



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, JULY 18, 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 Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair.

a) Visiting Students and Teachers from Nabongo Primary School, Bungoma County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Nabongo Primary School in Bungoma County.

On behalf of the Senate and on my own behalf, I welcome you to the Senate and wish you well for the remainder of your stay.

I thank you.”

b) Visiting Students and Teachers from Kilimo Primary School, Nakuru County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Kilimo Primary School in Nakuru County.

On behalf of the Senate and on my own behalf, I welcome you to the Senate and wish you well for the remainder of your stay.

I thank you.”

c) Visiting Students and Teachers from Uhuru High School, Baringo County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Uhuru High School in Baringo County.

On behalf of the Senate and on my own behalf, I welcome you to the Senate and wish you well for the remainder of your stay.

I thank you.”

d) Visiting Students and Teachers from Ngiluni Primary School, Makueni County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Ngiluni Primary School in Makueni County.

On behalf of the Senate and on my own behalf, I welcome you to the Senate and wish you well for the remainder of your stay.

I thank you.”

e) Visiting Students and Teachers from Avenue Maria Primary School, Makueni County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Ave Maria Primary School in Makueni County.

On behalf of the Senate and on my own behalf, I welcome you to the Senate and wish you well for the remainder of your stay.

I thank you.”

4. **PAPERS LAID**

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

- i) Report of the Standing Committee on Labour and Social Welfare on the Persons with Disabilities (Amendment) Bill (Senate Bills No. 1 of 2019).

(Vice-Chairperson, Standing Committee on Labour and Social Welfare)

- ii) Statement on the business of the Senate for the week commencing Tuesday, 23rd July, 2019.

(The Senate Majority Leader)

5. **NOTICE OF MOTION** – (Sen. (Dr.) Getrude Musuruve, MP)

THAT, AWARE THAT, Persons with Disabilities (PWDs) and their families are among the world’s poorest and are disadvantaged in terms of their late entry into the labour-force;

FURTHER AWARE THAT the reality of employing disabled people does not match the presumptions held by employers, the influence of how they think about disability remains a potent issue for disabled people seeking to work;

COGNIZANT THAT Article 19 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) affirms the equal right of all persons with disabilities to live in a community with choices equal to others, and with equal access to services and facilities that are responsive to their needs;

NOTING THAT, unlike current trends around the world, employers in Kenya are not incentivized to employ Persons with Disabilities and therefore most public organizations and parastatals have not yet achieved the threshold of Article 54(2) of the Kenyan Constitution that obligates 5% appointment of PWDs in elective and appointive positions;

CONCERNED THAT, Article 27(e) of the UNCRPD advocates for party states, of which Kenya is one, to promote employment opportunities and career advancements of PWDs in the labour market as well as assistance in finding, obtaining, maintaining and returning to employment;

NOW THEREFORE; the Senate calls upon the Ministry of Labour and Social Protection and county governments to develop a policy to ensure that:

1. PWDs in gainful employment in public service retire at the age of 65 years instead of 60 years; and,
2. PWDs in academia, such as Universities and colleges retire at the age of 75 years, instead of 70 years.

6. **STATEMENTS**

i) Statements pursuant to Standing Order 47 (1)

- a) The Nominated Senator (Sen. Farhiya Haji, MP) made a statement on an issue of general topical concern, namely the election of Sen. Naomi Waqo, MP, as Chairperson of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration.

In the statement, Sen. Haji noted that the election of Sen. Waqo marked a major milestone for women leadership in the Senate, as she was the first woman to be elected as Committee Chairperson in the 12th Parliament, and the first to be elected as Chairperson of a Standing Committee of the Senate.

Senator Haji therefore congratulated Sen. Waqo on her election and wished her well in her new assignment.

- b) The Senator for Uasin Gishu County (Sen. (Prof) Margaret Kamar, EGH, MP) made a statement on an issue of general topical concern, namely the maize situation in the country.

In the statement, she noted that the Senate passed a resolution adopting a report of the *ad hoc* Committee formed by the Senate on 8th August, 2018 to investigate and come up with solutions that would enable farmers overcome challenges related to production, management and sale of maize.

She further noted that it was expected that pursuant to Standing Order 215, the Cabinet Secretary responsible for Agriculture and other holders of independent offices to whom the report was submitted, would report back to the House on how they plan to handle the House resolutions.

She expressed concern that the Cabinet Secretary responsible for Agriculture had expressed intention to import maize yet he had not taken stock of the amount of maize the local farmers were expected to harvest in the next two months.

She cautioned that the action of the Minister was likely to cause instability in the maize production. She urged the Standing Committee on Agriculture, Livestock and Fisheries to take keen interest in the matter and further to follow up on the implementation of House resolutions.

After deliberations and pursuant to Standing Order 47(3), the Temporary Speaker (Sen. (Dr.) Ltumbesi Lelegwe, MP) committed the statement to the Standing Committee on Agriculture, Livestock and Fisheries.

ii) Statement pursuant to Standing Order 48 (1)

The Senator for Vihiga County (Sen. George Khaniri, MP) sought a statement from the Standing Committee on Energy on the billing scandal at the national power utility firm, Kenya Power.

iii) Statement pursuant to Standing Order No. 52(1)

The Senate Majority Leader issued a statement regarding the business of the Senate for the week commencing Tuesday, 23rd July, 2019.

7. **PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD IN RESPECT OF THE DIVISION OF REVENUE BILL (SENATE BILLS NO. 13 OF 2019)**

Order read;

Motion made and Question proposed;

THAT, pursuant to Standing Order 134, of the Senate Standing Orders, this House resolves to reduce the publication period in respect of the Division of Revenue Bill (Senate Bills No. 13 of 2019), from Seven (7) days to One (1) day.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

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

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, pursuant to Standing Order 134, of the Senate Standing Orders, this House resolves to reduce the publication period in respect of the Division of Revenue Bill (Senate Bills No. 13 of 2019), from Seven (7) days to One (1) day.

8. **THE DIVISION OF REVENUE BILL (SENATE BILLS NO. 13 OF 2019)**
(Chairperson, Standing Committee on Finance and Budget)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Finance and Budget.

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

9. **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, July 23, 2019 at 2.30 p.m.*