



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, MARCH 30, 2021 AT 10.00 A.M.

1. The Senate assembled at Ten 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) On the call to Adjourn the Ordinary Sittings of the Houses of Parliament to Facilitate Containment of the Spread of the Covid-19 Global Pandemic

“Honorable Senators,

On Friday, 26th March, 2021, an extraordinary meeting of the three arms of government was convened at State House, Nairobi to receive reports on the status of the COVID-19 pandemic situation in the country from the National Emergency Response Committee on COVID-19. At the meeting, Parliament was one of the institutions identified that had recorded a high infection rate as per the data availed during the meeting.

As a mitigation measure, Parliament, both National Assembly and the Senate were urged to suspend their sittings until such a time that the rate of infection is brought under control. A number of other measures to contain the spread of the pandemic were deliberated upon and a resolution made on the way forward.

Honorable Senators,

Let me reiterate that from the figures given at the meeting, we are facing a grave situation that should be taken very seriously by everyone. For instance, as at yesterday, Monday, 29th March, 2021, the positivity rate hit a shocking 26.6%. What this means is that for every 100 people tested, over a quarter or more than 26 were found to be infected by the virus. The Cabinet Secretary for Health has raised the alarm that the health care system is at risk of being overwhelmed by the pandemic

leading to lack of basic supplies such as oxygen. Enough has been said about the dire situation of ICU beds. The decision to put sittings on hold is not unique or isolated to our country. Since the virus was declared a pandemic in March, 2020 parliaments in all regions of the globe have been affected and their sittings disrupted in one way or the other. For instance, as recent as February, 2021 the Parliament of Ghana was suspended for weeks after several members and staff tested positive for the virus.

Subsequent to the meeting, His Excellency the President of the Republic of Kenya, Uhuru Muigai Kenyatta, CGH, made a national address on the COVID-19 pandemic situation in Kenya. Among other measures instituted to contain the spread of the pandemic, the President, following consultation with the Leadership of Parliament and upon the advice of the National Security Council and the National Emergency Response Committee on COVID-19, called upon the National Assembly and the Senate to effect the above decision to suspend respective Ordinary Sittings in accordance with the respective House's Standing Orders.

Honorable Senators,

For the avoidance of doubt, Standing Order 28 (1) of the Senate states that *"Except for the Session commencing immediately after a general election, regular Sessions of the Senate shall commence on the second Tuesday of February and terminate on the first Thursday of December."* Standing Order 29 (1) provides for the determination of the Senate Calendar by the Senate. Additionally, Standing Order 29 (4) provides a mechanism for the Senate to alter its Calendar or the adjournment date by way of a Resolution.

Consequently, in the Supplementary Order Paper for today, at Order No. 10, the Senate Majority Leader will move a Motion whose effect will be to further alter the Senate Calendar for the Fifth Session, so as to adjourn today, Tuesday, 30th March, 2021 until Tuesday, 11th May, 2021, as one of the mitigating measures to minimize human contact and exposure and to contain the spread of the pandemic.

Honorable Senators,

In line with the measures instituted by His Excellency the President for the containment of the spread of the pandemic, I direct that all meetings of Select Committees of the Senate will only take place virtually pursuant to Standing Order 252A of the Senate. All physical meetings, including field and county visits, are hereby suspended until further notice.

There will be NO exception to this directive and any requests to hold in-person meetings will NOT be approved by the Speaker. I urge all

Committees to fast track any business using the mechanism provided under Standing Order 252A, particularly Bills and Petitions.

I thank you.”

b) On the status of the Coffee Bill (Senate Bills No. 22 of 2020)

“Honourable Senators,

As you will recall, on 24th March, 2021, the Chairperson of the Standing Committee on Agriculture, Fisheries and Livestock sought to know whether the Senate Leadership had accepted to withdraw the Senate Bill in favour of a Coffee Bill drafted by the Ministry of Agriculture, Livestock, Fisheries and Cooperatives.

The Coffee Bill (Senate Bills No. 22 of 2020), sponsored by the Committee on Agriculture, Livestock and Fisheries, was published on 23rd October, 2020. In compliance with Article 110 (3) of the Constitution, I sought the concurrence of the Speaker of the National Assembly on 9th November, 2020. In addition, I wrote to the Speaker of the National Assembly severally reminding him of the various Bills that still await his concurrence including the Coffee Bill (Senate Bills No. 22 of 2020). The latest among these being a letter dated 15th March, 2021.

Honourable Senators,

I confirm that on 15th March, 2021 and 16th March, 2021, the Attorney General wrote letters reference number AG/LDD/442/1/46 to both the Leader of Majority in the Senate and the National Assembly forwarding a draft Coffee Bill, 2021 developed by the Ministry of Agriculture, Livestock, Fisheries and Cooperatives for further processing by the Houses of Parliament.

As evidence by my letter to the Speaker of the National Assembly dated 15th March, 2021 seeking his concurrence on the Coffee Bill, (Senate Bills No. 22 of 2020), neither I nor the Senate Business Committee, has approved the withdrawal of the Coffee Bill, 2020 published by the Committee on Agriculture, Fisheries and Livestock in favour of the Bill developed by the Ministry of Agriculture, Livestock, Fisheries and Cooperatives.

I am further informed that the National Assembly is yet to publish the Bill developed by the Ministry of Agriculture, Livestock, Fisheries and Cooperatives.

Honourable Senators,

We continue to actively pursue concurrence of the Speaker of the National Assembly on the Coffee Bill (Senate Bills No. 22 of 2020) and other Senate Bills already published. As an additional measure, I further direct that the Leader of Majority in the Senate write to his counterpart in the National Assembly informing the leader of —

- i) the publication of the Coffee Bill (Senate Bills No. 22 of 2020); and
- ii) the changes proposed by the Cabinet Secretary, Ministry of Agriculture, Livestock, Fisheries and Cooperatives.

I thank you.”

4. **MESSAGES FROM THE NATIONAL ASSEMBLY**

The Speaker conveyed the following Messages from the National Assembly—

a) Passage of the Division of Revenue Bill (National Assembly Bill No. 7 Of 2021)

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the passage, by the Assembly, of the Division of Revenue Bill (National Assembly Bill No. 7 of 2021) -

PURSUANT to the provisions of Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS the Division of Revenue Bill (National Assembly Bill No. 7 of 2021) was published vide Kenya Gazette Supplement No. 22 of March 8, 2021 as a Bill proposing to provide for the equitable division of revenue raised nationally between the national and county governments as required by Article 218 of the Constitution in order to facilitate the proper functioning of National and county governments and to ensure continuity of county services.

