



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FIFTH SESSION)

VOTES AND PROCEEDINGS

THURSDAY, SEPTEMBER 23, 2021 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **COMMUNICATION FROM THE CHAIR ON RE-INTRODUCTION OF THE SESSIONAL COMMITTEE ON IMPLEMENTATION**

The Speaker conveyed the following Communication from the Chair-

“Honourable Senators,

As you may recall, on Wednesday, 15th September, 2021, the Senator for Vihiga County, Sen. George Khaniri, MP, while making a contribution to the Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate by Rev. (Dr.) Emmanuel Chemengich concerning illegal alienation of land belonging to Kitale Primary School by a private developer, noted that Standing Committees make progressive recommendations on various issues touching on the lives and livelihoods of Kenyans but the absence of an implementation committee makes it difficult for the Senate to pursue the matter with government ministries and other implementing agencies.

Senator Khaniri's observation was supported by a number of Senators, including, the Senator for Bungoma County, Sen. Moses Wetang'ula, MP, and the Senator for Makueni County, Sen. Mutula Kilonzo, Jnr., MP, who implored upon the Speaker, to convene a meeting of the Procedure and Rules Committee, to consider proposals for establishment of an Implementation Committee before the end of the term of the 12th Parliament.

This was not the first time that the matter of the Implementation Committee was canvassed on the floor of the Senate. Several Senators, particularly Sen. Mary Seneta, MP and Sen. Millicent Omanga, MP, commenting on diverse matters, attributed the inefficiency in follow up on resolutions of the Senate,

to a lack of an Implementation Committee in the Senate Standing Orders. Submissions have been made to the Procedure and Rules Committee, for amendment to the Standing Orders, to re-introduce the Sessional Committee on Implementation.

Honorable Senators,

The primary mandate of the Implementation Committee is to scrutinize the implementation of resolutions of the Senate and formal undertakings given by the National Executive. Currently, this mandate is vested in respective Standing Committees as outlined in Standing Order 218 (4), which provides that -

“The Standing Committees may, in dealing with the matters assigned to them under the Second Schedule, scrutinise the resolutions of the Senate (including adopted Committee reports), petitions and formal undertakings given by the National Executive and examine-

- a) whether or not such resolutions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within a reasonable time; and*
- b) whether or not legislation or subsidiary legislation passed by the Senate has been operationalised and, where operationalised, the extent to which such operationalisation has taken place within a reasonable time.”*

Honorable Senators,

At the Sitting of the Senate on Wednesday, 15th September, 2021, I assured the House that as the Chairperson of the Procedure and Rules Committee, I would convene a meeting of the Committee to consider, among others, the matter of the proposed reintroduction of the Implementation Committee, which meeting was held on Wednesday, 22nd September, 2021.

Honorable Senators,

The Procedure and Rules Committee is therefore undertaking a review of the Standing Orders which is customary towards the end of the term of Parliament to address gaps and inadequacies that have been identified in the Rules of Procedure in course of the tenure of the House.

Consequently, this is to request any Senator that has a proposed amendment to the Standing Orders to file them with the Speaker as set out in Standing Order 253.

I thank you!”

4. PETITIONS

- i. Pursuant to Standing Order 232(2), the Chairperson, Standing Committee on Education, presented to the Senate a report of the Committee on a Petition by Mr. Elkana Kitur concerning delayed payment to suppliers of commodities to public secondary schools during the first term of the academic year 2020; and
- ii. Pursuant to Standing Order 232(2), the Chairperson, Standing Committee on Education, presented to the Senate a report of the Committee on a Petition by teachers serving in Kajiado County, concerning promotion of teachers in the county to leadership positions.

5. PAPERS

The following papers were laid on the Table of the Senate –

- i) Report of the Standing Committee on Land, Environment and Natural Resources on the Natural Resources (Benefit Sharing) Bill, (Senate Bills No. 25 of 2020).

(Senate Majority Leader on behalf of the Chairperson, Standing Committee on Land, Environment and Natural Resources.)

- ii) Report of the Auditor-General on the financial statements of Kilifi - Mariakani Water & Sewerage Company Limited for the year ended 30th June, 2019.
- iii) Report of the Auditor-General on the financial statements of Kilifi County Microfinance (Mbegu) Fund for the year ended 30th June, 2019.
- iv) Report of the Auditor-General on the financial statements of Meru County Oils Limited for the year ended 30th June, 2019.
- v) Report of the Auditor-General on the financial statements of Mombasa County Consolidated Revolving Fund for the year ended 30th June, 2019.
- vi) Report of the Auditor-General on the financial statements of Mombasa County Alcoholic Drinks Control Fund for the year ended 30th June, 2019.
- vii) Statement on the Business of the Senate for the week commencing Tuesday, 28th September, 2021.

