



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – THIRD SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, MARCH 12, 2019 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 Deputy Speaker.
3. **COMMUNICATION FROM THE CHAIR**

The Deputy Speaker conveyed the following Communication from the Chair: -

“Honourable Senators,

As you may recall, on 11<sup>th</sup> October, 2018, the Senator for Wajir County, Sen. (Dr.) Abdullahi Ali, MP sought for a Statement from the Standing Committee on Energy regarding frequent power rationing and power blackouts in Wajir County. Further, on 6<sup>th</sup> December, 2018, nominated Senator Sen. Judith Pareno, MP sought a statement from the Standing Committee on Energy regarding vandalism of electricity transformers serving schools and community projects in Kajiado County. The two statements elicited a lot of interest from Senators.

In order to effectively address concerns raised in the two Statements, the Standing Committee on Energy has invited the Cabinet Secretary, Ministry of Energy, to a meeting of the Committee, to address the matters and any other Statement relating to energy production and supply in Kenya.

All Honourable Senators are invited to the meeting of the Standing Committee, scheduled to be held tomorrow, Wednesday, 13<sup>th</sup> March, 2019 at 11:00 am, in the Senate Chamber.

I thank you”

**4. PAPER LAID**

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

Report of the First Ordinary Session of the Fifth Parliament of the Pan African Parliament held in Kigali, Rwanda, from 18<sup>th</sup> October to 3<sup>rd</sup> November, 2018.

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

**5. NOTICE OF MOTION - (Sen. (Dr.) Abdullahi Ali, MP)**

THAT, this House notes the Reports of the Sixth Ordinary Session of the Fourth Pan-African Parliament held in Midrand, South Africa, from 7<sup>th</sup> to 18<sup>th</sup> May, 2018, laid on the Table of the House on Tuesday, 24<sup>th</sup> July, 2018; and, the First Ordinary Session of the Fifth Parliament of the Pan African Parliament held in Kigali, Rwanda, from 18<sup>th</sup> October to 3<sup>rd</sup> November, 2018, laid on the Table of the House on Tuesday, 12<sup>th</sup> March, 2019.

**6. STATEMENTS****i) Statements pursuant to Standing Order No. 47 (1)**

The Senator for Mombasa County Sen. Mohamed Faki, MP made a statement pursuant to Standing Order 47(1) on a matter of County issue regarding the County Assembly of Mombasa. He thereafter informed the House that the County Assembly of Mombasa is established in the constitution as the legislative organ in the County with the powers to oversight the County Executive.

The Senator noted that the County Assembly had invited three County Executives to appear before their respective committees in the Assembly, however the County Executive did not honour the invitation to the Assembly, instead issued threats to dissolve the County Assembly by inviting people to sign a petition seeking to dissolve the county Assembly.

The Senator further stated that this has resulted into an act of intimidation of the County Assembly hence denying the Assembly opportunity to exercise its powers effectively as enshrined in the constitution. The Senator urged the Senate to protect the County Assembly of Mombasa and the guardian to devolutions.

**ii) Statement pursuant to Standing Order No. 48 (1)**

- a) The Senator for Vihiga County (Sen. George Khaniri, MP) sought a statement from the Standing Committee on Tourism, Trade and Industrialization regarding increased circulation, in the country, of counterfeit and substandard products, especially alcoholic brands.
- b) The Senator for Vihiga County (Sen. George Khaniri, MP) sought a statement from the Standing Committee on Labour and Social Welfare

regarding the status of implementation of the Senate Resolution of 18<sup>th</sup> July, 2018, on registration of persons with disabilities.

- c) The Senator for Wajir County (Sen. (Dr.) Abdullahi Ali, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding increased drug abuse in Wajir county.
- d) The Senator for Wajir County (Sen. (Dr.) Abdullahi Ali, MP) sought a statement from the Standing Committee on Education on technical and vocational training centres in North Eastern Kenya.

7. **MOTION - ELECTION OF A SENATOR TO PRESIDE OVER THE SENATE SITTING OF THE HOUSE PURSUANT TO ARTICLE 107(1)(C) AND 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 Senator Abshiro Halake, MP to preside over the sitting of the Senate, in the absence of the Speaker and the Deputy Speaker, for the remainder of the day.

*(Sen. Mahamud Mohamed, MP)*

Debate arising;

And there being no Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 79 (1), the Deputy 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 Senator Abshiro Halake, MP to preside over the sitting of the Senate, in the absence of the Speaker and the Deputy Speaker, for the remainder of the day.

8. **THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2019)**

(Sen. Aaron Cheruiyot, MP and Sen. Isaac Mwaura, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Labour and Social Welfare Committee.

9. **THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 27 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Preservation of Human Dignity and enforcement of Economic and Social Rights Bill (Senates Bill No.12 of 2018) be now read a Second Time.