AND WHEREAS the National Assembly considered the Bill in all stages and passed it on Tuesday, March 23, 2021 without amendments, in the form attached hereto;

NOW THEREFORE, in accordance with the provisions Article 110(4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.

Honourable Senators,

Pursuant to Standing Order No. 157, which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No. 139, I now direct that the Bill be read a First Time today, Tuesday, 30th March, 2021.

I thank you.”

b) Passage of the Health (Amendment) Bill (National Assembly Bill No. 64 of 2019)

“Honourable Senators,

Vide a Message dated Thursday, 18th March, 2021, I received a Message from the National Assembly, pursuant to Standing Orders 41(1) and 142 of the National Assembly Standing Orders, on the passage of the Health (Amendment) Bill (National Assembly Bill No. 64 of 2019).

Honourable Senators,

You will recall that following the High Court ruling on 29th October, 2020, on Constitutional Petition No. 284 of 2019, implementation of the judgment by the Senate commenced. Notably, the High Court ordered that all Bills for which the concurrence process contemplated under Article 110(3) of the Constitution could not be demonstrated be ceased and that the said concurrence process be adhered to before introduction of such Bills in either House of Parliament.

Honourable Senators,

The Health (Amendment) Bill (National Assembly Bill No. 64 of 2019) was one such Bill, for which the concurrence process pursuant to Article 110(3) of the Constitution could not be demonstrated by the time the High Court gave its judgment. As such, the Bill ought to be aligned to Article 110(3) of the Constitution, following which the Bill will be read a First Time in the Senate.

In view of the foregoing, the Health (Amendment) Bill (National Assembly Bill No. 64 of 2019), as received from the National Assembly vide the Message dated Thursday, 18th March, 2021, will not be proceeded with in the Senate.

I thank you.”

c) Passage of the National Youth Council (Amendment) Bill (National Assembly Bills No.8 of 2019), the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bills No.17 of 2019) and the Cancer Prevention and Control (Amendment) Bill (National Assembly Bill No. 65 of 2019).

“Honourable Senators,

Pursuant to Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I received Messages from the National Assembly on the passage of the following Bills –

- i) Message from the Speaker of the National Assembly dated Thursday, 8th October, 2020 regarding the passage by the National Assembly of the National Youth Council (Amendment) Bill (National Assembly Bills No.8 of 2019);
- ii) Message from the Speaker of the National Assembly dated Thursday, 8th October, 2020 regarding the passage by the National Assembly of the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bills No.17 of 2019); and
- iii) Message from the Speaker of the National Assembly dated Thursday, 5th November, 2020 regarding the passage by the National Assembly of the Cancer Prevention and Control (Amendment) Bill (National Assembly Bill No. 65 of 2019).

Honourable Senators,

You will recall that following the High Court ruling on 29th October, 2020, on Constitutional Petition No. 284 of 2019, implementation of the judgment by the Senate commenced. Notably, the High Court ordered that all Bills for which the concurrence process contemplated under Article 110(3) of the Constitution could not be demonstrated be ceased and that the said concurrence process be adhered to before introduction of such Bills in either House of Parliament.

Honourable Senators,

The National Youth Council (Amendment) Bill (National Assembly Bills No. 8 of 2019), the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bills No. 17 of 2019) and the Cancer Prevention and Control (Amendment) Bill (National Assembly Bill No. 65 of 2019) were among the Bills for which the concurrence process pursuant to Article 110(3) of the Constitution could not be demonstrated by the time the High Court gave its judgment. As such, the Bills ought to be aligned to Article 110(3) of the Constitution, following which the Bills will be read a First Time in the Senate.

In view of the foregoing, the said three Bills, as received from the National Assembly will not be proceeded with in the Senate.

I thank you.”

5. **PETITIONS**

- a) Pursuant to Standing Order 230(2)(b), the Speaker reported to the Senate a Petition by Mr. Justus Chai Mbaru and other residents of Buxton Estate concerning eviction from and demolition of the Buxton Estate, Mvita Constituency in Mombasa County.

Pursuant to Standing Order 231, the Speaker invited Senators to comment, make observations or seek clarification in relation to the Petition and, subsequently, committed it to the Standing Committee on Roads and Transportation, pursuant to Standing Order 232(1).

- b) Pursuant to Standing Order 230(2) (a), the Senator for Wajir County (Sen. (Dr.) Abdullahi Ali, MP) presented to the Senate a Petition by residents of Wajir County concerning governance malpractices in the Wajir County Government.

Pursuant to Standing Order 231, the Speaker invited Senators to comment, make observations or seek clarification in relation to the Petition and, subsequently, committed it to the Standing Committee on Devolution and Intergovernmental Relations, pursuant to Standing Order 232(1).

6. **PAPERS LAID**

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

- a) The First Progress Report of the Standing Committee on Health on the Covid-19 pandemic situation in Kenya.
- b) The Second Progress Report of the Standing Committee on Health on the Covid-19 pandemic situation in Kenya.
- c) Report of the Standing Committee on Health on alleged negligence by the Kenyatta National Hospital in the medical case of the late (Prof.) Ken Walibora, prior to his death.

(Sen. Fred Outa, MP on behalf of the Chairperson, Standing Committee on Health)

- d) Report of the Standing Committee on Health on inquiry into allegations regarding irregularities in the procurement of various pharmaceutical equipment and products by the Kenya Medical Supplies Authority (KEMSA).

(Sen. Ledama Olekina, MP on behalf of the Chairperson, Standing Committee on Health)

- e) Reports, Bills and Resolutions of the 1st meeting of the 4th Session of the 4th Assembly of the East African Community.

(Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration)

7. **NOTICE OF MOTION** – (The Senate Majority Leader)

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2021 (*approval of the Senate Calendar*) and on 24th March, 2021 (*alteration of the Senate Calendar*), pursuant to Standing Order 29(4), the Senate resolves to further alter the Senate Calendar (*Regular Sessions of the Senate*) in respect of Part II, so as to adjourn on Tuesday, 30th March, 2021 and to resume sittings on Tuesday, 11th May, 2021, in accordance with the Resolution made on 24th March, 2021; and that pursuant to Standing Order 31(3)(a) and (b), the morning sitting of Tuesday, 30th March, 2021 be held until conclusion of business appearing on the Order Paper.

8. **NOTICE OF MOTION** – (Sen. Ledama Olekina, MP, on behalf of the Chairperson, Standing Committee on Health)

THAT the Senate adopts the Report of the Standing Committee on Health on the alleged negligence by the Kenyatta National Hospital in the medical case of the late (Prof.) Ken Walibora, prior to his death, laid on the Table of the Senate on Tuesday, 30th March, 2021.

