



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (FIFTH SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, FEBRUARY 10, 2021 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. **COMMUNICATION FROM THE CHAIR - CHANGE IN THE OFFICE OF THE SENATE MAJORITY WHIP**

The Speaker conveyed the following Communication from the Chair: -

“Honourable Senators,

I have received communication vide a letter dated 9<sup>th</sup> February, 2021, from the Office of the Senate Majority Leader, Sen. Samuel L. Poghisiso, EGH, MP, regarding changes in the Office of the Senate Majority Whip.

The said letter was accompanied with the following documents: -

- 1) Minutes of the Majority Party Coalition meeting dated 9<sup>th</sup> February, 2021, which is a record of the proceedings of the meeting together with the resolution; and
- 2) A duly signed list of Senators who attended the above indicated meeting.

The communication and the Minutes indicate a resolution to remove the Senate Majority Whip, Sen. (Dr.) Irungu Kang'ata, CBS, MP, in accordance with Standing Order 19(5), and election of Sen. Kimani Wamatangi, MP, in his place.

I am satisfied that the change was made in accordance with Standing Order 19(5) and (7) and meets the threshold required under Standing Order 19. Accordingly, I wish to communicate to the House that the Majority Party/Coalition has effected changes in the Office of the Senate Majority Whip,

which shall now take effect. The Office holder therefore is Sen. Kimani Wamatangi, MP.

I thank you”.

4. **PAPERS**

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

- i) Bi-Annual Report for the Commission on Administrative Justice for the period January to June 2020;
- ii) Annual Report of the National Gender and Equality Commission for the year 2018/2019;
- iii) Report of the Council of Governors Statutory Report for the year 2019/2020;
- iv) Report of National Government Budget Implementation Review for the first quarter for the Financial Year 2020/2021;
- v) Report of the County Governments Budget Implementation Review for the Financial Year 2020/2021;
- vi) Special Report of the Auditor General on Utilization of the Covid – 19 Funds by the County Governments;
- vii) Special Report of the Auditor General on Financial Operations of the Bomet County Executive for the Financial Year 2015/2016;
- viii) Report of the Auditor General on the Financial Statements of the County Assembly of Turkana for the year ended 30<sup>th</sup> June, 2019;
- ix) Report of the Auditor General on the Financial Statements of the County Executive of Turkana for the year ended 30<sup>th</sup> June, 2019;
- x) Report of the Auditor General on the Financial Statements of Migori County Assembly for the year ended 30<sup>th</sup> June, 2019;
- xi) Report of the Auditor General on the Financial Statements of Migori County Executive for the year ended 30<sup>th</sup> June, 2019;
- xii) Report of the Auditor General on the Financial Statements of the County Assembly of Kisumu for the year ended 30<sup>th</sup> June, 2019;
- xiii) Report of the Auditor General on the Financial Statements of the County Executive of Kisumu for the year ended 30<sup>th</sup> June, 2019;
- xiv) Report of the Auditor General on the Financial Statements of the County Assembly of Wajir for the year ended 30<sup>th</sup> June, 2019; and
- xv) Report of the Auditor General on the Financial Statements of Wajir County Executive for the year ended 30<sup>th</sup> June, 2019.

*(The Deputy Senate Majority Leader, MP)*

5. **NOTICE OF MOTION** – (Sen. (Dr.) Alice Milgo, MP)

THAT, AWARE THAT, Constitution of Kenya (Article 53) affirms that children have basic rights, including the right to education, nutrition, shelter, health care and parental care, provisions that are aligned with those cited in both the Convention on the Rights of the Child and the Africa Charter on the Rights and Welfare of the Child, to which Kenya is a signatory;

CONCERNED THAT, the current status of day care facilities in the Country are not child friendly or habitable and there is need to bridge this gap to capture the play group class in the new 2-6-3-3-3 curriculum that is replacing the 32-year-old 8-4-4 system;

ACKNOWLEDGING THAT, most working parents lack quality Day care facilities, as the playgroup is a safe place for them to take their children while they are at work;

NOW THEREFORE, the Senate urges that the Council of Governors in conjunction with the Ministry of Education ensure that:

- a) Counties allocate at least 10 percent of their budget on Early Childhood Development Education (ECDE) towards this vulnerable group; and
- b) Policy is developed to incorporate the needs of children who are less than three years of age.

