



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY MARCH 14, 2019 AT 2.30 P.M.

The Senate assembled at thirty minutes past Two O'clock.

The Proceedings were opened with Prayer said by the Speaker.

COMMUNICATIONS FROM THE CHAIR

The Speaker issued the following Communication from the Chair-

a. Visiting Pupils and Teachers from Friends School Bokoli, Bungoma County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from Friends School Bokoli, Bungoma County. 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.”

b. Visiting Pupils and Teachers from Othaya Girls, Nyeri County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from Othaya Girls, Nyeri County. 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.”

c. Visiting Pupils and Teachers from Gathanji Primary School, Murang'a County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from Gathanji Primary school, Murang'a County. 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.”

d. Visiting Pupils and Teachers from St. Peter’s Angalo, Nandi County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from St. Peter’s Angalo, Nandi County. 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.”

e. Visiting member of staff from Parliament of Namibia

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon,
of visiting member of staff from National Assembly of Namibia.

I request Ms. CarolAnn Esterhuizen, Deputy Director, Legal Directorate to stand so that she may be acknowledged in the Senate tradition.

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

I thank you.”

PETITIONS

Pursuant to Standing Order 230 (2) (b), the Speaker reported to the Senate Petition by Mr. Fredrick Kahia Thugi and four others regarding exchange and final transfer of titles in respect of two parcels of land in Nakuru County.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and, subsequently, committed it to the Standing Committee on Land, Environment and Natural Resources, pursuant to Standing Order 232(1).

PAPERS LAID

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

- a. Report of the Standing Committee on Agriculture, Livestock and Fisheries on the consideration of the National Assembly amendments to the Warehouse Receipt System Bill, (Senate Bills No. 10 of 2017).

(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

- b. Office of the Auditor General Annual Corporate Report 2017-2018.
- c. Office of the Controller of Budget half year National Government Budget Implementation Review Report, Financial Year 2018/2019.
- d. Report of the Auditor-General on the Financial Statements of the County Executive of Laikipia for the Year ended 30th June 2018.
- e. Report of the Auditor-General on the Financial Statements of Garissa County Executive for the Year ended 30th June 2018.
- f. Report of the Auditor-General on the Financial Statements of Wajir County Executive for the Year ended 30th June 2018.
- g. Report of the Auditor-General on the Financial Statements of Nandi County Executive for the Year ended 30th June 2018.
- h. Report of the Auditor-General on the Financial Statements of Uasin Gishu County Executive for the Year ended 30th June 2018.
- i. Report of the Auditor-General on the Financial Statements of the County Executive of Bomet for the Year ended 30th June 2018.
- j. Report of the Auditor-General on the Financial Statements of the County Executive of Kwale for the Year ended 30th June 2018.
- k. Report of the Auditor-General on the Financial Statements of Kiambu County Executive for the Year ended 30th June 2018.
- l. Report of the Auditor-General on the Financial Statements of the County Executive of Machakos for the Year ended 30th June 2018.
- m. Report of the Auditor-General on the Financial Statements of the County Executive of Nyandarua for the Year ended 30th June 2018.

- n. Report of the Auditor-General on the Financial Statements of the County Executive of Baringo for the Year ended 30th June 2018.
- o. Report of the Auditor-General on the Financial Statements of County Executive of Kericho for the Year ended 30th June 2018.
- p. Report of the Auditor-General on the Financial Statements of County Executive of Makueni for the Year ended 30th June 2018.
- q. Report of the Auditor-General on the Financial Statements County Executive of Kajiado for the Year ended 30th June 2018.
- r. Report of the Auditor-General on the Financial Statements of County Executive of Narok for the Year ended 30th June 2018.
- s. Report of the Auditor-General on the Financial Statements of County Executive of Nakuru for the Year ended 30th June 2018.
- t. Report of the Auditor-General on the Financial Statements of Vihiga County Government for the Year ended 30th June 2018.
- u. Report of the Auditor-General on the Financial Statements of Elgeyo Marakwet County Government for the Year ended 30th June 2018.
- v. Report of the Auditor-General on the Financial Statements of Homa Bay County Government for the Year ended 30th June 2018.

