



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (THIRD SESSION)
THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, NOVEMBER 13, 2019 AT 2:30 PM

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer said by the Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker issued the following Communications –

(a) **On visiting staff from the Kajiado County Assembly**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of visiting members of staff from the County Assembly of Kajiado.

They are-

1. Mr. Dickson Ndemo – Chief Serjeant-at-Arms;
2. Mr. Isaac Ketura – Serjeant-at-Arms;
3. Mr. Julius Siyiai – Clerical Officer;
4. Ms. Martha Kinyua – Personal Secretary;
5. Ms. Esther Nailante – Personal Secretary;
6. Ms. Mercy Maet – Board Secretary.

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) **On Marshalling of Business in the Senate**

“Honourable Senators,

On several occasions, Honourable Senators have raised concern over the unavailability of Sponsors of Business appearing in the Order Paper.

Standing Order 38, 39 and 40 provide for the preparation, publication and circulation of the Senate Order Paper and Weekly Programme of Business as well as the sequence in which the Business shall be disposed of in the Order Paper.

Honourable Senators,

True to the aforementioned Standing Orders, the Order Paper is prepared and published in the Parliamentary Website, and also circulated to Senators via other means, on the eve of the Sitting, to allow Senators with Business to prepare adequately and avail themselves when their respective Business is scheduled.

Honourable Senators,

Lately, there have been several cases where Senators are not in the Chamber to move their Bills, Motions and Amendments to Bills forcing the Chair to defer their Business and inconveniencing fellow Senators, particularly in the case of Committee of the Whole, where the Sponsor of the Bill may be present yet the Mover of the Amendments is absent or vice versa. These deferments lead to some Business clogging the Order Paper thus preventing the scheduling of Business by other Senators whose Business is pending.

These cases have become more frequent and persistent, derailing the legislative mandate of the Senate.

Honourable Senators,

Standing Order 250 states that:-

“(1) A Senator intending to travel outside Kenya whether in an official or a private capacity, shall give to the Speaker a written notice to that effect, indicating-

- (a) The destination intended to be visited;*
- (b) The dates of the intended travel and period of absence from Kenya; and*
- (c) The email, telephone contact, postal or physical address of the Senator during the period of absence from Kenya.*

(2) All information submitted under this Standing Order shall be kept in a register which the Clerk shall maintain for that purpose and shall not be disclosed to any person without the permission of the Speaker.”

This Standing Order also applies to general absence from the Senate on a Sitting Day.

Honourable Senators,

The purpose of this Standing Order 250, is not only for your own security, but to assist the Senate Business Committee in prioritizing Business for consideration by the Senate.

Honourable Senators,

I urge all Senators to observe the provisions of the Senate Standing Orders and ensure they are available in the House to transact their Business as scheduled in the Order Paper.

Going forward, failure to adhere to this shall result to strict application of Standing Order 59(3) which states that: -

“Where no Senator moves a Motion at the time specified by or under these Standing Orders, such Motion shall not be published again in the Order Paper during the same session except with the leave of the Speaker.”

Movers of Amendments to Bills who will not be in the Chamber at the requisite time shall also be subjected to the provisions of Standing Order 59(3) translating to their Amendments being dropped and consideration of the Bill will proceed as scheduled.

Be guided accordingly.

I thank you.”

4. **PETITIONS**

- (a) Pursuant to Standing Order 230(2)(a), Nominated Senator (Sen. Millicent Omanga, MP) presented to the Senate a Petition by residents of Njiru, Nairobi County, concerning the delay in opening of Njiru Secondary School in the County.

Pursuant to Standing Order 231, the Speaker invited Senators to comment, make observations or seek clarification in relation to the Petition and, subsequently, committed it to the Standing Committee on Education, pursuant to Standing Order 232(1).

- (b) Pursuant to Standing Order 230(2)(a), the Senator for Nandi County (Sen. Samson Cherarkey, MP) presented to the Senate a Petition by the Kenya Union of Clinical Officers, concerning refusal by the Ministry of Health and county governments to conclude collective bargaining agreement negotiations.

Pursuant to Standing Order 231, the Speaker invited Senators to comment, make observations or seek clarification in relation to the Petition and, subsequently, committed it to the Standing Committee on Labour and Social Welfare, pursuant to Standing Order 232(1).

- (c) Pursuant to Standing Order 230(2)(b), the Speaker reported to the Senate a Petition by the Kipsigis Community Clans Association, concerning historical land injustices against the Kipsigis Community.

Pursuant to Standing Order 231, the Speaker invited Senators to comment, make observations or seek clarification in relation to the Petition and, subsequently, committed it to the Standing Committee on Justice, Legal Affairs and Human Rights, pursuant to Standing Order 232(1).

5. STATEMENTS**(i) Pursuant to Standing Order 47(1)**

The Senator for Bungoma County (Sen. Moses Wetang'ula, MP) made a Statement regarding the sale of contaminated maize meal products.