9. **NOTICE OF MOTION** – (Sen. Ledama Olekina, MP, on behalf of the Chairperson, Standing Committee on Health)

THAT the Senate adopts the Report of the Standing Committee on Health on inquiry into allegations regarding irregularities in the procurement of various pharmaceutical equipment and products by the Kenya Medical Supplies Authority (KEMSA), laid on the Table of the Senate on Tuesday, 30th March, 2021.

10. **NOTICE OF MOTION** – (Sen. Ledama Olekina, MP, on behalf of the Chairperson, Standing Committee on Health)

THAT the Senate adopts the First Progress Report of the Standing Committee on Health on the Covid-19 pandemic situation in Kenya, laid on the Table of the Senate on Tuesday, 30th March, 2021.

11. **NOTICE OF MOTION** – (The Senate Majority Leader)

THAT, pursuant to Standing Orders 184(1)(d) and 189(3), the Senate approves the nomination of Sen. Justice (Rtd.) Stewart Madzayo, MP, to serve in the Senate Business Committee, to replace Sen. Cleophas Malalah, MP.

12. **NOTICE OF MOTION** – (The Senate Majority Leader)

THAT, pursuant to Standing Orders Nos. 189, 219, 220 and 221, the Senate approves the following Senators nominated by the Senate Business Committee to serve in Sessional Committees of the Senate as follows -

A. COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS

1. Sen. (Eng.) Hargura Godana, MP
2. Sen. Njeru Ndwiga, EGH, MP
3. Sen. Adan Dullo Fatuma, CBS, MP
4. Sen. Kimani Wamatangi, MP
5. Sen. (Dr.) Christopher Lang'at, MP
6. Sen. (Dr.) Ochillo Ayacko, EGH, MP
7. Sen. (Prof.) Imana Malachy Charles Ekal, MP
8. Sen. Johnes Mwaruma, MP
9. Sen. Mercy Chebeni, MP

B. COMMITTEE ON DELEGATED LEGISLATION

1. Sen. Anwar Loiptip, MP
2. Sen. Samuel Losuron Poghisio, EGH, MP
3. Sen. Farhiya Ali Haji, MP
4. Sen. Mary Yiane Seneta, MP
5. Sen. Halake Abshiro, MP
6. Sen. Agnes Kavindu Muthama, MP
7. Sen. Judith Pareno, MP
8. Sen. Erick Okong'o Mogeni, SC, MP
9. Sen. Mwinyihaji Mohamed Faki, MP

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

Nominated Senator, (Sen. (Arch) Sylvia Kasanga, MP) made a Statement concerning fees charged for issuance and filling of P3 forms.

The Senator informed the Senate that according to a recent survey by Trocaire East Africa and Legal Resources Foundation (LRF), P3 Forms were highly inaccessible and that this inaccessibility was stifling “access to justice” for poor litigants, especially survivors of violence, including Sexual and Gender Based Violence (SGBV) & domestic violence. She stated that the survey had further indicated an emerging trend in which “fees” were being charged for the “issuance” and “filling” of P3 Forms and that it had also noted that, *“access to P3 Forms remains largely free in urban areas, while in the countryside, people pay to access the document”*.

The Senator posited that Article 48 of the Constitution of Kenya 2010 clarifies the centrality of the principle of “access to justice”, in which, “if any fee is required, it shall be reasonable and shall not impede access to

justice”. She stated that the P3 Form was an important “prosecutorial document” that ensured collection of witness statements, and assists in corroborating written evidence with forensic evidence.

She informed the House that, whilst civil society organizations in Kenya were advocating for enrichment of the document to include more comprehensive and vital information, the situation on the ground was that numerous victims had been impeded from accessing justice. Stating that the Embu High Court had ruled on April 4, 2019 to outlaw all fees charged on issuance and filling of P3 Forms, Sen. (Arch.) Kasanga said that the ruling was a relief to poor survivors of violence who previously abandoned their quest for justice because they couldn’t afford these payments.

Sen. (Arch.) Kasanga concluded by urging the Speaker to commit the Statement to the Standing Committees on National Security, Defence and Foreign Relations and Labor and Social Welfare to interrogate and furnish the House with a tentative report on why P3 Forms were being paid for as well as the institutions culpable for the anomaly as well as to provide a mechanism that would help to enrich, and effectively process P3 Forms and encourage survivors of violence to report perpetrators.

Acceding to the request, the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP) referred the Statement to the Standing Committee on National Security, Defense and Foreign Relations for consideration, pursuant to Standing Order No. 47(3).

b) Pursuant to Standing Order 48 (1)

- i) Nominated Senator (Sen. Millicent Omanga, MP) sought a statement from the Standing Committee on Roads and Transportation regarding the alleged misuse of KShs. 142 billion by the Kenya National Highways Authority (KeNHA), the Kenya Rural Roads Authority (KeRRA) and the Kenya Urban Roads Authority (KURA).
- ii) Nominated Senator (Sen. Millicent Omanga, MP) sought a statement from the Standing Committee on Finance and Budget on cushioning Kenyans from the negative socio-economic impact of COVID-19 caused by the partial lockdown.
- iii) The Senator for Murang’a County, (Sen. (Dr.) Irungu Kang’ata, MP) sought a statement from the Standing Committee on Tourism, Trade and Industrialization regarding alleged procurement irregularities in the award of tenders for pre-export verification of conformity inspection by the Kenya Bureau of Standards (KEBS).
- iv) The Senator for Nandi County, (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Health on the rollout of the

COVID – 19 vaccine (Astra Zeneca) and the status of the vaccination campaign in Kenya.

- v) The Senator for Makueni County, (Sen. Mutula Kilonzo Junior, MP) sought a statement from the Standing Committee on Roads and Transportation concerning the status of loans granted by the Export Import Bank of China (China Exim) to the Government of Kenya, through the National Treasury, to finance construction of the Standard Gauge Railway (SGR).
- vi) The Senator for Makueni County, (Sen. Mutula Kilonzo Junior, MP) sought a statement from the Standing Committee on Energy concerning the increase in fuel prices imposed by the Energy and Petroleum Regulatory Authority (EPRA).
- vii) Nominated Senator (Sen. (Dr.) Getrude Musuruve, MP) sought a statement from the Standing Committee on Education concerning disbursement of higher education loans by the Higher Education Loans Board.
- viii) Nominated Senator (Sen. Petronila Were Lokorio, MP) sought a statement from the Standing Committee on Health concerning authorization of the use of Sputnik COVID-19 vaccine in Kenya.
- ix) The Senator for Kisumu County, (Sen. Fred Outa, MP) sought a statement from the Standing Committee on Finance and Budget regarding the status of pending payments to contractors and suppliers by the Kisumu County Government.
- x) Nominated Senator (Sen. Mercy Chebeni, MP) sought a statement from the Standing Committee on Land and Natural Resources regarding the forest blaze allegedly triggered by British Army troops at their training base at Nyati Barracks, Laikipia County.

c) Pursuant to Standing Order 51(1)(a)

Sen. Ledama Olekina, MP, a Member of the Standing Committee on Health, made a Statement regarding the status of the COVID-19 pandemic situation in the country, on behalf of the Chairperson, Standing Committee on Health.