(The Senate Majority Leader)

NOTICES OF MOTION (The Senate Majority

Leader)

THAT, pursuant to Standing Orders 187 and 189, the House approves the nomination of Senators to serve in Select Committees of the Senate as follows -

- a) Standing Committee on Energy

Sen. George Ochilo Ayacko Mbogo, EGH, MP to replace Sen. Mercy Chebeni, MP

- b) Standing Committee on National Cohesion, Equal Opportunity and Regional Integration.

Sen. Mercy Chebeni, MP to replace Sen. George Ochilo Ayacko Mbogo, EGH, MP

MOTION - ELECTION OF A SENATOR TO PRESIDE OVER SITTINGS OF THE HOUSE PURSUANT TO STANDING ORDER 15

Motion Made and Question proposed-

THAT, pursuant to Standing Order 15 and Article 107(1) (c) of the Constitution, the Senate elects Sen. Abshiro Halake, MP and Sen.(Dr.) Agnes Zani, MP to preside over the sitting of the Senate for the remainder of the day in the absence of the Speaker and Deputy Speaker.

(The Senate Majority Leader)

And there being no Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 79 (1), the Speaker informed the House that the Motion did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

That; pursuant to standing Orders 15 and Article 107(1) (c) of the Constitution, the Senate elects Sen. Abshiro Halake, MP and Sen. (Dr.) Agnes Zani, MP to preside over the sitting of the Senate for the remainder of the day in the absence of the Speaker and Deputy Speaker.

STATEMENTS

i) Statements pursuant to Standing Order No. 48 (1)

- a) Nominated Senator (Sen. (Dr.) Agnes Zani, MP) sought a statement from the Standing Committee on Devolution and Intergovernmental Relations on the Policy on the Devolved System of Government.
- b) Nominated Senator (Sen. (Dr.) Agnes Zani, MP) sought a statement from the Standing Committee on Education on the textbook supply policy managed by the Ministry of Education.

ii) Statement Pursuant to Standing Order No. 52 (1)

The Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 19th March, 2019.

EXPULSION OF A SENATOR FOR FAILURE TO COMPLY WITH THE OFFICIAL DRESS CODE

Rising on a point of order, the Leader of Majority brought it to the attention of the Speaker that Sen. Kimani Wamatangi was dressed in a manner that contravened the Speakers Rules.

And the Speaker ascertaining the fact, directed that Sen.Wamatangi, withdraws from the House, to dress appropriately.

Thereupon the Senator withdrew from the Chamber.

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

(Chairperson, Sessional Committee on Delegated Legislation)

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 13th March, 2019)
(Division)***

Order deferred

COMMITTEE OF THE WHOLE

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. (Dr.) Agnes Zani) – in the Chair)

Consideration of National Assembly Amendments to the Warehouse Receipts System Bill (Senate Bills No. 10 of 2017)

Debate interrupted on Tuesday 12th March, 2019 resumed on a Division

National Assembly amendment to Clause 3

Motion made and question proposed;

That, Clause 3 of the Bill be amended—

(a) by deleting subclause (3) and substituting therefor the following new subclause—

(3) The Council shall consist of—

- (a) a Chairperson, who shall be appointed by the President;
- (b) the Principal Secretary for the time being responsible for matters related to agriculture or a representative;
- (c) the Principal Secretary for the time being responsible for matters related to finance or a representative;
- (d) one person nominated by the Council of Governors;
- (e) the Director-General of Agriculture and Food Authority or a representative;
- (f) the chief executive officer of the Council who shall be an *ex-officio* member;
- (g) one person nominated by the Kenya Farmers Association;
- (h) one person nominated by Kenyan members of the Eastern Africa Grain Council;
- (i) one person nominated by Kenya Bankers Association; and

