

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 29th December 2020

Special Sitting

*(Convened via Kenya Gazette Notice
No.11251 of 26th December, 2020)*

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Speaker (Hon. Lusaka) in the Chair]

PRAYER

PAPER LAID

REPORT ON THE ANTI-DOPING (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO. 51 OF 2020)

The Speaker (Hon. Lusaka): Where is the Chairperson of the Committee or any Member of the Committee?

Deputy Chief Whip, you can table on behalf of the Committee.

Sen. Farhiya: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Tuesday 29th December, 2020-

Report of the Standing Committee and Social Welfare on the Anti-Doping (Amendment) Bill (National Assembly Bills No. 51 of 2020).

(Sen. Farhiya laid the document on the Table)

The Speaker (Hon. Lusaka): We move on to the next Order.

BILL*Second Reading*

THE ANTI-DOPING (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO. 51 OF 2020)

(Sen. Farhiya on 29.12.2020 - Morning Sitting)

(Resumption of debate interrupted on 29.12.2020 - Morning Sitting)

The Speaker (Hon. Lusaka): It is time for Division. Let the Bell be rung for five minutes. Whips, make sure that you whip the Members.

(The Division Bell was rung)

Okay. The Bell can stop so that we can proceed to vote. I direct that the doors be locked and the Bar drawn.

(The Bar was drawn and the doors closed)

Order! I now put the question, which is, that The Anti-Doping (Amendment) Bill (National Assembly Bills No.51 of 2020) be now read a Second Time. Vote now.

(Hon. Senators proceeded to vote)

The Speaker (Hon. Lusaka): Whips, we have two more votes. I want to ask Senators to remain put so that we vote.

DIVISION

ROLL CALL VOTING

*(Question, that the Anti-Doping (Amendment) Bill
(National Assembly Bills No.51 of 2020) be now read a
Second Time put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat; Bomet County; Sen. (Dr.) Lelegwe,

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Samburu County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. (Dr.) Musuruve, Kakamega County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

Teller of the Ayes: Sen. Halake

NOES: Nil

Teller of the Noes: Sen. Faki

The Speaker (Hon. Lusaka): These are the results. Please, take your seats.

AYES: 30

NOES: 0

ABSTENTIONS: Nil.

The “Ayes” have it.

(Question carried by 30 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

The Speaker (Hon. Lusaka): Let us move on to the next Order.

COMMITTEE OF THE WHOLE

(Order for Committee read)

[The Speaker (Hon. Lusaka) left the Chair]

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Nyamunga) in the Chair]

THE ANTI-DOPING (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILLS NO. 51 OF 2020)

(By leave of the House)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we are now in the Committee of the Whole to consider the Anti-Doping (Amendment) Bill (National Assembly Bills No. 51 of 2020.

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*Clauses 3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,
19,20,21,22,23,24 and 25, Clause 2,
the Title and Clause 1*

*(Question, that clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,13, 14, 15, 16, 17, 18, 19, 20
,21, 22, 23, 24 and 25, Clause 2, the Title and Clause 1 be part of the Bill proposed)*

The Temporary Chairperson (Sen. Nyamunga): We are going for the Division. Can the Bell be rung for two minutes?

(The Division Bell was rung)

Order, Senators! I now direct that the doors be closed and the Bar drawn.

(The doors were closed and the bar drawn)

Sen. Faki and Sen. Halake will be our tellers. We are going to vote on all the clauses at once.

Hon. Senators, you may now proceed to vote.

(Hon. Senators proceeded to vote)

The Temporary Chairperson (Sen. Nyamunga): Sen. (Dr.) Zani, kindly unmute. You are not audible. Sen. (Dr.) Zani, show by your finger that you have voted. Put your thumbs up. We cannot hear you.

Sen. Kihika, please, unmute. You are not audible. Please, show by finger.

Hon. Senators, we still have a final vote ahead of us. Please stay online or in the House as we wait for the results.

We still have one more Vote to take.

DIVISION

ROLL CALL VOTING

*(Question that Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,
21, 22, 23, 24 & 25, Clause 2, the Title and Clause 1 be part of the Bill put, and the
Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen.

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Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Dr.) Mwaura, Kiambu County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. (Prof.) Ongeru, Kisii County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. Wako, Busia County; Sen. Waqo, Marsabit County; Sen. Wetangula, Bungoma County; and Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Faki.

NOES: Nil

Teller of the Noes: Sen. Halake.

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results of the Division are as follows:

AYES: 31

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 31 votes to Nil)

The Temporary Chairperson (Sen. Nyamunga): Mover.

