposed:

THAT, the Senate notes the report of the Standing Committee on Labour and Social Welfare on the nomination to the Parliamentary Service Commission and approves the appointment of Hon. Samuel Kiprono Chepkong'a as a member of the Parliamentary Service Commission pursuant to Article 127(2)(d) of the Constitution.

(Chairperson, Standing Committee on Labour and Social Welfare)

Debate arising;

And there being no other Senator wishing to contribute;

And in the absence of the mover;

Before the Question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Judith Pareno) informed the House that the Motion did not affect Counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate notes the report of the Standing Committee on Labour and Social Welfare on the nomination of the Parliamentary Service Commission and approves the appointment of Hon. Samuel Kiprono Chepkong'a as a member of the Parliamentary Service Commission pursuant to Article 127(2)(d) of the Constitution.

15. **MOTION - EXTENSION OF TIME**

Motion made and Question proposed:

AWARE that the Senate passed a Motion establishing an Ad Hoc Committee to conduct an inquiry into the challenges facing the tea sector in Kenya, on 14th March, 2018;

FURTHER AWARE that the Committee was required to table a Report to the Senate within five months from the date of establishment;

CONCERNED that the duration accorded to the committee lapsed on 15th August, 2018 while the Senate was on recess;

REGRETTING, that due to the heavy workload, the Committee is yet to conclude its inquiry and requires more time;

NOW THEREFORE, the Senate resolves to extend the mandate and duration of the committee by a further sixty (60) days to enable the Committee to conclude its work and table a report in the Senate.

(Chairperson, Ad Hoc Committee on Tea)

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Before the Question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Judith Pareno) informed the House that the Motion did not affect Counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

AWARE that the Senate passed a Motion establishing an Ad Hoc Committee to conduct an inquiry into the challenges facing the tea sector in Kenya, on 14th March, 2018;

FURTHER AWARE that the Committee was required to table a Report to the Senate within five months from the date of establishment;

CONCERNED that the duration accorded to the committee lapsed on 15th August, 2018 while the Senate was on recess;

REGRETTING, that due to the heavy workload, the Committee is yet to conclude its inquiry and requires more time;

NOW THEREFORE, the Senate resolves to extend the mandate and duration of the committee by a further sixty (60) days to enable the Committee to conclude its work and table a report in the Senate.

16. **MOTION – ENFORCEMENT OF THE NATIONAL TRANSPORT AND SAFETY AUTHORITY (OPERATION OF MOTORCYCLE) REGULATIONS, 2015**

Motion made and Question proposed:

THAT, AWARE that the National Transport and Safety Authority (NTSA) is mandated to plan, manage and regulate the road transport system, while ensuring the provision of safe, reliable and efficient road transport services.

FURTHER AWARE that motorcycle transport services have been rapidly embraced throughout the country leading to several challenges including: rise in road accidents involving motorcycle riders, unlawfulness, insecurity and road congestion;

COGNIZANT that the National Transport and Safety Authority (Operation of Motorcycles) Regulations that came into force on January 1, 2016 have not adequately addressed the challenges associated with the high numbers of motorcycles as a mode of transport;

NOW THEREFORE, the Senate resolves that the Ministry of Transport, Infrastructure, Housing, and Urban Development: -identify strategies to enforce the National Transport and Safety Authority (Operation of Motorcycles) Regulations; in collaboration with County Governments, develop programs to sensitize and educate members of boda-boda associations and the public on the laws regulating motorcycle operations; submits a Report to the Senate within ninety(90) days outlining the short and long term strategies, and preventative measures that are being put in place to halt the rising cases of road carnage involving motorcycle riders.

(Sen. (Arch.) Sylvia Kasanga, MP - 2.8.2018)

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Judith Pareno) adjourned the Senate without Question put, pursuant to the Standing Orders.

17. 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, September 18, 2018 at 2.30 p.m.*

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