- (j) one person nominated by the Kenya Warehouse Operators Association.”
- (b) by deleting subclause (5) and substituting thereof with the following subclause—
- (5) A person shall be qualified for appointment as chairperson of the Board if such a person—
- (a) is a citizen of Kenya;
 - (b) meets the requirements of leadership and integrity set out in Chapter 6 of the Constitution;
 - (c) holds relevant academic and professional qualifications including a university degree in a relevant field; and
 - (d) has at least eight years’ experience in—
 - (i) agriculture;
 - (ii) finance;
 - (iii) business;
 - (iv) law;
 - (v) procurement; or
 - (vi) administration.
- (c) in subclause (9), by—
- (i) inserting the words, “in contravention of the Public Officer Ethics Act and any other relevant law” immediately after the word “office” in paragraph (c);
 - (ii) deleting the words “in the opinion of the Council” appearing in paragraph (e);
 - (iii) deleting paragraph (g) and substituting therefor with the following paragraph—
- “(g) conviction of an offence and sentenced to six months imprisonment without an option of a fine.”

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12th March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

1. Sen. Halake Abshiro Soka– voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. Mwaruma Johnes Mwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali – voted on behalf of Nairobi County delegation
14. Sen. Wambua Enoch Kiio
15. Sen. Wario Golich Juma

National Assembly amendment to Clause 3

Negatived

National Assembly amendment to Clause 4

Motion made and Question Proposed;

That, Clause 4 of the Bill be amended—

(a) in paragraph (a) by inserting the word “produced” immediately after the word “commodities”;

(b) by inserting the following new paragraphs immediately after paragraph (j)—

(ja) in accordance with the provision of this Act, suspend operations of warehouse operators, inspectors, weighers, graders or other service providers operating under the Act for contravention of the Act;

(jb) issue, suspend or revoke registration or licenses issued under the Act;

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12th March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

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2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir - voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. MwarumaJohnesMwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County Delegation
14. Sen. Wambua Enoch Kiio
15. Sen. WarioGolichJuma

National Assembly amendment to Clause 4

Negated

National Assembly amendment to Clause 9

Motion made and Question proposed;

That, Clause 9 of the Bill be amended in subclause (3) by deleting paragraph (a) and substituting therefor the following new paragraph-

“(a) holds a relevant university degree from a recognized university in Kenya.”

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12thMarch, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

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2. Sen. Ali Abdullahi Ibrahim
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5. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. MwarumaJohnesMwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County Delegation
14. Sen. Wambua Enoch Kiio
15. Sen. WarioGolichJuma

National Assembly amendment to Clause 9

Negatived

National Assembly amendment to Clause 10

Motion made and Question proposed;

That Clause 10 of the Bill be amended by inserting the words “a company secretary and” immediately after word “employ”.

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12thMarch, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

1. Sen. HalakeAbshiroSoka- voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
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4. Sen. Khaniri George
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6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. MwarumaJohnesMwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County Delegation
14. Sen. Wambua Enoch Kiio
15. Sen. WarioGolichJuma

National Assembly amendment to Clause 10

Negated

National Assembly amendment to Clause 11

Motion made and Question proposed;

That, Clause 11 of the Bill be amended—

(a) by renumbering the existing clause as subclause (1);

(b) by inserting the following new subclause immediately after subclause (1) —

(2) The Council shall publish the names of persons engaged as experts under subsection (1), in the *gazette*.

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12th March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. Mwaruma Johnes Mwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County Delegation
14. Sen. Wambua Enoch Kiio
15. Sen. Wario Golich Juma

National Assembly amendment to Clause 11

Negatived

National Assembly amendment to Clause 16

Motion made and Question proposed;

That, Clause 16 of the Bill be amended in subclause (5) by inserting the word “annual” immediately before the word “report”.

