



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, MARCH 10, 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. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

(a) Demise of Hon. Suleiman Dori, Member of Parliament for Msambweni Constituency

“Honourable Senators,

On the morning of Monday, 9th March, 2020, the country received with great sorrow, the sad news of the demise of the Member of the National Assembly for Msambweni Constituency, the late Hon. Suleiman Dori, MP.

The Honourable Member passed on while undergoing treatment at the Aga Khan Hospital, Mombasa County and was laid to rest yesterday afternoon in accordance with the Muslim faith.

Honourable Senators,

The late Honourable Suleiman Dori was born in Msambweni Constituency, Kwale County on 19th October 1977. He attended, Tudor Secondary School and later other institutions, including the Young Men Christian Association (YMCA) where he was trained on Community Development.

The late Hon. Dori made his debut in national politics in the March, 2013 General Election when he successfully vied for the Msambweni Constituency where he served from 2013 to 2017. He was subsequently re-elected in the 2017 General Elections in the same capacity.

He was a vibrant Member of the National Assembly who served actively and diligently. During his first term in Parliament, Hon. Suleiman Dori served as an illustrious member of the Departmental Committee on Lands as well as the

Departmental Committee on Transport, Public Works and Housing. In his second term in Parliament, he was reappointed to the Departmental Committee on Transport, Public Works and Housing where he had been serving diligently.

Honourable Senators,

On behalf of all Senators, the staff of the Senate, and on my own behalf, I wish to convey my deepest condolences to his family, friends and the people of Msambweni Constituency. Indeed, the country has lost an astute leader who championed the empowerment of the people he represented.

May the Almighty God grant comfort to his family, friends, relatives and the people of Msambweni Constituency, during this painful and sorrowful period.

May the Lord rest his soul in eternal peace.

Hon. Senators, in honour of our departed colleague, I request that we all rise in our places and observe a minute of silence.

I thank you.”

(b) Visiting Pupils and Teachers from Kairi Secondary School, Kiambu County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from Kairi Secondary School, Kiambu County.

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.”

(c) Visiting Pupils and Teachers from Sawagongo Boys High School, Siaya County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from Sawagongo Boys High School, Siaya County.

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. PAPER LAID

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

Report of the Third Ordinary Session of the 5th Parliament of the Pan-African Parliament held from 7th to 18th October, 2019 in Midrand, South Africa.

(Sen. Susan Kihika, MP on behalf of Sen. (Dr.) Abdullahi Ali Ibrahim, MP)

5. NOTICE OF MOTION- REPORT OF THE THIRD ORDINARY SESSION OF THE 5TH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT HELD FROM 7TH TO 18TH OCTOBER, 2019 IN MIDRAND, SOUTH AFRICA.

(Sen. Susan Kihika, MP on behalf of (Sen. (Dr.) Abdullahi Ali Ibrahim, MP)

THAT, the Senate notes the Report of the Third Ordinary Session of the 5th Parliament of the Pan-African Parliament held from 7th to 18th October, 2019 in Midrand, South Africa.

6. NOTICE OF MOTION- RECOGNIZING AND APPRECIATING THE ELDERLY BY COUNTY GOVERNMENTS

(Sen. Rose Nyamunga, MP)

THAT, AWARE that in 2006, the National Government initiated the Older Persons Cash Transfer (OPCT) Programme, popularly known as *Pesa ya Wazee*, which is an unconditional cash transfer programme to destitute elderly persons above the age of 65 years to cater for their subsistence needs;

NOTING THAT the beneficiaries receive a monthly stipend of Kshs. 2,000, delivered every two months through appointed payment agents, and also entitled to medical insurance through the National Health Insurance Fund (NHIF);

CONCERNED HOWEVER THAT the programme's credibility is marred by issues of delayed payments to beneficiaries, difficulties in processing of payments through the stipulated agents and payments to unregistered persons;

NOW THEREFORE, the Senate recommends that the County Governments complement the efforts of the National Government and assist in resolving these challenges by:-

1. Developing legislation and policies to protect the elderly including ensuring all elderly persons in their counties are registered in the OPCT programme; and
2. Organise value addition mechanisms such as financial training to help the beneficiaries of the programme to efficiently utilise this allowance.