Thereupon, the Senator informed the Senate that according to the World Health Organization, as of 22nd March, 2021, there were 122,992,844 confirmed cases of COVID-19 globally and that 2,711,071 deaths had occurred due to the pandemic across the globe. In Africa, the World Health Organization reported that there were 3,006,474 confirmed cases and 76,241 deaths, while in Kenya, there were 120,910 confirmed cases, and 2,011 deaths. This represents almost double the number of

confirmed cases and deaths that had been reported in Kenya by November, 2020.

He also informed the Senate that according to the Ministry of Health, these figures were continuing to rise at an alarming rate. Indeed, with the current patient demand outstripping hospital bed capacity, there were fears that the country was in the midst of a third wave that was more deadly than the first two waves. In response to the escalating number of confirmed cases and deaths attributable to the COVID-19 pandemic, the Standing Committee on Health held a series of meetings with various health stakeholders that were aimed at getting a clearer understanding of the COVID-19 pandemic situation, and charting a way forward and that as a result of these meetings, the Committee had tabled its First and Second Progress Reports on the COVID-19 Pandemic Situation.

He further stated that the Committee was scheduled to conduct a series of county visits aimed at assessing the level of preparedness for the COVID-19 pandemic by counties. A comprehensive report on the same would likewise be tabled before the Senate in due course.

In conclusion, the Senator stated that even as we struggle to tackle the crisis of the COVID-19 pandemic, it was important that health workers avoid falling into the dangerous assumption that all cases arriving at the hospitals were as a result of COVID-19 infection. He appealed to the Ministry of Health to review all its treatment guidelines and protocols with a view towards ensuring that all patients received appropriate and proper treatment.

14. **THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 7 OF 2021)**

(The Senate Majority Leader)

Order for First Reading read;

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

15. **THE INVESTMENT PROMOTION (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2021)**

(Sen. (Dr.) Alice Milgo, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Tourism, Trade and Industrialization.

16. **MOTION – APPROVAL OF A SENATOR TO SERVE IN THE SENATE BUSINESS COMMITTEE**

Order read;

Motion made and Question proposed-

THAT, pursuant to Standing Orders 184(1)(d) and 189(3), the Senate approves the nomination of Sen. Justice (Rtd.) Stewart Madzayo, MP, to serve in the Senate Business Committee, to replace Sen. Cleophas Malalah, MP.

(The Senate Majority Whip on behalf of the Senate Majority Leader)

Debate arising;

There being no Senator wishing to contribute;

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

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, pursuant to Standing Orders 184(1)(d) and 189(3), the Senate approves the nomination of Sen. Justice (Rtd.) Stewart Madzayo, MP, to serve in the Senate Business Committee, to replace Sen. Cleophas Malalah, MP.

17. **MOTION – APPROVAL OF SENATORS TO SERVE IN SESSIONAL COMMITTEES**

Order read;

Motion made and Question proposed;

THAT, pursuant to Standing Orders Nos. 189, 219, 220 and 221, the Senate approves the following Senators nominated by the Senate Business Committee to serve in Sessional Committees of the Senate as follows -

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2. Sen. Njeru Ndwiga, EGH, MP
3. Sen. Adan Dullo Fatuma, CBS, MP
4. Sen. Kimani Wamatangi, MP
5. Sen. (Dr.) Christopher Lang'at, MP
6. Sen. (Dr.) Ochillo Ayacko, EGH, MP

7. Sen. (Prof.) Imana Malachy Charles Ekal, MP
8. Sen. Johnes Mwaruma, MP
9. Sen. Mercy Chebeni, MP

B. COMMITTEE ON DELEGATED LEGISLATION

1. Sen. Anwar Loiptip, MP
2. Sen. Samuel Losuron Poghio, EGH, MP
3. Sen. Farhiya Haji Ali, MP
4. Sen. Mary Yiane Seneta, MP
5. Sen. Halake Abshiro, MP
6. Sen. Agnes Kavindu Muthama, MP
7. Sen. Judith Pareno, MP
8. Sen. Erick Okong'o Mogeni, SC, MP
9. Sen. Mwinyihaji Mohamed Faki, MP

(The Senate Majority Whip on behalf of the Senate Majority Leader)

Debate arising;

There being no Senator wishing to contribute;

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

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, pursuant to Standing Orders Nos. 189, 219, 220 and 221, the Senate approves the following Senators nominated by the Senate Business Committee to serve in Sessional Committees of the Senate as follows -

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7. Sen. (Prof.) Imana Malachy Charles Ekal, MP
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B. COMMITTEE ON DELEGATED LEGISLATION

1. Sen. Anwar Loiptip, MP

2. Sen. Samuel Losuron Poghisio, EGH, MP
3. Sen. Farhiya Haji Ali, MP
4. Sen. Mary Yiane Seneta, MP
5. Sen. Halake Abshiro, MP
6. Sen. Agnes Kavindu Muthama, MP
7. Sen. Judith Pareno, MP
8. Sen. Erick Okong'o Mogeni, SC, MP
9. Sen. Mwinyihaji Mohamed Faki, MP

18. **MOTION – ADOPTION OF REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON AUDIT REPORTS FOR COUNTY EXECUTIVES FOR FINANCIAL YEAR 2014/2015 (1ST JULY, 2014 TO 30TH JUNE, 2015)**

Motion made and Question proposed;

THAT this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the consideration of the Audit Reports of the Bomet; Homa Bay; Isiolo; Kakamega; Kiambu; Laikipia; Kisumu; Mandera; Migori; Mombasa; Murang'a; Nandi; Nyeri; Samburu; Siaya; Tana River; Tharaka Nithi; Trans Nzoia; Turkana and Wajir County Executives for the Financial Year 2014/2015 (1st July, 2014 to 30th June, 2015), laid on the Table of the Senate on Thursday, 18th February, 2021.