(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate interrupted on Tuesday, 12th March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

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5. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. Mwaruma Johnes Mwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County Delegation
14. Sen. Wambua Enoch Kiio
15. Sen. Wario Golich Juma

National Assembly amendment to Clause 16

Negatived

National Assembly amendment to Clause 17

Motion made and Question proposed;

That Clause 17 of the Bill be amended—

(a) by deleting subclause (3) and substituting therefore the following new clause—

- “(3) The County Executive Committee member may—
- (a) issue a license where the applicant meets all the requirements set out in the prescribed regulations;
 - (b) decline to issue a license for the conduct of a warehouse where the County Executive Committee member establishes that—
 - (i) the warehouse is not suitable for the proper storage of agricultural commodities;
 - (ii) the operator is incompetent to conduct such warehouse in accordance with this Act and the regulations made hereunder; or
 - (iii) there is any other sufficient reason within the purposes of Act for not issuing such licenses.
- (b) by inserting the following new subclause immediately after subclause (4) —

(4A) A person who operates a warehouse under the Warehouse Receipts System without a license issued by the county executive committee commits an offence.

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12th March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

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2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
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5. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim

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9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. MwarumaJohnesMwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County Delegation
14. Sen. Wambua Enoch Kiio
15. Sen. WarioGolichJuma

National Assembly amendment to Clause 17

Negatived

National Assembly amendment to Clause 21

Motion made and Question proposed;

That, Clause 21 of the Bill be amended—

- (a) in subclause (4) by inserting the words “and shall be liable on conviction to a fine not exceeding a hundred thousand shillings or imprisonment for a term not exceeding three years, or both” immediately after the word “offence”;
- (b) in subclause (5)—
 - (i) by deleting the word “or” appearing immediately before the word “graders”;
 - (ii) by inserting the words “or other service providers” immediately after the word “graders”; and
- (c) by inserting the following new subclause immediately after subclause (8) —

“(8A) The Council shall maintain a database which shall be availed for inspection by any person upon application pursuant to Article 35 of the Constitution.”

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12thMarch, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

1. Sen. HalakeAbshiroSoka– voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
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9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. MwarumaJohnesMwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County delegation
14. Sen. Wambua Enoch Kiio
15. Sen. WarioGolichJuma

National Assembly amendment to Clause 21

Negatived

National Assembly amendment to Clause 23

Motion made and Question proposed;

Clause 23 the Bill be amended–

- (a) by deleting the words “Warehouse Receipts Appeals Committee” wherever they appear and substituting therefor the words “Warehouse Receipts System Dispute Resolution Committee”;
- (b) in subclause (1) by inserting the following new paragraph immediately after paragraph (d) —
 - (da) complaints by registered, licensed or other persons operating under this Act;
- (c) in subclause (2) by–
 - (i) deleting paragraph (a) and substituting thereof with the following paragraph–
 - (a) a chairperson appointed by the Cabinet Secretary who shall be an advocate of not less than seven years standing and with experience in dispute resolution; and

- (ii) deleting the word “adjudication” in paragraph (b) and substituting thereof with the word “resolution”.

(d) in subclause (4) by deleting the words “Appeals Committee” and substituting therefor the words “Dispute Resolution Committee”.

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12th March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. Mwaruma Johnes Mwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County delegation
14. Sen. Wambua Enoch Kiio
15. Sen. Wario Golich Juma

National Assembly amendment to Clause 24

Motion made and Question proposed;

That, Clause 24 of the Bill be deleted and substituted thereof with the following new clause—

Grading and weighing of agricultural products. **24.** (1) A licensed warehouse operator shall ensure commodities stored in a licensed agricultural warehouse meet the standards published by the Kenya Bureau of Standards and are weighed using equipment certified in accordance with laws related to weights and measures.

(2) The grading of agricultural commodities shall be undertaken by agricultural commodity graders certified by a mandated institution.

