



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (FOURTH SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, FEBRUARY 18, 2020 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: -

(i) **Briefing on the Budget Policy Statement, 2020**

“Honourable Senators,

As you may be aware, pursuant to Standing Order 180 (1), the Budget Policy Statement for the Financial Year 2020/2021 was tabled in the Senate on Thursday, 13<sup>th</sup> February, 2020 and pursuant to Standing Order 180 (4) committed to the Standing Committee on Finance and Budget to consider and table a report within twelve days. I had also directed all other Standing Committees to present their views on the Budget Policy Statement to the Standing Committee on Finance and Budget for consolidation and presentation.

In this regard, the Standing Committee on Finance and Budget has organized a breakfast meeting for all Senators tomorrow, Wednesday, 19<sup>th</sup> February, 2020 at 07:00 am in the Main Restaurant, Parliament Buildings and, thereafter, a briefing in the Senate Chamber.

I wish to request all Honourable Senators to avail themselves and keep time for this important briefing.

I thank you”.

(ii) **Visiting Members of Staff from Homa Bay County Assembly**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of members of staff from Homa Bay County Assembly.

They are: -

- 1) Joan Onyway - Hansard Editor;
- 2) Anne Wasulwa - Secretary; and
- 3) Elizabeth Ochieng' - Secretary.

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) (b) and 230 (2) (a) the Senator for Lamu County (Sen. Anuar Loitip) presented to the Senate a Petition, on behalf of residents of Lamu County, regarding the status of health facilities and healthcare in Lamu County.

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

5. **PAPERS LAID**

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

- (i) Report of the Controller of Budget on the First Quarter County Governments Budget Implementation Review for the Financial Year 2019/2020.
- (ii) Performance Report by the Cabinet Secretary for the Ministry of Health for the Financial Year 2018/2019, pursuant to Article 153 (4)(b) of the Constitution of Kenya.
- (iii) Report of the Auditor-General on the Financial Statements for the National Government for the Year 2016/2017.
- (iv) Summary of the Report of the Auditor-General on the Financial Statements for the National Government for the Year 2016/2017.

*(The Senate Majority Leader)*

6. **NOTICE OF MOTION - REPORT OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON ITS INQUIRY INTO PROJECTS UNDERTAKEN BY THE KENYA MARITIME AUTHORITY, THE KENYA FERRY SERVICES AND THE NATIONAL SOCIAL SECURITY FUND(NSSF)**

(Chairperson, Standing Committee on Roads and Transportation)

THAT, the Senate adopts the Report of the Standing Committee on Roads and Transportation on its inquiry into projects undertaken by the Kenya Maritime Authority, Kenya Ferry Services and the National Social Security Fund, laid on the Table of the Senate on Thursday, 21<sup>st</sup> November, 2019.

7. **NOTICE OF MOTION – REPORT OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON ITS VISITS TO MALABA INTERNATIONAL BORDER POINT AND THE KIBWEZI-ATHI-MUTOMO-KITUI ROAD PROJECT**  
(Chairperson, Standing Committee on Roads and Transportation)

THAT, the Senate adopts the report 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, 4<sup>th</sup> December, 2019.

8. **STATEMENTS**

**(i) Statement Pursuant to Standing Order 47(1)**

The Senator for Kitui County (Sen. Enock Kiio Wambua, MP) made a statement on locust invasion in parts of the country, particularly the lower Eastern region, including Kitui, Makueni and Machakos counties, the upper Eastern region including Embu County and the North Eastern region, in particular Wajir and Garissa counties.

Thereupon, the Senator observed that swarms of migratory locust had been identified as a serious threat to agricultural communities since biblical times. The Senator informed the House that the Horn of Africa was facing a locust invasion of an unprecedented scale and that Kenya was right at the centre of this calamity.

The Senator also informed the House that the desert locust was considered as one of the most dangerous of the flying pests by the Food and Agriculture Organization of the United Nations (FAO) and the current invasion remained extremely serious because the locusts seemed to be invading more areas each passing day and that the devastation visited on vegetation thereby was so intense as it was estimated a small swarm covering one square kilometer could eat the same amount of food in one day as 35,000 people, making it a great risk to food security and social stability both at the national level and in the areas under invasion.

The Senator called upon the government to act fast and mobilize the required resources to scale up control and preventive measures, including the formation of a National Task Force to control and manage the situation.

