



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 04, 2020 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 conveyed the following Communications from the Chair: -

(a) Visiting Pupils and Teachers from Kabiru School, Nairobi City County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from Kabiru School, Nairobi City 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) Tabling of reports of Parliamentary Delegations

“Honourable Senators,

On Thursday, 27th February, 2020, during the debate on the Motion on the adoption of the Report of the Parliament of Kenya Delegation to the 50th Commonwealth Parliamentary Association (CPA), Africa Region Conference, the Senator for Homa Bay County, Senator Moses Kajwang’ rose on a point of order seeking direction from the Chair as to whether the report of the said delegation was properly before the Senate.

The Senator argued that the report of the delegation had not been signed by a Member of the Senate who participated in the proceedings of the conference and as such, the signatory to the report was a stranger to the Senate.

Honourable Senators,

It is important to note that, tradition has it that delegation reports are signed by the leader of the delegation and tabled in both Houses of Parliament as they are parliamentary delegations. However, the Point of Order raised by the Senator for Homa Bay has brought an important perspective to the proceedings of the Senate.

Therefore, to avoid uncertainty as to the propriety of journals before the Senate, we are in consultation with the other House on the best and most pragmatic way of dealing with reports of parliamentary delegations, taking cognizance of the fact that in certain instances, one House represents the Parliament of Kenya at events.

In the meantime, the Report of the Parliament of Kenya delegation to the 50th Commonwealth Parliamentary Association (CPA), Africa Region Conference is properly before the Senate.

I thank you.”

(c) Visiting Pupils and Teachers from PCEA Makadara School, Nairobi City County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting pupils and teachers from PCEA Makadara School, Nairobi City 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 New Junior Campus Academy, Nairobi City County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from New Junior Campus Academy, Nairobi City 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.”

4. PETITIONS

Pursuant to Standing Order 226 (1) (a) and 230 (2) (b) the Speaker of the Senate presented to the Senate a Petition by Dr. Isaack Mwangi Mugo and Mr. Njiraini Wanjohi concerning recognition of graduates in Range Management and Animal Production Course to treat livestock disease and to offer related extension services.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Agriculture, Livestock and Fisheries for consideration, pursuant to Standing Order 232 (1).

5. PAPER LAID

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

Report of the 141st Assembly of the Inter-Parliamentary Union (IPU) and related meetings, held in Belgrade, Serbia, on 13th -17th October, 2019.

(Sen. Susan Kihika, MP)

6. NOTICE OF MOTION - (Chairperson, Ad hoc Committee on Managed Medical Equipment Services)

THAT, AWARE that the Senate resolved to establish a select Committee comprising nine (9) Senators to investigate and establish the facts surrounding the leasing of the Medical Equipment, in the now 119 beneficiary hospitals country wide;

APPRECIATING, that the mandate of the Select Committee is due to lapse on Friday, 6th March 2020;

REGRETING, that due to heavy workload and sheer magnitude of the assignment, the Committee is yet to table its report in the House and requires more time to hold hearings with crucial witnesses, amongst them Mr. James Macharia, EGH Cabinet Secretary in the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works, Dr. Nicholas Muraguri, CBS Principal Secretary, in the Ministry of Lands and Physical Planning and Amb. (Dr.) Cleopas Mailu;

NOW, THEREFORE, the Senate resolves to renew the mandate of the Committee by a further period of thirty (30) days to enable it conclude its work and table its report in the House.

7. NOTICE OF MOTION - (Sen. Susan Kihika, MP)

THAT, the Senate notes the report of the Parliament of Kenya Delegation to the 141st Assembly of the Inter-Parliamentary Union (IPU) and related meetings, held in Belgrade, Serbia, from 13th to 17th October, 2019 laid on the Table of the House on Wednesday, 4th March, 2020.

8. STATEMENTS**a) Pursuant to Standing Order 47(1)**

The Senator for Nakuru County (Sen. Susan Kihika, MP) made a Statement on a matter of national and international concern relating to the International Women's Day, scheduled to be observed on 8th March, 2020.

The Senator informed the Senate that the Inter-Parliamentary Union (IPU), to which she was privileged to serve as its Forum of Women Parliamentarians' President, had made numerous strides in the advancement of women in legislatures.

She stated that today, women were extremely prominent and vocal in the organization as a result of the mechanisms provided by the Bureau and Forum of Women Parliamentarians, for women legislators to influence the decisions made in their local parliaments. She further stated that the IPU had been a pioneer in introducing positive measures to ensure women occupy key positions in the organization. She further stated that the election of Hon. Gabriela Cuevas Barron, President of the IPU, was further testament to the organization's promotion of women in position of leadership.

The Senator drew the attention of the Senate to the fact that as a result of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), positive measures had been adopted in all parts of the world both at the level of political parties and in electoral laws. She highlighted that 130 countries had some type of gender quota in place and that these measures aimed to redress the historical discrimination that had led to women's underrepresentation in leadership due to factors such as limited access to resources, lesser decision-making power within families and society, and gender stereotypes that confine women to the domestic sphere.

The Senator informed the House that gender equality was everyone's responsibility and that national parliaments should lead the way, by becoming fully-gender sensitive institutions where women and men share responsibilities, and where there is a culture of zero tolerance towards sexism, harassment and violence against women, in line with the IPU guidelines and further highlighting that Parliaments must be gender-sensitive, inclusive and family-friendly workplaces.

The Senator concluded by extending an invitation to all Honourable Senators to a Pre-International Women's Day breakfast meeting scheduled to be held on Thursday, 5th March, 2020, at 7.30 a.m., in Parliament Buildings.