(3) The Council shall provide guidelines on the minimum qualifications and competencies required of graders and weighers.
(Senate Majority Leader)

Debate interrupted on Tuesday, 12th March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o

- 7. Sen. Mahamud Mohamed Maalim
- 8. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County delegation
- 9. Sen. Murkomen Onesimus Kipchumba
- 10. Sen. Mwangi Paul Githiomi
- 11. Sen. MwarumaJohnesMwashushe
- 12. Sen. Nderitu John Kinyua
- 13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County delegation
- 14. Sen. Wambua Enoch Kiio
- 15. Sen. WarioGolichJuma

National Assembly amendment to Clause 24

Negatived

National Assembly amendment to Clause 25

Motion made and Question proposed;

That, Clause 25 of the Bill be deleted and substituted thereof with the following new clause—

Inspection of **25.**(1) The Chief Executive Officer, appointed Council Inspectors or stored authorized officers of the Council may inspect any agricultural products. commodity stored in a licensed warehouse and records relating to warehouse receipts where its considered necessary.

(2) The Council shall appoint and gazette inspectors who shall exercise such powers in accordance with regulations made under this Act.

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12thMarch, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

1. Sen. HalakeAbshiroSoka- voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir - voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong'o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. MwarumaJohnesMwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County delegation
14. Sen. Wambua Enoch Kiio
15. Sen. WarioGolichJuma

National Assembly amendment to Clause 25

Negatived

National Assembly amendment to Clause 27

Motion made and Question proposed;

That, Clause 27 of the Bill be amended by inserting the words, "insurance contracts, professional indemnities, warehouse receipts registry" immediately after the words "examine all".

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12thMarch, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

1. Sen. HalakeAbshiroSoka– voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. MwarumaJohnesMwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County delegation
14. Sen. Wambua Enoch Kiio
15. Sen. WarioGolichJuma

National Assembly amendment to Clause 27

Negatived

National Assembly amendment to Clause 30

Motion made and Question proposed;

That, Clause 30 of the Bill be amended by inserting the following new subclause immediately after subclause (1)–

“(1A) The Central Registry shall have the necessary infrastructure to link it with a central depository of a commodities exchange licensed by the Capital Markets Authority.”

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12thMarch, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. Mwaruma Johnes Mwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County delegation
14. Sen. Wambua Enoch Kiio
15. Sen. Wario Golich Juma

National Assembly amendment to Clause 30

Negatived

National Assembly amendment to Clause 31

Motion made and Question proposed;

That, Clause 31 of the Bill be amended in—

(a) subclause (2), by deleting the words “issue a warehouse receipt” and substitute thereof with the words, “issue a warehouse replacement receipt”;

(b) subclause (3) by deleting the word “duplicate” and substituting thereof with the word “replacement”; and

subclause (4), by deleting the word “deals” immediately after the word “person” and substituting therefor the word “who”.

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12th March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

1. Sen. HalakeAbshiroSoka- voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir - voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. MwarumaJohnesMwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County delegation
14. Sen. Wambua Enoch Kiio
15. Sen. WarioGolichJuma

National Assembly amendment to Clause 31

Negatived

National Assembly amendment to Clause 32

Motion made and Question proposed;

That, Clause 32 of the Bill be amended by deleting the word “duplicate” and substituting with the word “replacement”.

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12thMarch, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

1. Sen. HalakeAbshiroSoka- voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir - voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. MwarumaJohnesMwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County delegation
14. Sen. Wambua Enoch Kiio
15. Sen. WarioGolichJuma

National Assembly amendment to Clause 32

Negated

National Assembly amendment to Clause 39

Motion made and Question proposed;

That, Clause 39 of the Bill be amended by deleting the phrase “section 35” and substituting therefor with the phrase “section 38”.