(Chairperson, Sessional Committee on County Public Accounts and Investments – 04/03/2021)

Debate interrupted on Thursday, 4th March, 2021 resumed on a Division;

The Speaker directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for three minutes;

The names of the Tellers were announced as follows;

1. Sen. Farhiya Ali Haji, MP - AYES
2. Sen. Beatrice Kwamboka Makori, MP - NOES

After the expiry of the three minutes, the Speaker directed that the doors be locked and the bars be drawn;

The Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 26

NOES: 0

ABSTENTIONS: 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana
6. Sen. Mercy Chebeni – voted on behalf of Uasin Gishu County delegation
7. Sen. Khaniri George
8. Sen. Kihika Susan Wakarura
9. Sen. Kimani Wamatangi Paul
10. Sen. Lang’at Christopher Andrew
11. Sen. Lelegwe Ltumbesi
12. Sen. Loitiptip Anuar
13. Sen. Madzayo Stewart Mwachiru
14. Sen. Getrude Musuruve – voted on behalf of Kakamega County delegation
15. Sen. Mbogo George Ochilo Ayacko
16. Sen. Murkomen Onesimus Kipchumba
17. Sen. Muthama Agnes Kavindu
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwangi Paul Githiomi
20. Sen. Olekina Ledama
21. Sen. Orengo James
22. Sen. Outa Fredrick Otieno
23. Sen. Poghisio Samuel Losuron
24. Sen. Sakaja Johnson Arthur
25. Sen. Wambua Enoch Kiio
26. Sen. Wetang’ula Moses Masika

Question agreed to.

RESOLVED ACCORDINGLY

THAT this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the consideration of the Audit Reports of the Bomet; Homa Bay; Isiolo; Kakamega; Kiambu; Laikipia; Kisumu; Mandera; Migori; Mombasa; Murang’a; Nandi; Nyeri; Samburu; Siaya; Tana River; Tharaka Nithi; Trans Nzoia; Turkana and Wajir County Executives for the Financial Year 2014/2015 (1st July, 2014 to 30th June, 2015), laid on the Table of the Senate on Thursday, 18th February, 2021.

19. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(Acting Chairperson of Committees (Sen. Judith Pareno, MP) – in the Chair)

The Mung Beans Bill (Senate Bills No. 09 of 2020)

Clause 3

Motion made and Question proposed;

THAT, Clause 3 be part of the Bill.

Debate interrupted on Thursday, 4th March, 2021 resumed on a Division.

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for two minutes;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Beatrice Kwamboka Makori, MP – NOES

After the expiry of the two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 29

NOES: 0

ABSTENTIONS: 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana
6. Sen. Imana Malachy Charles Ekal
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kimani Wamatangi Paul
10. Sen. Kindiki Kithure
11. Sen. Lang'at Christopher Andrew
12. Sen. Lelegwe Ltumbesi
13. Sen. Loitiptip Anuar
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Inimah Getrude Musuruve – voted on behalf of Kakamega County delegation
16. Sen. Mbogo George Ochilo Ayacko

17. Sen. Mogeni Erick Okong'o
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Muthama Agnes Kavindu
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwangi Paul Githiomi
22. Sen. Olekina Ledama
23. Sen. Ongeru Samson Kegengo
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno
26. Sen. Poghiso Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Wambua Enoch Kiio
29. Sen. Wetang'ula Moses Masika

Clause 3 - agreed to

Clause 4 - amendment proposed

Motion made and Question proposed;

THAT Clause 4 of the Bill be amended in the introductory clause by inserting the words "in consultation with the Council of County Governors," immediately after the words "the Authority".

(Sen. (Canon) Naomi Waqo, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries – 04.03.2021)

Debate interrupted on Thursday, 4th March, 2021 resumed on a Division.

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for two minutes;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Beatrice Kwamboka Makori, MP – NOES

After the expiry of the two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 29

NOES: 0

ABSTENTIONS: 0

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21. Sen. Mwangi Paul Githiomi
22. Sen. Olekina Ledama
23. Sen. Onger Samson Kegengo
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno
26. Sen. Poghismo Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Wambua Enoch Kiio
29. Sen. Wetang'ula Moses Masika

Clause 4 - as amended, agreed to

Clause 5 - -amendment proposed

Motion made and Question proposed;

THAT Clause 5 of the Bill be amended in paragraph (k) by inserting the words “mung beans and” immediately after the words “management of”.

(Sen. Enoch Wambua, MP – 04/03/2021)

Debate interrupted on Thursday, 4th March 2021, resumed on a Division.

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for two minutes;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Beatrice Kwamboka Makori, MP – NOES

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The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 29

NOES: 0

ABSTENTIONS: 0

AYES

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2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana
6. Sen. Imana Malachy Charles Ekal
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kimani Wamatangi Paul
10. Sen. Kindiki Kithure
11. Sen. Lang'at Christopher Andrew
12. Sen. Lelegwe Ltumbesi
13. Sen. Loiptip Anuar
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Inimah Getrude Musuruve – voted on behalf of Kakamega County delegation
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Mogeni Erick Okong'o
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Muthama Agnes Kavindu
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwangi Paul Githiomi
22. Sen. Olekina Ledama
23. Sen. Ongeru Samson Kegengo
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno

- 26. Sen. Poghisio Samuel Losuron
- 27. Sen. Sakaja Johnson Arthur
- 28. Sen. Wambua Enoch Kiio
- 29. Sen. Wetang'ula Moses Masika

Clause 5- as amended, agreed to

Clause 6 -amendment proposed

Motion made and Question proposed;

THAT Clause 6 of the Bill be amended —

- (a) by inserting the words “mung beans and” immediately after the words “production of” in the marginal note; and
- (b) in sub-clause (2) by inserting the words “mung beans and” immediately after the words “stability of” in paragraph (c).

(Sen. Enoch Wambua, MP – 04/03/2021)

Debate interrupted on Thursday, 4th March, 2021 resumed on a Division.

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for two minutes;

The names of the Tellers were announced as follows;

- 1. Sen. (Dr.) Alice Milgo, MP – AYES
- 2. Sen. Beatrice Kwamboka Makori, MP – NOES

After the expiry of the two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 29

NOES: 0

ABSTENTIONS: 0

AYES

- 1. Sen. Adan Dullo Fatuma
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- 3. Sen. Cherarkey Samson Kiprotich

4. Sen. Cheruiyot Aaron Kipkirui
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17. Sen. Mogeni Erick Okong'o
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23. Sen. Ongeru Samson Kegengo
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno
26. Sen. Poghisio Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Wambua Enoch Kiiro
29. Sen. Wetang'ula Moses Masika

Clause 6 - - as amended, agreed to

Clause 7 - amendment proposed

Motion made and Question proposed;

THAT Clause 7 of the Bill be amended in sub-clause (2) by deleting paragraph (g).

