



**TWELFTH PARLIAMENT - (FOURTH SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, NOVEMBER 11, 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. **PETITIONS**

- i) Pursuant to Standing Order 232(2), the Chairperson of the Standing Committee on Labour and Social Welfare tabled before the Senate the report of the Standing Committee on Labour and Social Welfare on a Petition to the Senate concerning the rounding up, detention, transfer and dumping of street children by the Nakuru County Government.

Pursuant to Standing Order 232(2), the Speaker allowed comments and observations from Senators in relation to the Petition.

- ii) Pursuant to Standing Order 230(2)(a), Sen. Kipchumba Murkomen, MP, presented on behalf of Nominated Senator (Sen. (Dr.) Isaac Mwaura, MP), a Petition to the Senate by Ms. Marion Juma and three others concerning challenges faced by patients suffering from Multiple Sclerosis (MS) and Neuromyelitis Optica (NMO).

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

4. **PAPERS**

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

- i) Report of the Standing Committee on Agriculture, Livestock and Fisheries on the consideration of the Mung Beans Bill (Senate Bills No. 9 of 2020).

*(Vice-Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)*

- ii) Report of the Standing Committee on Labour and Social Welfare on a Petition to the Senate concerning the rounding up, detention, transfer and dumping of street children by the Nakuru County Government.

*(Chairperson, Standing Committee on Labour and Social Welfare)*

- iii) Statement on the Business of the Senate for the coming week commencing 17<sup>th</sup> November, 2020.

*(The Senate Majority Leader)*

- iv) Statement by the Standing Committee on Justice, Legal Affairs and Human Rights on the Report of the Steering Committee on the Implementation of the Building Bridges to a united Kenya Taskforce Report.

*(Standing Committee on Justice, Legal Affairs and Human Rights)*

## 5. **STATEMENTS**

### **a) Pursuant to Standing Order 47(1)**

The Senator for Machakos County (Sen. Enoch Wambua, MP) made a Statement on the demise of Hon. Kyale Mwendwa, who was the first African Director of Education in Kenya, former Member of Parliament for Kitui West and former Minister for Livestock and Development, and the Ministry of Water.

The Senator conveyed his condolences to the Family of the late Hon. Kyale Mwendwa who passed away on 3<sup>rd</sup> November, 2020 at the age of 94. He stated that Hon. Mwendwa was one of Kenya's pioneer educationists and served as the first indigenous Kenyan Director of Education.

The Senator informed the House that, while Hon. Mwendwa was serving as Director of Education, he oversaw the establishment of a number of public primary and secondary schools as well as colleges and that his contribution to the education sector will be remembered for many years to come.

Additionally, the Senator informed the Senate that Hon. Mwendwa was among the political figures who founded the Democratic Party (DP) with former President Mwai Kibaki when multi-party democracy was reintroduced. The Late Hon. Mwendwa quit elective politics in 1992 to focus on other interests including the development of the education sector in the country. The Senator further stated that the late Hon. Mwendwa was the last of the famous Mwendwa brothers, with his death heralding the end of famous National Heroes from Kitui County.

Thereupon, the Speaker allowed several Senators to eulogize the Member and thereafter, pursuant to Standing Order No. 1, called upon the Senate to observe a minute of silence in honour of the late Hon. Kyale Mwendwa.

### **b) Pursuant to Standing Order 48 (1)**

Nominated Senator (Sen. Mercy Chebeni, MP), sought a Statement from the Standing Committee on Education regarding the review of accredited academic programmes and courses by the Commission for University Education (CUE).

**c) Pursuant to Standing Order 51(1) (a)**

The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights issued a Statement relating to the Report of the Steering Committee on the Implementation of the Building Bridges (BBI) to United Kenya Taskforce.

In the Statement, the Chairperson informed that Senate that the Committee held substantive deliberations and has made various observations on the constitutional amendments proposed in the BBI Report. Additionally, the Committee had made proposals with a view to further achieve the objectives of the BBI Report, to protect the interests of counties and the important role of the Senate.

The Chairperson informed the Senate that the Committee's deliberations bore fruit which consequently led to specific recommendations being made which would be adopted by the Senate by Resolution and form part of the official position of the Senate to the BBI Report.

The Chairperson thereafter used the opportunity to table the Statement of the Standing Committee on the BBI Report for the consideration of the Senate.

**d) Pursuant to Standing Order 51 (1) (b)**

The Chairperson, Sessional Committee on Delegated Legislation made a Statement relating to the activities of the Committee for the period 6<sup>th</sup> May – 4<sup>th</sup> November, 2020.