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12thMarch, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

1. Sen. HalakeAbshiroSoka- voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir - voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. MwarumaJohnesMwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County delegation
14. Sen. Wambua Enoch Kiio
15. Sen. WarioGolichJuma

National Assembly amendment to Clause 39

Negatived

National Assembly amendment to Clause 41

Motion made and Question proposed;

That, Clause 41 of the Bill be amended—

(a) by deleting the words “in a case where endorsement is essential for negotiation” appearing in subclause (1);

(b) in subclause (2) by deleting the words “In a case where it is essential that a warehouse receipt should be endorsed before it is transferred, that” and substituting therefor the word “A”.

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12th March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. Mwaruma Johnes Mwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County delegation
14. Sen. Wambua Enoch Kiio
15. Sen. Wario Golich Juma

National Assembly amendment to Clause 41

Negated

National Assembly amendment to Clause 43

Motion made and Question proposed;

That, Clause 43 of the Bill be deleted and substituted thereof with the following new clause—

Issuing of fraudulent warehouse receipts. **43.** A warehouse operator, or any officer, agent, or employee of a warehouse operator, who issues or aids in issuing a receipt knowing the goods for which such receipt is issued have not been actually received by such warehouse operator, or are not under his actual control at the time of issuing such receipt, commits an offence and is liable on conviction to a term of imprisonment not exceeding ten years or a fine not exceeding ten million Kenya shillings, or to both.

(Senate Majority Leader)

Debate interrupted on Tuesday, 12th March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. Mwaruma Johnes Mwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County delegation
14. Sen. Wambua Enoch Kiio
15. Sen. Wario Golich Juma

National Assembly amendment to Clause 43

Negatived

National Assembly amendment to Clause 44

Motion made and Question proposed;

That, Clause 44 of the Bill be deleted and substituted thereof with the following new clause—

Issuing of receipts with false information. **44.** A warehouse operator, or any officer, agent, or employee of a warehouse operator, who fraudulently issues or knowingly facilitates the fraudulent issuing of a receipt for goods based on a false statement or a false statement to the effect that the warehouse is licensed under this Act or the goods are insured if they are not so insured or fails to disclose such fact, commits an offence and is liable on conviction a fine not exceeding ten million Kenya shillings or to a term of imprisonment not exceeding ten years, or both.

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12th March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o

7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. MwarumaJohnesMwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County Delegation
14. Sen. Wambua Enoch Kiio
15. Sen. WarioGolichJuma

National Assembly amendment to Clause 44

Negatived

National Assembly amendment to Clause 45

Motion made and Question proposed;

That, Clause 45 of the Bill be deleted and substituted thereof with the following new clause—

Unlawful issuing of duplicate receipts. **45.** A warehouse operator or any officer, agent, or employee of a warehouse operator, who issues or facilitates the issuing of a duplicate or additional negotiable receipt for goods knowing that a former negotiable receipt for the same goods or any part of them is outstanding and not cancelled, without plainly placing upon the face thereof the word “Replacement”, commits an offence and is liable on conviction to a fine not exceeding ten million Kenya shillings or a term of imprisonment not exceeding ten years, or both.

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12th March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

1. Sen. HalakeAbshiroSoka- voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir - voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. MwarumaJohnesMwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County delegation
14. Sen. Wambua Enoch Kiio
15. Sen. WarioGolichJuma

National Assembly amendment to Clause 45

Negatived

National Assembly amendment to Clause 48

Motion made and question proposed;

That, Clause 48 of the Bill be amended by deleting the word “one” and substituting therefor the word “three”.

(Senate Majority Leader)

Debate interrupted on Tuesday, 12thMarch, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0NOES - 15ABSTENTIONS - 0NOES

1. Sen. HalakeAbshiroSoka– voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. MwarumaJohnesMwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County delegation
14. Sen. Wambua Enoch Kiio
15. Sen. WarioGolichJuma

National Assembly amendment to Clause 48NegatedNational Assembly amendment to Clause 50

Motion made and Question proposed;

Clause 50 of the Bill be amended by deleting the word “shall” and substituting therefor the word “may”.