Thereupon, the Deputy Speaker, pursuant to Standing Order 47(3), referred the matter to the Standing Committee on Agriculture, Livestock and Fisheries and directed that the Committee invites the relevant Cabinet Secretary to a Committee of the Whole to address the Senate's concerns on Thursday, 20<sup>th</sup> February, 2020 at 9.00 a.m.

**(ii) Statement Pursuant to Standing Order 48(1)**

Nominated Senator (Sen. Beatrice Kwamboka, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations on the state of the Industrial Area Remand Prison in Nairobi City County.

9. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON MOTIONS**

Order read;

Motion made and Question proposed-

THAT, pursuant to Standing Order 106 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner: -

*A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.*

*(The Senate Majority Leader)*

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 Order 106 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner: -

*A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.*

10. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON A MOTION OF ADJOURNMENT**

Order read;

Motion made and Question proposed-

THAT, notwithstanding the provisions of Standing Order 106 (4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

*(The Senate Majority Leader)*

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, notwithstanding the provisions of Standing Order 106 (4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

11. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON A MOTION ON THE ADDRESS BY THE PRESIDENT**

Order read;

Motion made and Question proposed-

THAT, pursuant to Standing Order 106 (1), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

*(The Senate Majority Leader)*

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 Order 106 (1), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

12. **MOTION ON THE CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)**

Order read;

Motion made and Question proposed-

THAT, the amendments by the National Assembly to the Office of the County Attorney Bill (Senate Bills No. 3 of 2018) be now considered.

*(The Senate Majority Leader)*

Debate arising;

There being no other Senator wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 79 (1), the Deputy Speaker informed the House that the Motion affects counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

THAT, the amendments by the National Assembly to the Office of the County Attorney Bill (Senate Bills No. 3 of 2018) be now considered.

13. **MOTION ON THE CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILLS NO. 22 OF 2018)**

Order read;

Motion made and Question proposed-

THAT, the amendments by the National Assembly to the Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018) be now considered.

*(The Senate Majority Leader)*

Debate arising;

There being no other Senator wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 79 (1), the Deputy Speaker informed the House that the Motion affects counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

THAT, the amendments by the National Assembly to the Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018) be now considered.

14. **MOTION ON THE CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF 2018)**

Order read;

Motion made and Question proposed-

THAT, the amendments by the National Assembly to the Early Childhood Education Bill (Senate Bills No. 26 of 2018) be now considered.

*(The Senate Majority Leader)*

Debate arising;

There being no other Senator wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 79 (1), the Deputy Speaker informed the House that the Motion affects counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

THAT, the amendments by the National Assembly to the Early Childhood Education Bill (Senate Bills No. 26 of 2018) be now considered.

15. **THE REPRODUCTIVE HEALTH BILL (SENATE BILLS NO. 23 OF 2019)**  
(Sen. Susan Kihika, MP)

Order for First Reading Read;

Bill Read a First Time and Committed to the Standing Committee on Health.

16. **THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2019)**  
(Sen. Johnes Mwaruma, MP)

Order for First Reading Read;

Bill Read a First Time and Committed to the Standing Committee on Land, Environment and Natural Resources.

17. **THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2020)**  
(Sen. Abshiro Halake, MP)

Order for First Reading Read;

Bill Read a First Time and Committed to the Standing Committee on Justice, Legal Affairs and Human Rights.

18. **THE LIFESTYLE AUDIT (NO. 2) BILL (SENATE BILLS NO. 21 OF 2019)**  
(Sen. (CPA) Farhiya Ali Haji, MP)

Order deferred.

19. **THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (SENATE BILLS NO.22 OF 2019)**  
(Sen. Moses Kajwang', MP)

Order for Second Reading read;

Order deferred.

20. **THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 1 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Sacco Societies (Amendment) Bill (National Assembly Bills No. 1 of 2018 be now read a Second Time.

*(The Senate Majority Leader)*

Debate arising;

There being no other Senator wishing to contribute;

Mover replied;



Raising a point of Order, the Senate Majority Leader requested that the putting of the Question be deferred to a later date, pursuant to Standing Order 61 (3).

And the Temporary Speaker (Sen. (Prof.) Margaret Kamar, EGH, MP), acceding to the request, deferred the putting of the Question to a later date.

And the time being thirty Minutes past Six O'clock, the Temporary Speaker (Sen. (Prof.) Margret Kamar, MP) adjourned the Senate without Question put, pursuant to the Standing Orders.

21. **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  
Wednesday, February 19, 2019 at 2.30 p.m.*

--x--