7. STATEMENTS**a) Pursuant to Standing Order 47(1)**

The Nominated Senator (Sen. Rose Nyamunga, MP) made a Statement on an issue of general topical concern, namely the menace that is caused by security personnel manning business premises.

In the statement, she noted that there is growing concern among Kenyans from all walks of life regarding the manner in which some security guards have executed their duties which often results in humiliation and embarrassing situations; operating with little or no regard to the laid down regulations/guidelines as provided for in Sections 27 and 47 of the Private Security Regulation Act (2016).

She was concerned that many cases have been reported where clients have been abused, assaulted and even embarrassed by security guards when accessing business premises, with media reports showing that some people have been fatally injured during altercations between them and the guards like the case at the Nyali Mall in Mombasa where a man died following one such incident.

She further noted that business premises that have untrained security guards should recognize the importance of good Customer care/courtesy and etiquette since it has a direct bearing on business growth.

b) Pursuant to Standing Order 48(1)

- i. Nominated Senator (Sen. Rose Nyamunga, MP) sought a statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning the state of Ahero and West Kano Irrigation Schemes.
- ii. Seneta wa Kaunti ya Mombasa (Sen. Mohamed Faki, MP) aliomba taarifa kutoka kwa Kamati ya Kudumu ya Barabara na Uchukuzi kuhusu ubomoaji wa makazi ya watu wa eneo la Mwaeba, Wadi ya Miritini, Eneo bunge la Jomvu, Kaunti ya Mombasa.

8. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 13 OF 2018)

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 4th December, 2019)

(Division)

Order deferred.

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

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 18th February, 2020)

(Division)

Order deferred.

10. THE FISHERIES MANAGEMENT AND DEVELOPMENT (AMENDMENT) BILL (SENATE BILLS NO. 22 OF 2019)

(Sen. Moses Kajwang', MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 19th February, 2020)
(Division)

Order deferred.

11. **THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO.35 OF 2019)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Thursday, 20th February, 2020)
(Division)

Order deferred.

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

(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 25th February, 2020)
(Division)

Order deferred.

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

(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 25th February, 2020)
(Division)

Order deferred.

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

(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 25th February, 2020)
(Division)

Order deferred.

15. **MOTION - ADOPTION OF REPORTS OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON ITS VISITS TO MALABA INTERNATIONAL BORDER POINT AND THE KIBWEZI-ATHI-MUTOMO-KITUI ROAD PROJECT**

THAT, the Senate adopts the reports 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, 4th December, 2019.

(Chairperson, Standing Committee on Roads and Transportation)

Order deferred.

16. **MOTION - NOTING OF THE REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 50TH COMMONWEALTH PARLIAMENTARY ASSOCIATION (CPA) AFRICA REGION CONFERENCE**

Motion made and Question proposed;

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 50th Commonwealth Parliamentary Association (CPA) Africa Region Conference held in Zanzibar, Tanzania from 30th August to 5th September, 2019 and laid on the Table on 27th November, 2019.

(Sen. Abshiro Halake, MP)

Debate interrupted on Thursday, 27th February, 2020 resumed;

And there being no other 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, the Senate notes the Report of the Parliament of Kenya Delegation to the 50th Commonwealth Parliamentary Association (CPA) Africa Region Conference held in Zanzibar, Tanzania from 30th August to 5th September, 2019 and laid on the Table on 27th November, 2019.

17. **THE LIFESTYLE AUDIT (NO. 2) BILL (SENATE BILLS NO. 21 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed: -

THAT, the Lifestyle Audit (No. 2) Bill (Senate Bills No. 21 of 2019) be now read a Second time.

(Sen. (CPA) Farhiya Ali Haji, MP – 03.03.2020)

Debate interrupted on Thursday, 5th March, 2020 resumed;

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

18. **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, March 11, 2020 at 2:30 p.m.*

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