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12th March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES- 15

ABSTENTIONS - 0

NOES

1. Sen. HalakeAbshiroSoka- voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. MwarumaJohnesMwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County delegation
14. Sen. Wambua Enoch Kiio
15. Sen. WarioGolichJuma

National Assembly amendment to Clause 50

Negatived

National Assembly amendment to the Schedule

Motion made and Question proposed;

That, the Schedule to the Bill be amended-

(a) in paragraph 1 by deleting subparagraph (4) and substituting therefor the following new subparagraph—

(4) A meeting shall be presided over by the chairperson or in the absence of the chairperson, the members present shall appoint one of their members to preside at the meeting.

in paragraph (2) by deleting the word “three” in sub-paragraph (2) and substituting thereof with the word “five”.

(Senate Majority Leader)

Debate interrupted on Tuesday, 12thMarch, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

1. Sen. HalakeAbshiroSoka- voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. MwarumaJohnesMwashushe
12. Sen. Nderitu John Kinyua
13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County delegation
14. Sen. Wambua Enoch Kiio
15. Sen. WarioGolichJuma

National Assembly amendment to the Schedule

Negatived

National Assembly amendment to Clause 2

Motion made and Question proposed;

That, Clause 2 of the Bill be amended—

- (a) in the definition of “holder” by deleting the words “who is in possession of the receipt” appearing immediately after the words “warehouse receipts”;
- (b) by deleting the definition of “owner”;
- (c) by deleting the definition of the word “warehouse operator” and substituting thereof the following new definition—

“warehouse operator’ means a person engaging in the business of hiring out space for storing goods and issuance of warehouse receipts;

(d) in the definition of the term “warehouse receipt system” by deleting the word “receipts” appearing immediately after the words “the management of the transfer of the” and substituting therefor the term “receipt”; and

(e) by inserting the following new definition in its proper alphabetical sequence—
“inspector” means an officer of the Council or an authorized officer appointed by the Council in the *gazette*, to carry out inspections under this Act.

(The Senate Majority Leader)

Debate interrupted on Tuesday, 12th March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Zani) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson 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 - 0

NOES - 15

ABSTENTIONS - 0

NOES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Khaniri George
5. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County delegation
6. Sen. Mogeni Erick Okong’o
7. Sen. Mahamud Mohamed Maalim
8. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County delegation
9. Sen. Murkomen Onesimus Kipchumba
10. Sen. Mwangi Paul Githiomi
11. Sen. Mwaruma Johnes Mwashushe
12. Sen. Nderitu John Kinyua

13. Sen. Haji Farhiya Ali - voted on behalf of Nairobi County delegation
14. Sen. Wambua Enoch Kiio
15. Sen. WarioGolichJuma

National Assembly amendment to Clause 2

Negatived

Motion made;

THAT, the Committee of the Whole do report on its consideration of the National Assembly amendments to the Warehouse Receipts System Bill (Senate Bills No. 10 of 2017) and their rejection thereof.

(The Senate Majority Leader)

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. (Dr.) Zani) ruled that the Question did not affect counties;

Question put and agreed to.

HOUSE RESUMED – Temporary Speaker (Sen. Abshiro Halake) – in the Chair

THE WAREHOUSE RECEIPTS SYSTEM BILL (SENATE BILLS NO. 10 OF 2017)

Bill reported

Motion made and Question Proposed;

THAT, the House do agree with the Committee in the said report.

(The Senate Majority Leader)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Halakhe Abshiro) ruled that the Question did not affect counties;

Question put and agreed to.

National Assembly Amendments to The Warehouse Receipts System Bill (Senate bills No. 10 of 2017) rejected and referred to a Mediation Committee pursuant to Article 112 (2) (b) of the Constitution and Standing Order 159(4)(b).