**e) Pursuant to Standing Order 52**

The Senate Majority Leader issued a Statement on the Business of the Senate for the coming week commencing 17<sup>th</sup> November, 2020.

**6. MOTION – ALTERATION OF THE SENATE CALENDAR (REGULAR SESSIONS) FOR THE FOURTH SESSION, 2020 (PART V)**

Order read;

Motion made and Question proposed;

THAT, notwithstanding the Resolutions of the Senate made on 27<sup>th</sup> February, 2020 (approval of the Senate Calendar), on 15<sup>th</sup> September, 2020 and 8<sup>th</sup> October, 2020, (alteration of the Senate Calendar); pursuant to Standing Orders 29(4) and 31(3), the Senate resolves to further alter its Calendar (Regular Sessions) for the Fourth Session, 2020, in respect of Part V, to hold one Sitting on Tuesdays, beginning on Tuesday, 10<sup>th</sup> November, 2020, until Tuesday, 1<sup>st</sup> December, 2020, and that the Senate Calendar (Regular Sessions) for the Fourth Session, 2020, be altered accordingly.

*(The Senate Majority Whip – 10.11.2020)*

Debate interrupted on Tuesday, 10<sup>th</sup> November, 2020 resumed;

Debate rising;

7. **QUORUM OF THE SENATE**

Rising on a point of order pursuant to Standing Order 36(1), the Senator for Kitui County (Sen. Enoch Wambua, MP) drew the attention of the Temporary Speaker (Sen. Rose Nyamunga, MP) that there was no quorum in the Senate;

And the Temporary Speaker, having counted the Senators present and confirmed that there was no quorum, caused the Division Bell to be rung for ten minutes;

And there being established a quorum after the expiry of ten minutes;

8. **THE HOUSE RESUMED**- (The Temporary Speaker (Sen. Rose Nyamunga, MP) in the Chair)

9. **MOTION – ALTERATION OF THE SENATE CALENDAR (REGULAR SESSIONS) FOR THE FOURTH SESSION, 2020 (PART V)**

Order read;

Motion made and Question proposed;

THAT, notwithstanding the Resolutions of the Senate made on 27<sup>th</sup> February, 2020 (approval of the Senate Calendar), on 15<sup>th</sup> September, 2020 and 8<sup>th</sup> October, 2020, (alteration of the Senate Calendar); pursuant to Standing Orders 29(4) and 31(3), the Senate resolves to further alter its Calendar (Regular Sessions) for the Fourth Session, 2020, in respect of Part V, to hold one Sitting on Tuesdays, beginning on Tuesday, 10<sup>th</sup> November, 2020, until Tuesday, 1<sup>st</sup> December, 2020, and that the Senate Calendar (Regular Sessions) for the Fourth Session, 2020, be altered accordingly.

*(The Senate Majority Whip – 10.11.2020)*

Debate interrupted resumed;

Amendment proposed,

THAT the Motion be amended by deleting the words “Tuesday, 10<sup>th</sup> November,” appearing after the word “beginning” and substituted thereof with the words “Wednesday, 11<sup>th</sup> November”.

*(The Deputy Senate Majority Leader)*

Debate on amendment arising;

And there being no other Senator wishing to contribute;

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

Question on amendment put, and agreed to.

Debate on the Motion as amended resumed;

And there being no other Senator wishing to contribute;

The Mover replied;

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

Question put, and agreed to.

**RESOLVED ACCORDINGLY**

THAT, notwithstanding the Resolutions of the Senate made on 27<sup>th</sup> February, 2020 (approval of the Senate Calendar), on 15<sup>th</sup> September, 2020 and 8<sup>th</sup> October, 2020, (alteration of the Senate Calendar); pursuant to Standing Orders 29(4) and 31(3), the Senate resolves to further alter its Calendar (Regular Sessions) for the Fourth Session, 2020, in respect of Part V, to hold one Sitting on Tuesdays, beginning on Wednesday, 11<sup>th</sup> November, 2020, until Tuesday, 1<sup>st</sup> December, 2020, and that the Senate Calendar (Regular Sessions) for the Fourth Session, 2020, be altered accordingly.

And the time being thirty minutes past six O'clock the Temporary Speaker (Sen. Rose Nyamunga, MP) adjourned the Senate without Question put, pursuant to the Standing Orders.

10. **SENATE ROSE** – at thirty Minutes past Six O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Tuesday, November 17, 2020 at 2:30 p.m.*

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