(Sen. Enoch Wambua, MP – 04/03/2021)

Debate interrupted on Thursday, 4th March 2021, resumed on a Division.

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for two minutes;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Beatrice Kwamboka Makori, MP – NOES

After the expiry of the two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 29

NOES: 0

ABSTENTIONS: 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
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4. Sen. Cheruiyot Aaron Kipkirui
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13. Sen. Loitiptip Anuar
14. Sen. Madzayo Stewart Mwachiru
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16. Sen. Mbogo George Ochilo Ayacko
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23. Sen. Ongeru Samson Kegengo
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno
26. Sen. Poghismo Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Wambua Enoch Kiio
29. Sen. Wetang'ula Moses Masika

Clause 7 - as amended, agreed to

Clause 8

Motion made and Question proposed;

THAT, Clause 8 be part of the Bill.

Debate interrupted on Thursday, 4th March, 2021 resumed on a Division.

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for two minutes;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Beatrice Kwamboka Makori, MP – NOES

After the expiry of the two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 29

NOES: 0

ABSTENTIONS: 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
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4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana
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24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno
26. Sen. Poghio Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Wambua Enoch Kioo
29. Sen. Wetang'ula Moses Masika

Clause 8 - agreed to

Clause 9 - -amendment proposed

Motion made and Question proposed;

THAT Clause 9 of the Bill be amended in sub-clause (1) by deleting the words “of mung bean or mung bean products unless the person has obtained a licence from the relevant county executive committee member” appearing immediately after the words “large scale trading” and substituting therefor the words “in mung beans or mung beans products unless the person has obtained a licence from the relevant county government”.

(Sen. Enoch Wambua, MP – 04/03/2021)

Debate interrupted on Thursday, 4th March, 2021 resumed on a Division.

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for two minutes;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Beatrice Kwamboka Makori, MP – NOES

After the expiry of the two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 29

NOES: 0

ABSTENTIONS: 0

AYES

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2. Sen. Ali Abdullahi Ibrahim
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23. Sen. Ongeru Samson Kegengo
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno
26. Sen. Poghio Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Wambua Enoch Kiio
29. Sen. Wetang'ula Moses Masika

Clause 9 - as amended, agreed to

Clause 10 - amendment proposed

Motion made and Question proposed;

THAT the Bill be amended by deleting Clause 10 and substituting therefor the following new clause —

Application for licence. **10.** (1) A person who intends to market, process or carry out large scale trading in mung beans or mung beans products shall make an application for a licence to the county licensing committee in the form prescribed by the county executive committee member.

(2) The county licensing committee shall notify an

applicant of the decision on an application for a licence within twenty-one days.

(3) A county government may enact county legislation setting out—

- (a) the criteria for the issuance of a licence within the respective county;
- (b) information required to be submitted by an applicant for a licence under this Act;
- (c) the process of determination of an application for a licence under this Act;
- (d) the process of application for the renewal of licences under this Act; and
- (e) such other matters as the county government may consider necessary for licensing in the respective county.

(4) In enacting legislation under subsection (3), a county government shall take into account the need to ensure that—

- (a) the licensing procedures are simple, accessible and do not impose an undue burden on an applicant;
- (b) information regarding the application requirements and procedure is readily available and accessible to an applicant;
- (c) the application process is cost effective; and
- (d) the licensing process is efficient and transparent and that feedback is submitted to an applicant in a timely manner.

(Sen. Enoch Wambua, MP – 04/03/2021)

Debate interrupted on Thursday, 4th March, 2021 resumed on a Division.

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings

during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for two minutes;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Beatrice Kwamboka Makori, MP – NOES

After the expiry of the two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 29

NOES: 0

ABSTENTIONS: 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
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14. Sen. Madzayo Stewart Mwachiru
15. Sen. Inimah Getrude Musuruve – voted on behalf of Kakamega County delegation
16. Sen. Mbogo George Ochilo Ayacko
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18. Sen. Murkomen Onesimus Kipchumba
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22. Sen. Olekina Ledama
23. Sen. Ongeru Samson Kegengo
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno
26. Sen. Poghisio Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Wambua Enoch Kii

29. Sen. Wetang'ula Moses Masika

Clause 10 - as amended, agreed to

Clause 11 - amendment proposed

Motion made and Question proposed;

THAT clause 11 of the Bill be amended by deleting the words “county executive committee member” appearing at the beginning of the introductory clause and substituting therefor “county licensing committee”.

(Sen. Enoch Wambua, MP – 04/03/2021)

Debate interrupted on Thursday, 4th March, 2021 resumed on a Division.

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for two minutes;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Beatrice Kwamboka Makori, MP – NOES

After the expiry of the two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 29

NOES: 0

ABSTENTIONS: 0

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4. Sen. Cheruiyot Aaron Kipkirui
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8. Sen. Khaniri George
9. Sen. Kimani Wamatangi Paul

10. Sen. Kindiki Kithure
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15. Sen. Inimah Getrude Musuruve – voted on behalf of Kakamega County delegation
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23. Sen. Onger Samson Kegengo
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno
26. Sen. Poghio Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Wambua Enoch Kii
29. Sen. Wetang’ula Moses Masika

Clause 11 - as amended, agreed to

Clause 12 - amendment proposed

Motion made and Question proposed;

THAT clause 12 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “A county executive committee member” appearing at the beginning of the sub-clause and substituting therefor the words “A county licensing committee;
- (b) in sub-clause (2) by deleting the introductory clause and substituting therefor the following introductory clause—
 - (2) A county licensing committee shall not cancel a licence issued under this Act unless the county licensing committee—
- (c) by deleting sub-clause (4) and substituting therefor the following new subclause —
 - (4) A county licensing committee may, upon request by a holder of a licence, extend the timeline for compliance under subsection (3)(c) for such period as the county licensing committee may consider necessary.

- (5) in sub-clause (6) by deleting the words “A county executive committee member” appearing at the beginning of the sub-clause and substituting therefor the words “A county licensing committee.

(Sen. Enoch Wambua, MP – 04/03/2021)

Debate interrupted on Thursday, 4th March, 2021 resumed on a Division.

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for two minutes;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Beatrice Kwamboka Makori, MP – NOES

After the expiry of the two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 29

NOES: 0

ABSTENTIONS: 0

AYES

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4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana
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- 23. Sen. Ongeru Samson Kegengo
- 24. Sen. Orengo James
- 25. Sen. Outa Fredrick Otieno
- 26. Sen. Poghio Samuel Losuron
- 27. Sen. Sakaja Johnson Arthur
- 28. Sen. Wambua Enoch Kiio
- 29. Sen. Wetang’ula Moses Masika

Clause 12 - as amended, agreed to

Clause 13 - amendment proposed

Motion made and Question proposed;

THAT the Bill be amended by deleting Clause 13 and substituting therefor the following new clause—

Appeal. **13.** (1) A person who is aggrieved by the decision of a county licensing committee under this Act may, within thirty days of being notified of the decision, appeal to the county executive committee member.