COMMITTEE OF THE WHOLE

THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILLS NO. 1 OF 2018)

(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 12th March, 2019)
(Division)

Order deferred

COMMITTEE OF THE WHOLE

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

(Sen. Aaron Cheruiyot, MP)

(Resumption of debate interrupted on Wednesday, 21st November, 2018)
(Division)

Order deferred

THE TEA BILL (SENATE BILLS NO. 36 OF 2018)

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Tea Bill (Senate Bills No. 36 of 2018) be now read a Second Time.

(Sen. Aaron Cheruiyot, MP – 13.03.2019)

Debate interrupted on Wednesday, 13th March, 2019 resumed;

And there being no other Senator wishing to contribute;

The Mover replied;

Raising a point of order and pursuant to Standing Order 61 (3), the Mover (Sen. Aaron Cheruiyot) requested the Temporary Speaker to defer putting of the question to another day;

And the Temporary Speaker (Sen. Abshiro Halake) acceding to the request, deferred putting of the question to a later date.

MOTION – REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS’ INFRASTRUCTURE PROJECTS

(Chairperson, Standing Committee on Finance and Budget)

THAT, this House adopts the Report of the Standing Committee on Finance and Budget on the County Governments’ infrastructure projects comprising County Executive Headquarter offices, Assembly Chambers and offices and County State officers’ residences, laid on the Table of the Senate on Thursday, 29th November, 2018.

Order deferred.

MOTION -CREATION OF DISABILITY INCLUSIVE SCHOOL CLUBS IN ALL PUBLIC SCHOOLS

Motion made and Question proposed-

THAT, WHEREAS Article 19 of the Convention on the Rights of Persons with Disabilities (CRPD) affirms the equal right of all persons with disabilities to live in a community, with choices equal to others, equal access to services and facilities that are responsive to their needs;

AWARE THAT societal perception of disability is negative, mainly due to lack of socialization and integration during the formative years;

COGNIZANT THAT participation in school clubs provides important life skills that prepare children holistically for their future and plays a major role in transforming students' lives as they transit to various professions in adulthood;

CONCERNED THAT no policy exists addressing inclusivity in school clubs for persons with disability in the public school system;

NOW THEREFORE the Senate calls upon the coordinated effort of the National Government through the Ministry of Education, and the County Governments through the Council of Governors to develop policy that would ensure inclusiveness of special needs learners in school clubs in public schools beginning at the Early Childhood Development (ECD) level up to and including Secondary School level.

(Sen. (Dr.) Getrude Musuruve, MP - 21.02.2019)

Debate interrupted on Thursday, 21st February, 2019 resumed;

And there being no other Senator wishing to contribute;

The Mover replied;

Before the Question was put, and pursuant to Standing Order No. 79, the Temporary Speaker (Sen. Abshiro Halake) informed the House that the Motion did not affect counties.

Question put, agreed to.

RESOLVED ACCORDINGLY

THAT, WHEREAS Article 19 of the Convention on the Rights of Persons with Disabilities (CRPD) affirms the equal right of all persons with disabilities to live in a community, with choices equal to others, equal access to services and facilities that are responsive to their needs;

AWARE THAT societal perception of disability is negative, mainly due to lack of socialization and integration during the formative years;

COGNIZANT THAT participation in school clubs provides important life skills that prepare children holistically for their future and plays a major role in transforming students' lives as they transit to various professions in adulthood;

CONCERNED THAT no policy exists addressing inclusivity in school clubs for persons with disability in the public school system;

NOW THEREFORE the Senate calls upon the coordinated effort of the National Government through the Ministry of Education, and the County Governments through the Council of Governors to develop policy that would ensure inclusiveness of special needs learners in school clubs in public schools beginning at the Early Childhood Development (ECD) level up to and including Secondary School level.

And the time being thirty Minutes past Six O'clock, the Temporary Speaker (Sen. Abshiro Halake) adjourned the Senate without question put, pursuant to the Standing Orders.

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, March 19, 2019 at 2.30 p.m.*

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