In the Statement, the Senator raised concern regarding reports on the sale of maize flour which allegedly contained high levels of aflatoxins, following which, the Kenya Bureau of Standards (KEBS) had suspended the license of five (5) maize millers and banned the sale of Dola, Kifaru, Jembe and 210 Maize Flour brands.

The Senator highlighted that arising from the establishment of the Ad-hoc Committee on Maize Situation in the Country, whose report the Senate adopted on 28th February, 2019, the Ad-hoc Committee had found that over 80% of maize cereals at the National Cereals and Produce Board (NCPB) was contaminated. The Senator questioned whether implementation of the Ad-hoc Committee's recommendation on the destruction of all contaminated stocks was carried out by KEPS, NCPB and the Ministry of Agriculture.

The Senator urged the Standing Committee on Agriculture, Livestock and Fisheries to undertake an inquiry into the matter and make a report to the Senate.

Following concerns raised by Senators on the Statement, the Speaker directed that the matter be referred to the Standing Committee on Agriculture, Livestock and Fisheries for consideration pursuant to Standing Order 47(3) and further directed the Standing Committee to make a report on Wednesday, 20th November, 2019.

(ii) Pursuant to Standing Order 48(1)

- a) The Senator for Kakamega County (Sen. Cleophas Malalah, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding the dismissal of workers at the Mumias Sugar Company, on behalf of Nominated Senator (Sen. (Dr.) Getrude Musuruve, MP).
- b) Nominated Senator (Sen. Abshiro Halake, MP) sought a Statement from the Standing Committee on Energy regarding electricity connectivity in Isiolo County.
- c) Nominated Senator (Sen. Millicent Omanga, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding alleged use of excessive force by the police and abuse of human rights against students of the Jomo Kenyatta University of Agriculture and Technology (JKUAT).

(iii) Pursuant to Standing Order 51(1)(b)

- a) The Vice Chairperson of the Standing Committee on Energy issued a Statement relating to the activities of the Committee for the period, 1st July to 30th September, 2019.

- b) The Chairperson, Standing Committee on Health issued a Statement relating to the activities of the Committee for the period, 1st July to 30th September, 2019.

6. **MOTION – ADOPTION OF REPORT OF SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON ACCOUNTS OF COUNTY EXECUTIVES FOR FINANCIAL YEAR 2014/2015**

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

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of Baringo, Busia, Elgeyo Marakwet, Embu, Kajiado, Kericho, Kilifi, Kirinyaga, Kisii, Kwale, Lamu, Makueni, Marsabit, Meru, Nakuru, Narok, Nyamira, Uasin Gishu, Vihiga and West Pokot County Executives for Financial year 2014/2015 (1st July, 2014 to 30th June, 2015), laid on the Table of the Senate on Wednesday, 9th October, 2019.

*(Resumption of debate interrupted on Wednesday, 6th November, 2019)
(Division)*

Order deferred.

7. **COMMITTEE OF THE WHOLE
THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**

(Sen. Ledama Olekina, MP)

Order deferred.

8. **COMMITTEE OF THE WHOLE
THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)**

(Sen. Mary Seneta, MP)

Order deferred.

9. **COMMITTEE OF THE WHOLE
THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 9 OF 2019)**

(Sen. (Dr.) Abdullahi Ali, MP)

Order deferred.

10. **COMMITTEE OF THE WHOLE
THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 39 OF 2018)**

(The Senate Majority Leader)

Order deferred.

11. **COMMITTEE OF THE WHOLE
THE COUNTY TOURISM BILL (SENATE BILLS NO. 5 OF 2019)**

(Sen. (Dr.) Agnes Zani, MP)

Order deferred.

12. **COMMITTEE OF THE WHOLE**
THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS
NO. 10 OF 2019)

(Chairperson, Standing Committee on Tourism, Trade and Industrialization)

Order deferred.

13. **THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO.**
11 OF 2019)

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Care and Protection of Child Parents Bill (Senate Bills No. 11 of 2019) be now read a Second Time.

(Sen. Beatrice Kwamboka, MP - 06.11.2019)

Debate interrupted on Wednesday, 6th November 2019 resumed;

There being no Senator wishing to contribute;

And in the absence of the Mover;

Pursuant to Standing Order (79)(1), the Deputy Speaker determined that the Motion affected counties and that voting would be by Delegations, and thereafter deferred the putting of the Question to another day, pursuant to Standing Order 61(3).

14. **THE REGISTRATION OF PERSONS (AMENDMENT) BILL (SENATE BILLS NO. 14**
OF 2019)

(Sen. (Dr.) Isaac Mwaura, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 7th November, 2019)

Order deferred.

15. **THE ALTERNATIVE DISPUTE RESOLUTION BILL (SENATE BILLS NO. 19 OF**
2019)

Order for Second Reading read;

Motion made and Question proposed;

THAT the Alternative Dispute Resolution Bill (Senate Bills No. 19 of 2019) be now read a Second Time.

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

Debate arising;

And the time being thirty minutes past six o'clock, the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP) adjourned the Senate without Question put, pursuant to the Standing Orders.

16. **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
Thursday, November 14, 2019 at 2.30 p.m.*

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