9. MOTION – EXTENSION OF THE MANDATE OF THE SELECT COMMITTEE ON THE MANAGED MEDICAL EQUIPMENT SERVICES

Order read;

Motion made and Question proposed;

THAT, AWARE that the Senate resolved to establish a select Committee comprising nine (9) Senators to investigate and establish the facts surrounding the leasing of the Medical Equipment, in the now 119 beneficiary hospitals country wide;

APPRECIATING, that the mandate of the Select Committee is due to lapse on Friday, 6th March 2020;

REGRETING, that due to heavy workload and sheer magnitude of the assignment, the Committee is yet to table its report in the House and requires more time to hold hearings with crucial witnesses, amongst them Mr. James Macharia, EGH Cabinet Secretary in the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works, Dr. Nicholas Muraguri, CBS Principal Secretary, in the Ministry of Lands and Physical Planning and Amb. (Dr.) Cleopas Mailu;

NOW THEREFORE, the Senate resolves to renew the mandate of the Committee by a further period of thirty (30) days to enable it conclude its work and table its report in the House.

(Chairperson, Ad-hoc Committee to investigate the Managed Medical Equipment Services)

Debate arising;

And there being no other Senator wishing to contribute;

Sen. Moses Wetang'ula, MP replied on behalf of Mover;

Before the Question was put and pursuant to Standing Order 79 (1), the Temporary Speaker (Sen. Rose Nyamunga, MP) informed the Senate that the Motion did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, AWARE that the Senate resolved to establish a select Committee comprising nine (9) Senators to investigate and establish the facts surrounding the leasing of the Medical Equipment, in the now 119 beneficiary hospitals country wide;

APPRECIATING, that the mandate of the Select Committee is due to lapse on Friday, 6th March 2020;

REGRETING, that due to heavy workload and sheer magnitude of the assignment, the Committee is yet to table its report in the House and requires more time to hold hearings with crucial witnesses, amongst them Mr. James Macharia, EGH Cabinet Secretary in the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works, Dr. Nicholas Muraguri, CBS Principal Secretary, in the Ministry of Lands and Physical Planning and Amb. (Dr.) Cleopas Mailu;

NOW THEREFORE, the Senate resolves to renew the mandate of the Committee by a further period of thirty (30) days to enable it conclude its work and table its report in the House.

10. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 13 OF 2018)**
(The Senate Majority Leader)
(*Second Reading*)
(Resumption of debate interrupted on Wednesday, 4th December, 2019)
(Division)
Order deferred.
11. **THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 1 OF 2018)**
(The Senate Majority Leader)
(*Second Reading*)
(Resumption of debate interrupted on Tuesday, 18th February, 2020)
(Division)
Order deferred.
12. **THE FISHERIES MANAGEMENT AND DEVELOPMENT (AMENDMENT) BILL (SENATE BILLS NO. 22 OF 2019)**
(Sen. Moses Kajwang', MP)
(*Second Reading*)
(Resumption of debate interrupted on Wednesday, 19th February, 2020)
(Division)
Order deferred.
13. **THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO.35 OF 2019)**
(The Senate Majority Leader)
(*Second Reading*)
(Resumption of debate interrupted on Thursday, 20th February, 2020)
(Division)
Order deferred.
14. **COMMITTEE OF THE WHOLE CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)**
(The Senate Majority Leader)
(Resumption of debate interrupted on Tuesday, 25th February, 2020)
(Division)
Order deferred.
15. **COMMITTEE OF THE WHOLE CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILLS NO. 22 OF 2018)**
(The Senate Majority Leader)
(Resumption of debate interrupted on Tuesday, 25th February, 2020)
(Division)

Order deferred.

16. **COMMITTEE OF THE WHOLE**
CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE
EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF 2018)

(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 25th February, 2020)
(Division)

Order deferred.

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

(Sen. Ledama Olekina, MP)

Order deferred.

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

(Sen. Mary Seneta, MP)

Order deferred.

19. **COMMITTEE OF THE WHOLE**
THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 39 OF 2019)

(The Senate Majority Leader)

Order deferred.

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

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

Order deferred.

21. **MOTION ON ADOPTION OF THE REPORT OF THE PARLIAMENT OF KENYA**
DELEGATION TO THE 50TH COMMONWEALTH PARLIAMENTARY ASSOCIATION
(CPA) AFRICA REGION CONFERENCE

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 50th Commonwealth Parliamentary Association (CPA) Africa Region Conference held in Zanzibar, Tanzania from 30th August to 5th September, 2019 and laid on the Table on 27th November, 2019.

(Resumption of debate interrupted on Thursday, 27th February, 2020)
(Balance of time 2 hours 47minutes)

(Sen. Abshiro Halake, MP)

Order deferred.

22. **MOTION ON ADOPTION OF THE REPORTS OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON ITS VISITS TO MALABA INTERNATIONAL BORDER POINT AND THE KIBWEZI-ATHI-MUTOMO-KITUI ROAD PROJECT**

THAT, the Senate adopts the reports of the Standing Committee on Roads and Transportation on the visit to the Malaba International Border Point (OSBP) and the inspection visit and familiarization of the Kibwezi-Athi-Mutomo-Kitui Road Project in Kitui County laid on the Table of the Senate on Wednesday, 4th December, 2019.

(Chairperson, Standing Committee on Roads and Transportation)

Order deferred.

And the time being Fourty three Minutes past Four O'clock, the Temporary Speaker (Sen. Rose Nyamunga, MP) adjourned the Senate without Question put, pursuant to the Standing Orders.

23. **SENATE ROSE** – at Fourty three Minutes past Four O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Thursday, March 5, 2020 at 2.30 p.m.*

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