(The Senate Majority Leader)

6. **NOTICE OF MOTION - ADOPTION OF THE THIRD PROGRESS REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COVID-19 SITUATION IN KENYA AND PRELIMINARY FINDINGS ON THE NATIONWIDE COVID-19 VACCINE ROLLOUT**

(Sen. Millicent Omanga, MP, on behalf of the Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Third Progress Report of the Standing Committee on Health on the COVID-19 situation in Kenya and preliminary findings on the nationwide COVID-19 vaccine roll out, laid on the Table of the Senate on Tuesday, 21st September, 2021.

7. **STATEMENTS**

i) Pursuant to Standing Order 48 (1)

- a) Nominated Senator (Sen. Millicent Omanga, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding alleged shooting and subsequent death of Mr. Alex Macharia, a trader at Kahawa West in Nairobi City County, by the police.
- b) The Senator for Nairobi City County (Sen. Sakaja Johnson, MP) sought a statement from the Standing Committee on Health concerning the status of facilities and patient care at the Mbagathi Hospital in Nairobi City County.

ii) Pursuant to Standing Order 52(1)

The Senate Majority Leader issued a Statement on the Business of the Senate for the week commencing Tuesday, 28th September, 2021.

8. **MOTION - CENSURE OF HON. JOHN K. MUNYES, CABINET SECRETARY FOR PETROLEUM AND MINING AND HON. CHARLES KETER, CABINET SECRETARY FOR ENERGY**

Order read;

Motion made and Question proposed;

THAT AWARE that on 15th September, 2021, a statement was requested under Standing Order 48(1) regarding the recent increase of fuel prices by the Energy and Petroleum Regulatory Authority (EPRA);

AND WHEREAS the Speaker of the Senate directed the Standing Committee on Energy to invite the Cabinet Secretaries of the Ministries of Petroleum and Mining; and Energy to appear before the Committee on Tuesday, 21st

September, 2021 to apprise the Committee and the entire Senate on the unprecedented escalation of fuel prices in the country;

AND WHEREAS the Standing Committee on Energy invited the two Cabinet Secretaries, pursuant to Article 153 (3) and (4) of the Constitution, to appear before the Committee on Tuesday, 21st September, 2021 at 11.00 am;

NOTING that the said Cabinet Secretaries failed to honour the invitation to attend the meeting of the Committee;

COGNIZANT of the fact that the sharp increase in fuel prices in the country has had a ripple adverse effect on the economy leading to a rise in the cost of living and the cost of doing business on an already overburdened citizenry grappling with the effects of the COVID-19 pandemic ;

FURTHER AWARE that this increase in fuel prices has outraged a majority of Kenyans who bear the brunt of the effects of the increase such as high cost of transportation, high food prices, high cost of electricity among other adverse effects on most sectors of the economy;

NOW THEREFORE the Senate-

1. Expresses its grave concern on the unprecedented increase in fuel and electricity costs and the adverse effects that these have had on the economy and livelihoods of the people of Kenya; and
2. Expresses its dissatisfaction with the conduct of the two Cabinet Secretaries, namely- Hon. John K. Munyes, Cabinet Secretary for Petroleum and Mining and Hon. Charles Keter, Cabinet Secretary for Energy in failing to appear before the Senate to address these urgent issues thereby abdicating their responsibilities as set out in Article 153 (3) and (4) of the Constitution.

(The Senate Minority Leader – 22/09/2021)

Debate interrupted on Wednesday, 22nd September, 2021, resumed;

And there being no other Senator wishing to contribute;

The Mover replied;

Pursuant to Standing Order 79 (1), the Deputy Speaker (Sen. (Prof.) Margaret Kamar, MP) ruled that the Question did not affect Counties.

Question put and **agreed.**

RESOLVED ACCORDINGLY

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9. **THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 14 OF 2021)**

Order for Second Reading read;

Motion made and Question Proposed;

THAT, the Disaster Risk Management Bill (Senate Bills No. 14 of 2021) be now read a Second Time.

(Sen. Sakaja Johnson, MP – 16/09/2021)

Debate interrupted on Tuesday, 21st September, 2021 resumed;

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

10. **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, September 28, 2021 at 2.30 p.m.*

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