The Senate Majority Leader (Sen. Poghio): Madam Temporary Chairperson, I beg to move that the Committee of the Whole do report to the Senate its consideration of the Anti-Doping (Amendment) Bill (National Assembly Bills (No. 51 of 2020) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Speaker (Hon. Lusaka) in the Chair]

The Speaker (Hon. Lusaka): Hon. Members, I call upon the Chairperson to report progress.

REPORT

THE ANTI-DOPING (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILLS NO. 51 OF 2020)

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Sen. Nyamunga: Mr. Speaker, Sir, I beg to report that a Committee of the Whole has considered the Anti-Doping (Amendment) Bill (National Assembly Bills No.51 of 2020) and its approval thereof without amendments.

The Speaker (Hon. Lusaka): Mover, proceed.

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said report.

I request Sen. Mutula Kilonzo Jnr. to second.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Speaker (Hon. Lusaka): Mover, proceed.

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, I beg to move that the Anti-Doping (Amendment) Bill (National Assembly Bills No.51 of 2020) be now read a Third Time.

I ask Sen. Mutula Kilonzo Jnr. to second.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, I second.

(Question proposed)

Sen. Sakaja: Mr. Speaker, Sir, I support that the Bill be read a Third Time. As the Chairperson of the Committee, we went through the Bill earlier today. We had various stakeholders from the Ministry, the Ant-Doping Agency of Kenya (ADAK), the National Olympic Committee (NOC), Athletics Kenya (AK) and a host of them that we spoke to today. We expressed our disappointment at the hurried nature in which this Bill has come. This is an extremely important Bill affecting our sports people. In as much as the process started in February, it was only published in the National Assembly at the beginning of December.

What we committed to do, and that is why you have seen there are no amendments, is that within the next few months, we will sit down as a Committee with all the stakeholders and with a fine-tooth comb, go through some of the proposals we received from various stakeholders with a view of introducing amendments. For now, we are happy that we will have conformed to the 2021 World Anti-Doping Code, so that our sports people can participate in next year's Olympics and various other sporting activities.

The Speaker (Hon. Lusaka): Hon. Senators, I now put the question, which is that the Anti-Doping (Amendment) Bill (National Assembly Bills No.51 of 2020) be now read a Third Time. Let the Division Bell be rung for two minutes.

(The Division Bell was rung)

The Speaker (Hon. Lusaka): Tellers, take your positions, then close the doors and draw the Bar.

(The Bar was drawn and the doors closed)

(Hon. Senators proceeded to vote)

THIRD READING

THE ANTI-DOPING (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.51 OF 2020)

DIVISION

ROLL CALL VOTING

(Question, that the Anti-Doping (Amendment) Bill (National Assembly Bills No.51 of 2020) be read a Third Time put, and the Senate proceeded to vote by County Delegations)

Ayes: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Mwaura, Kiambu County; Sen. Nyamunga, Kisumu County; Sen. (Prof.) Ongeru, Kisii County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County; and Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Halake.

NOES: Nil.

Teller of the Noes: Sen. Faki.

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows:

AYES: 28

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 28 votes to Nil)

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(The Bill was accordingly read a Third Time and passed)

The Speaker (Hon. Lusaka): Hon. Senators, before I adjourn this sitting, I would like to thank you for your commitment and availing yourselves at no notice. We have really worked hard this year. We are working on plans with the leadership to adjust our calendar at the right time so as to compensate for the time that we have lost through recess. We have hardly had a recess. We have worked very hard so I would like to thank and acknowledge each and every one of you.

Sen. Cherargei: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is your point of intervention, Sen. Cherargei?

Sen. Cherargei: Mr. Speaker, Sir, even though we are on recess, I would like to know the status of the petition on the urgent matter of striking nurses. I request that you use your discretion to direct the Committee on Health to act expeditiously.

As we also come to the close of the year, I request that you organize for us something to welcome the new year.

(Laughter)

The Speaker (Hon. Lusaka): I direct that issue to the Committee on Health and I ask them to deal with it expeditiously.

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, I also join you in thanking Members for passing this Bill. I know coordinating this was very difficult, but you can see that, wherever they are, Members have used technology to vote and it has worked. Now we know we can vote using technology wherever we are.

Thank you, Mr. Speaker, Sir, also knowing what you have to do to be here.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir. We had to travel far and wide to be here. I thank the Committee. You did not thank the Chairperson who is seated next to me for the work they have done.

There is a Kiswahili saying although I cannot translate it into English language. Maybe Sen. Wetangula can help us here. It says- "*Mkono mtupu haulambwi.*"

(Laughter)

The Speaker (Hon. Lusaka): I think we will organize something with the leadership.

ADJOURNMENT

The Speaker (Hon. Lusaka): Hon. Senators, having concluded the business of the day, it is now time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday, 9th February, 2021 at 2.30p.m.

The Senate rose at 4.06 p.m.

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