(2) An appeal to the county executive committee member shall be in such form as may be prescribe in the county legislation.

(3) The county executive committee member shall determine an application under subsection (1) within sixty days of receipt of the application and may confirm, vary or reverse the decision of the county licensing committee.

(4) A person who is aggrieved by the decision of the county executive committee member may, within thirty days of the decision, appeal to the High Court.

(Sen. Enoch Wambua, MP – 04/03/2021)

Debate interrupted on Thursday, 4th March, 2021 resumed on a Division.

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for two minutes;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Beatrice Kwamboka Makori, MP – NOES

After the expiry of the two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 29

NOES: 0

ABSTENTIONS: 0

AYES

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2. Sen. Ali Abdullahi Ibrahim
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14. Sen. Madzayo Stewart Mwachiru
15. Sen. Inimah Getrude Musuruve – voted on behalf of Kakamega County delegation
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Mogeni Erick Okong'o
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Muthama Agnes Kavindu
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwangi Paul Githiomi
22. Sen. Olekina Ledama
23. Sen. Ongeru Samson Kegengo
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno

26. Sen. Poghisio Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Wambua Enoch Kiio
29. Sen. Wetang'ula Moses Masika

Clause 13 - as amended, agreed to

Clauses 14 – 20

Motion made and Question proposed-

THAT Clauses 14 - 20 be part of the Bill.

Debate interrupted on Thursday, 4th March, 2021 resumed on a Division.

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Divison bell be rung for two minutes;

The names of the Tellers were annouced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Beatrice Kwamboka Makori, MP – NOES

After the expiry of the two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 29

NOES: 0

ABSTENTIONS: 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana
6. Sen. Imana Malachy Charles Ekal
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kimani Wamatangi Paul
10. Sen. Kindiki Kithure
11. Sen. Lang'at Christopher Andrew

12. Sen. Lelegwe Ltumbesi
13. Sen. Loiptip Anuar
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Inimah Getrude Musuruve – voted on behalf of Kakamega County delegation
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Mogeni Erick Okong’o
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Muthama Agnes Kavindu
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwangi Paul Githiomi
22. Sen. Olekina Ledama
23. Sen. Onger Samson Kegengo
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno
26. Sen. Poghio Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Wambua Enoch Kiio
29. Sen. Wetang’ula Moses Masika

Clause 14-20 - agreed to

Clause 21 - amendment proposed

Motion made and Question proposed-

THAT Clause 21 of the Bill be amended by deleting the words “by the Authority as the case may be,” appearing immediately after the words “issued or made”.

(Sen. (Canon) Naomi Waqo, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries – 04/03/2021)

Debate interrupted on Thursday, 4th March, 2021 resumed on a Division.

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for two minutes;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Beatrice Kwamboka Makori, MP – NOES

After the expiry of the two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 29

NOES: 0

ABSTENTIONS: 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana
6. Sen. Imana Malachy Charles Ekal
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kimani Wamatangi Paul
10. Sen. Kindiki Kithure
11. Sen. Lang’at Christopher Andrew
12. Sen. Lelegwe Ltumbesi
13. Sen. Loitiptip Anuar
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Inimah Getrude Musuruve – voted on behalf of Kakamega County delegation
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Mogeni Erick Okong’o
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Muthama Agnes Kavindu
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwangi Paul Githiomi
22. Sen. Olekina Ledama
23. Sen. Ongeru Samson Kegengo
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno
26. Sen. Poghisio Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Wambua Enoch Kiio
29. Sen. Wetang’ula Moses Masika

Clause 21 - as amended, agreed to

New Clause 9A - insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 9 —

County licensing	9A. (1) Each county executive committee member shall, for the effective performance of section (9), establish a
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committee. county licensing committee.

(2) A county licensing committee shall consist of the—
(a) a chairperson;

(b) one person representing growers of mung beans in the respective county; and

(c) three public officers in the department responsible for agriculture with relevant experience in matters relating to agriculture.

(3) The chairperson and member under subsection (2) (a) and (b) shall be competitively recruited by the county public service board and appointed by the county executive committee member.

(4) The county executive committee member shall appoint the persons in subsection (2) (a) and (b) by notice in the county *gazette*.

(Sen. Enoch Wambua, MP)

Motion made and Question proposed;

THAT, the New Clause 9A be now read a Second Time.

(Sen. Enoch Wambua, MP – 04/03/2021)

Debate interrupted on Thursday, 4th March, 2021 resumed on a Division.

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for two minutes;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Beatrice Kwamboka Makori, MP – NOES

After the expiry of the two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 29

NOES: 0

ABSTENTIONS: 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana
6. Sen. Imana Malachy Charles Ekal
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kimani Wamatangi Paul
10. Sen. Kindiki Kithure
11. Sen. Lang’at Christopher Andrew
12. Sen. Lelegwe Ltumbesi
13. Sen. Loiptip Anuar
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Inimah Getrude Musuruve – voted on behalf of Kakamega County delegation
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Mogeni Erick Okong’o
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Muthama Agnes Kavindu
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwangi Paul Githiomi
22. Sen. Olekina Ledama
23. Sen. Ongeru Samson Kegengo
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno
26. Sen. Poghisio Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Wambua Enoch Kii
29. Sen. Wetang’ula Moses Masika

New Clause 9A -agreed to.

New Clause 9B - insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 9 —

Qualifications for appointment.	9B. A person shall be qualified for appointment as a member of the county licensing committee under subsection (2)(a) and (b), if that person—
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(a) holds a degree from a university recognised in

Kenya;

(b) has at least five years' experience in the agricultural sector; and

(c) meets the requirements of Chapter Six of the Constitution.

(Sen. Enoch Wambua, MP)

Motion made and Question proposed;

THAT, the New Clause 9B be now read a Second Time.

(Sen. Enoch Wambua, MP – 04/03/2021)

Debate interrupted on Thursday, 4th March, 2021 resumed on a Division.