6. **STATEMENTS**

**a) Statements Pursuant to Standing Order 47(1)**

- (i) The Senator for Trans Nzoia County (Sen. (Dr.) Michael Mbiti, MP) made a Statement on the need to check the quality of salt in the market.

The Senator drew the attention of the House to the continuous and unknowing consumption of considerable amount of micro-plastics in table salt, as by a study by University of Queensland, Australia, and Federal University of Technology, Nigeria.

Thereupon, the Senator noted that the study shows that sea food could also be affected by micro plastics, acknowledging that while this is the first time a study is confirming the presence of plastic in table salt in Kenya, it should come as an eye opener on how we should dispose of plastics and also take care of the environment.

The Senator urged the National Environment Management Authority (NEMA) and Kenya Bureau of Standards (KeBS) to fight this threat by executing their duties diligently to ensure that Kenyans are safe from contaminated salt.

- (ii) The Senator for Kisumu County (Sen. Fred Outa) made a statement on the ongoing demolition of properties and evictions in Kisumu County.

In the statement, the Senator raised concern that families in Kisumu county have, for the last six (6) months, gone through horrendous moments due to continuous and unplanned demolitions of houses, places of worship and business structures by the County Government of Kisumu and the Kenya Railways Corporation.

The Senator also informed the House that the people of Kisumu were not against development being initiated by the County or National Governments but were, instead, calling for structured dialogue towards the implementation of such projects, which will, ultimately, benefit them. Standard guidelines on how to effect evictions must, however, be followed.

Following comments by Senators, the Deputy Speaker referred the matter to the Standing Committee on Roads and Transportation, pursuant to Standing order 47(3), and directed that the Committee investigates all other cases of demolitions and evictions across the country.

**b) Statements pursuant to Standing Order 48(1)**

- i) Nominated Senator (Sen. Naomi Waqo, MP), on behalf of Sen. Falhada Iman, MP, sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations on alleged arson attack on the Garissa County Assembly facilities.
- ii) Nominated Senator (Sen. Petronilla Were Lokorio, MP) sought a Statement from the Standing Committee on Labour and Social Welfare on the status and operations of the Kenya Scouting Association (KSA).
- iii) 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 alleged abduction, disappearance and murder of members of the public in Wajir County.
- iv) Nominated Senator (Sen. Beatrice Kwamboka, MP) sought a Statement from the Standing Committee on Education regarding the

state of affairs at Wangu Primary School in Dandora Phase II, Nairobi City County.

- v) Nominated Senator (Sen. Naomi Waqo, MP), on behalf of Sen. Falhada Iman, MP, sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding alleged rampant police harassment of civilians while enforcing the COVID-19 protocols and guidelines.
- vi) Nominated Senator, (Sen. Beatrice Kwamboka, MP) sought a Statement from the Standing Committee on Education on the rise in incidents of fires in learning institutions in the Country.

**7. 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)*

Debate arising;

And there being no other Senator wishing to contribute, the Senate Majority Leader replied.

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.

8. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON ADJOURNMENT MOTION**

Order read;

Motion made and Question proposed;

THAT, notwithstanding the provisions of Standing Order 106 (1), 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)*

Debate arising;

And there being no other Senator wishing to contribute, the Senate Majority Leader replied.

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 (1), 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.

9. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON MOTION ON THE ADDRESS BY HIS EXCELLENCY 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)*

Debate arising;

And there being no other Senator wishing to contribute, the Senate Majority Leader replied.

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.

10. **THE MUNG BEANS BILL (SENATE BILLS NO. 9 OF 2020)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Mung Beans Bill (Senate Bills No. 9 of 2020) be now read a Second Time.

*(Sen. Enoch Wambua, MP)*

Debate arising;

And the time being thirty Minutes past six O'clock, the Temporary Speaker (Sen. Judith Pareno, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

11. **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  
Thursday, February 11, 2021 at 2.30 p.m.*

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