



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, NOVEMBER 27, 2018 AT 2.30 P.M**

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceeding was opened with Prayer said by the Speaker.
3. **PAPER LAID**

The following Paper was laid on the Table of the Senate: -

Report of the Ad-hoc Committee on the inquiry of the Maize crisis in Kenya.

*(Vice Chairperson of the Ad-hoc Committee on the inquiry of the Maize crisis in Kenya.)*

4. **NOTICE OF MOTION** - (Vice- Chairperson, Ad-hoc Committee on the inquiry of the Maize crisis in Kenya.)

THAT, this House adopts the Report of the Ad-hoc Committee on the inquiry of Maize crisis in Kenya laid on the Table of the Senate on 27<sup>th</sup> November, 2018.

5. **NOTICE OF MOTION** - (Sen. Cleophas Malalah, MP)

THAT, AWARE THAT the Postal Corporation of Kenya is a state-owned Corporation established by the Postal Corporation of Kenya Act, (CAP 411) and operates as a commercial public enterprise;

FURTHER AWARE that the Corporation's mandate includes provision of accessible, affordable and reliable Postal Services to all parts of the country in line with its Mission to deliver innovative superior communication, distribution and financial solutions to its customers and create value to stakeholders;

NOTING THAT the corporation has remained the most accessible, affordable and effective communications platform in Kenya with a total of 623 outlets spread across the country;

CONCERNED THAT that the Corporation has very attractive and innovative services and a developed infrastructure that is underutilized, hampering efforts to carry out its mandate as enshrined in the Act;

ACKNOWLEDGING THAT the Corporation would see a much needed revival if included in the Government connectivity project through the National Optic Fibre Backbone project (NOFBI), aimed at ensuring connectivity in all the 47 counties of Kenya whose implementation aims to ease communication across counties as well as improve government service delivery to the citizens such as application of national identity cards, passports and registration of births and deaths;

NOW THEREFORE, the Senate calls upon the Ministry of Information, Communication and Technology in collaboration with the National Treasury, to:

- a) ensure fair distribution of postal outlets throughout the country with at least ten (10) functional Postal outlets in each of the 47 counties of Kenya;
- b) channel Government cash disbursements like the women fund, youth fund and the fund for senior citizens through the Corporation to enable the Corporation earn revenue through commissions charged;
- c) channel Government mail delivery, and clearing and forwarding services to the Corporation; and,
- d) channel Government Courier and logistical services through the Corporation

## 6. **STATEMENTS**

### **(i) Statement pursuant to Standing Order 48 (1)**

The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Health on alleged unlawful establishment of various offices under the Health docket in Nandi County.

### **(ii) Statements pursuant to Standing Order No. 51 (1) (b)**

- (a) The Chairperson, Standing Committee on Energy issued a statement relating to the activities of the Committee for the previous three months.
- (b) The Chairperson, Standing Committee on Information and Technology issued a statement relating to the activities of the Committee for the previous three months.
- (c) The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights issued a statement relating to the activities of the Committee for the previous three months.
- (d) The Chairperson, Ad-hoc Committee on Tea issued a Statement relating to the activities of the Committee for the previous three months.

7. **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**

Motion made and Question proposed :-

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.

*(Chairperson, Sessional Committee on County Public Accounts and Investments –  
15.11.2018)*

Debate interrupted on Thursday, 15<sup>th</sup> November, 2018 resumed on a Division;

The House proceeded to a Division;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes and then a further 5 minutes first and then a further 5 minutes;

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

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

The results of the Division were as follows:-

AYES –15

NOES – 4

ABSTENTION – 0

**AYES**

1. Sen. Boy Issa Juma
2. Sen. Imana Malachy Charles Ekal
3. Sen. Kajwang’ Moses Otieno
4. Sen. Kabaka Boniface Mutinda
5. Sen. Khaniri George
6. Sen. Kilonzo Mutula Junior
7. Sen. Masitsa Naomi Shiyonga on behalf of Kakamega County delegation.
8. Sen. Mbogo Ochillo Ayacko
9. Sen. Mwaruma Johnes Mwashushe
10. Sen. Mwinyi Haji Mohamed Faki
11. Sen. Olekina Ledama
12. Sen. Orengo James
13. Sen. Outa Fred Otieno
14. Sen. Sakaja Johnson Arthur
15. Sen Wambua Enoch Kiio

**NOES**

1. Sen. Cherarkey Samson Kiprotich
2. Sen. Kihika Susan Wakarura
3. Sen. Moi Gideon Kipsielei
4. Sen. Murkomen Onesimus Kipchumba

Question Negatived (Pursuant to Article 123 of the Constitution and Standing Order 78(2)(C).

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

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Treaty Making and Ratification (Amendment) Bill (Senate Bills No. 23 of 2018) be now read a Second Time.

*(Sen. Fatuma Dullo, MP - 20.11.18)*

Debate interrupted on Wednesday, 21<sup>st</sup> November, 2018 resumed;

Debate arising;

There being no other Senators wishing to contribute;

And in the absence of the Mover;

The Deputy Speaker deferred the putting of the Question to a later date Pursuant to the Standing Orders 61(3).

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

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Local Content Bill (Senate Bills No. 10) be now read a Second Time.

*(Sen. Gideon Moi, MP)*

Debate Arising;

There being no other Senators wishing to contribute;

Mover replied;

Raising on a Point of Order Sen. Gideon Moi, MP requested for deferment of the putting of the Question to a later date, pursuant to Standing Order 61(3);

The Speaker, acceding to the request, deferred the putting of the Question to a later date.

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

Order for Second Reading read;

Motion made;

THAT, the Statutory Instruments (Amendments) Bill (Senate Bills No. 24 of 2018) be now read a second time.

*(Vice Chairperson, Sessional Committee on Delegated Legislation)*

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi) 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  
Wednesday, November 28, 2018 at 2.30 p.m.*

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