*(Sen. Abshiro Halake– 28.02.2019)*

Debate interrupted on Thursday, 28<sup>th</sup> February, 2019 resumed on a Division;

The Deputy Speaker directed, pursuant to Standing Order 81, that the Division Bell be rung for five (5) minutes;

Upon the expiry of five (5) minutes, and in the absence of the requisite quorum to take the Division the Deputy Speaker deferred the Order pursuant to Standing Order 37.

10. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. Rose Nyamunga) – in the Chair)

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

National Assembly amendment to Clause 3

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.”

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

Debate arising;

National Assembly amendment to Clause 3

- Vote deferred

National Assembly amendment to Clause 4

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;

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

Debate arising;

National Assembly amendment to Clause 4 - Vote deferred

National Assembly amendment to Clause 9

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.”

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

Debate arising;

National Assembly amendment to Clause 9 - Vote deferred

National Assembly amendment to Clause 10

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

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

Debate arising;

National Assembly amendment to Clause 10 - Vote deferred

National Assembly amendment to Clause 11

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*.

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

Debate arising;

National Assembly amendment to Clause 11 - Vote deferred

National Assembly amendment to Clause 16

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 arising;

National Assembly amendment to Clause 16 - Vote deferred

National Assembly amendment to Clause 17

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.

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

Debate arising;

National Assembly amendment to Clause 17 - Vote deferred

National Assembly amendment to Clause 21

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 available for inspection by any person upon application pursuant to Article 35 of the Constitution.”

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

Debate arising;

National Assembly amendment to Clause 21 - Vote deferred

National Assembly amendment to Clause 23

THAT, Clause 23 of 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”.

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

Debate arising;

National Assembly amendment to Clause 23 - Vote deferred

National Assembly amendment to Clause 24



THAT, Clause 24 of the Bill be deleted and substituted there for 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.  
*(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)*

Debate arising;

National Assembly amendment to Clause 24 - Vote deferred

National Assembly amendment to Clause 25

THAT, Clause 25 of the Bill be deleted and substituted there for with the following new clause—

Inspection of stored products. 25.(1) The Chief Executive Officer, appointed Council Inspectors or authorized officers of the Council may inspect any agricultural 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.

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

Debate arising;

National Assembly amendment to Clause 25 - Vote deferred

National Assembly amendment to Clause 27

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”.

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

Debate arising;

National Assembly amendment to Clause 27 - Vote deferred

National Assembly amendment to Clause 30

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.”

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

Debate arising;

National Assembly amendment to Clause 30 - Vote deferred

National Assembly amendment to Clause 31

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”.

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

Debate arising;

National Assembly amendment to Clause 31 - Vote deferred

National Assembly amendment to Clause 32

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

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

Debate arising;

National Assembly amendment to Clause 32 - Vote deferred

National Assembly amendment to Clause 39

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

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

Debate arising;

National Assembly amendment to Clause 39 - Vote deferred

National Assembly amendment to Clause 41

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”.

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

Debate arising;

National Assembly amendment to Clause 41 - Vote deferred

National Assembly amendment to Clause 43

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.

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

Debate arising;

National Assembly amendment to Clause 43 - Vote deferred

National Assembly amendment to Clause 44

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.

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

Debate arising;

National Assembly amendment to Clause 44 - Vote deferred

National Assembly amendment to Clause 45

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.

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

Debate arising;

National Assembly amendment to Clause 45 - Vote deferred

National Assembly amendment to Clause 48

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

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

Debate arising;

National Assembly amendment to Clause 48 - Vote deferred

National Assembly amendment to Clause 50

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

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

Debate arising;

National Assembly amendment to Clause 50 - Vote deferred

National Assembly amendment to the Schedule

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”.

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

Debate arising;

National Assembly amendment to the Schedule - Vote deferred

National Assembly amendment to Clause 2

THAT, Clause 2 of the Bill 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.

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

Debate arising;

National Assembly amendment to Clause 2 - Vote deferred

### **Progress Report**

Motion made;

THAT, the Committee of the Whole do report to the House its consideration of the National Assembly amendments to the Warehouse Receipts System Bill (Senate Bills No. 10 of 2017) and seek leave to sit again tomorrow.

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

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

Question put and agreed to.

11. **HOUSE RESUMED** - Temporary Deputy Speaker ( Sen.Halake Abshiro) in the Chair.

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

Progress reported;

Motion made and Question proposed;

THAT, the House do agree with the Committee in the said report.  
*(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)*

There being no Senator wishing to contribute;

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

Question put and agreed to.

13. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(Acting Chairperson of Committees (Sen. Rose Nyamunga) – in the Chair)

**Consideration of National Assembly Amendments to the Assumption of Office of the County Governor Bill (Senate Bills No. 1 of 2018)**

National Assembly amendment to Clause 5

THAT, Clause 5 of the Bill be amended in sub clause 2 by inserting the following new paragraph immediately after paragraph (f)–  
“(fa) a representative of the Ministry responsible for matters related to devolution;  
*(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

National Assembly amendment to Clause 5

– Vote deferred

National Assembly amendment to Clause 6

THAT, Clause 6 of the Bill be amended in sub clause (1) by deleting the words “to be at the service of the Governor elect” appearing in Paragraph (c) and substituting therefor the words “for the Governor-elect”.

*(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

National Assembly amendment to Clause 6 – Vote deferred

National Assembly amendment to Clause 16

THAT, Clause 16 of the Bill be amended by-

- (a) renumbering the proposed clause as subclause (1);
- (b) inserting the following new paragraph immediately after paragraph (b) — “(c) to swearing of a speaker of a county assembly who assumes office under Article 182(5) of the Constitution”;
- (c) inserting the following new subclause after the proposed clause— “(2) Upon nullification of an election of a county governor and a receipt of the notification by a relevant speaker, the speaker of a county assembly shall assume office as a governor within seven days and an election shall be held pursuant to Article 182(5) of the Constitution.”

*(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

National Assembly amendment to Clause 16 – Vote deferred

National Assembly amendment to Clause 21

THAT, Clause 21 of the Bill be amended by inserting the word “committee” immediately after the word “governor”.

*(The Chairperson, Standing Committee on Devolution and intergovernmental Relations)*

National Assembly amendment to Clause 21 – Vote deferred

National Assembly amendment to Clause 23

THAT, Clause 23 of the Bill be amended by inserting the following new subsection immediately after the proposed new subsection (1B)—

“(1C) Where a vacancy arises as contemplated under section (1A), the speaker of a county assembly shall act as a governor and an election shall be held pursuant to Article 182(5) of the Constitution”.

*(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

National Assembly amendment to Clause 23 – Vote deferred

National Assembly amendment to Clause 2

THAT, clause 2 of the Bill be amended by inserting the definition of the word “county public officer” in its proper sequence—

“county public officer” has the meaning assigned to it under the County Governments Act.

*(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

National Assembly amendment to Clause 2 - vote deferred

**Progress Report**

Motion made;

THAT, the Committee of the Whole do report to the House its consideration of the National Assembly amendments to Assumption of Office of the County Governor Bill (Senate Bills No. 1 of 2018) and seek leave to sit again tomorrow.

*(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

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

Question put and agreed to.

14. **HOUSE RESUMED** – Temporary Speaker (Sen. Abshiro Halake,MP) – in the Chair

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

Progress reported;

Motion made and Question proposed;

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

*(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

There being no Senator wishing to contribute;

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

Question put and agreed to.



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

Order for Second Reading read;  
Motion made and Question proposed-

THAT, the County Statutory Instruments Bill (Senate Bills No. 21 of 2018) be now read a Second Time.

*(Vice Chairperson, Sessional Committee on Delegated Legislation)*

17. **MOTION – ADJOURNMENT OF DEBATE**

Motion made and Question proposed;

THAT, pursuant to Standing Order 105, the debate on the County Statutory Instruments Bill (Senate Bills No. 21 of 2018) be now adjourned.

*(Sen. Naomi Waqo, MP)*

And there being no Senator wishing to contribute;

Before the Question was put, the Temporary Speaker (Sen. Abshiro Halake,MP) ruled, pursuant to Standing Order 79 (1), that the Motion did not affect counties.

Question put and agreed to

**RESOLVED ACCORDINGLY**

That, pursuant to Standing Order 105, the debate on the County Statutory Instruments Bill (Senate Bills No. 21 of 2018) be now adjourned.

18. **THE DETERMINATION OF THE NATURE OF BILLS (PROCEDURE) BILL (SENATE BILLS NO. 30 OF 2018)**

(Sen. Mutula Kilonzo Jnr., MP and Sen. Sakaja Johnson, MP)

Order for Second Reading read;

Order deferred.

19. **THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO 31 OF 2018)**

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

Order for Second Reading read;

Order deferred.

20. **THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 32 OF 2018)**

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

Order for Second Reading read;

Order deferred.

21. **THE ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2018)**

(Sen. Ledama Olekina, MP)

Order for Second Reading read;

Order deferred.

22. **THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL (SENATE BILLS NO. 34 OF 2018)**

(Chairperson, Standing Committee on Finance and Budget)

Order for Second Reading read;

Order deferred.

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

(Sen. Aaron Cheruiyot, MP)

Order for Second Reading read;

Order deferred.

And there being no other business on the Order Paper, the Temporary Speaker (Sen. Abshiro Halake, MP) adjourned the Senate at four minutes past Five O'clock without Question put, pursuant to the Standing Orders.

24. **SENATE ROSE** – at four minutes past Five O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Wednesday, March 13, 2019 at 2.30 p.m.*

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