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for two minutes;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Beatrice Kwamboka Makori, MP – NOES

After the expiry of the two minutes, the The Acting Chairperson directed that the doors be locked and the bars be drawn;

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 29

NOES: 0

ABSTENTIONS: 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana
6. Sen. Imana Malachy Charles Ekal
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kimani Wamatangi Paul

10. Sen. Kindiki Kithure
11. Sen. Lang'at Christopher Andrew
12. Sen. Lelegwe Ltumbesi
13. Sen. Loiptip Anuar
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Inimah Getrude Musuruve – voted on behalf of Kakamega County delegation
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Mogeni Erick Okong'o
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Muthama Agnes Kavindu
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwangi Paul Githiomi
22. Sen. Olekina Ledama
23. Sen. Onger Samson Kegengo
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno
26. Sen. Poghisio Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Wambua Enoch Kii
29. Sen. Wetang'ula Moses Masika

New Clause 9B agreed to.

New Clause 9C -insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 9 —

Term of appointment. **9C.** A person appointed under section 9A (2) (a) and (b) shall serve for a term of three years renewable for one further term.

(Sen. Enoch Wambua, MP)

Motion made and Question proposed;

THAT, the New Clause 9C be now read a Second Time.

(Sen. Enoch Wambua, MP – 04/03/2021)

Debate interrupted on Thursday, 4th March, 2021 resumed on a Division.

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for two minutes;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Beatrice Kwamboka Makori, MP – NOES

After the expiry of the two minutes, the The Acting Chairperson directed that the doors be locked and the bars be drawn;

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 29

NOES: 0

ABSTENTIONS: 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana
6. Sen. Imana Malachy Charles Ekal
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kimani Wamatangi Paul
10. Sen. Kindiki Kithure
11. Sen. Lang'at Christopher Andrew
12. Sen. Lelegwe Ltumbesi
13. Sen. Loitiptip Anuar
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Inimah Getrude Musuruve – voted on behalf of Kakamega County delegation
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Mogeni Erick Okong'o
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Muthama Agnes Kavindu
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwangi Paul Githiomi
22. Sen. Olekina Ledama
23. Sen. Ongeru Samson Kegengo
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno
26. Sen. Poghismo Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Wambua Enoch Kii
29. Sen. Wetang'ula Moses Masika

Clause 2, the Title and Clause 1

Motion made and Question proposed-

THAT Clause 2, the Title and Clause 1 be part of the Bill

Debate interrupted on Thursday, 4th March, 2021 resumed on a Division.

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for two minutes;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Beatrice Kwamboka Makori, MP – NOES

After the expiry of the two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 29

NOES: 0

ABSTENTIONS: 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana
6. Sen. Imana Malachy Charles Ekal
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kimani Wamatangi Paul
10. Sen. Kindiki Kithure
11. Sen. Lang'at Christopher Andrew
12. Sen. Lelegwe Ltumbesi
13. Sen. Loitiptip Anuar
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Inimah Getrude Musuruve – voted on behalf of Kakamega County delegation
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Mogeni Erick Okong'o
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Muthama Agnes Kavindu

- 20. Sen. Mutula Kilonzo Junior
- 21. Sen. Mwangi Paul Githiomi
- 22. Sen. Olekina Ledama
- 23. Sen. Ongeru Samson Kegengo
- 24. Sen. Orengo James
- 25. Sen. Outa Fredrick Otieno
- 26. Sen. Poghiso Samuel Losuron
- 27. Sen. Sakaja Johnson Arthur
- 28. Sen. Wambua Enoch Kiiro
- 29. Sen. Wetang'ula Moses Masika

New Clause 9C - agreed to

Clause 2, the Title and Clause 1 - agreed to

Motion made: -

THAT, the Committee of the Whole do report to the House its consideration of the Mung Beans Bill (Senate Bills No. 9 of 2020) and its approval thereof with amendments;

(Sen. Enoch Wambua, MP)

Before the Question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Judith Pareno, MP) ruled that the Question did not affect counties;

Question put and agreed to.

20. **THE HOUSE RESUMED** – (The Deputy Speaker in the Chair)

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

Bill reported with amendments;

Motion made and Question proposed-

THAT, the Senate do agree with the Committee of the Whole in the said Report.

(Sen. Enoch Wambua, MP)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 79, the Deputy Speaker ruled that the question did not affect counties;

Question put and agreed to.

Motion made and Question proposed-

THAT, the Mung Beans Bill (Senate Bills No. 9 of 2020 be now Read a Third Time.

(Sen. Enoch Wambua, MP)

There being no Senator wishing to contribute;

The House proceeded to a Division on the Third Reading of the Bill;

The Deputy Speaker directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for one minute;

The names of the Tellers were announced as follows;

1. Sen. Farhiya Ali Haji, MP – AYES
2. Sen. Beatrice Kwamboka Makori, MP – NOES

After the expiry of one minute, the Deputy Speaker directed that the doors be locked, and the bar be drawn;

The Deputy Speaker put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows;

AYES: 30

NOES: 0

ABSTENTIONS: 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana
6. Sen. Imana Malachy Charles Ekal
7. Sen. Mercy Chebeni – voted on behalf of the Uasin Gishu County delegation
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kimani Wamatangi Paul
11. Sen. Kindiki Kithure
12. Sen. Lang’at Christopher Andrew
13. Sen. Lelegwe Ltumbesi

14. Sen. Loiptip Anuar
15. Sen. Madzayo Stewart Mwachiru
16. Sen. Malalah Cleophas Wakhungu
17. Sen. Mbogo George Ochilo Ayacko
18. Sen. Mogeni Erick Okong'o
19. Sen. Murkomen Onesimus Kipchumba
20. Sen. Muthama Agnes Kavindu
21. Sen. Mutula Kilonzo Junior
22. Sen. Mwangi Paul Githiomi
23. Sen. Olekina Ledama
24. Sen. Ongeru Samson Kegengo
25. Sen. Orengo James
26. Sen. Outa Fredrick Otieno
27. Sen. Poghio Samuel Losuron
28. Sen. Sakaja Johnson Arthur
29. Sen. Wambua Enoch Kii
30. Sen. Wetang'ula Moses Masika

Bill Read a Third Time and **passed.**

22. **MOTION - ALTERATION OF THE SENATE CALENDAR FOR THE FIFTH SESSION**

Order read;

Motion made;

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2021 (*approval of the Senate Calendar*) and on 24th March, 2021 (*alteration of the Senate Calendar*), pursuant to Standing Order 29(4), the Senate resolves to further alter the Senate Calendar (*Regular Sessions of the Senate*) in respect of Part II, so as to adjourn on Tuesday, 30th March, 2021 and to resume sittings on Tuesday, 11th May, 2021, in accordance with the Resolution made on 24th March, 2021; and that pursuant to Standing Order 31(3)(a) and (b), the morning sitting of Tuesday, 30th March, 2021 be held until conclusion of business appearing on the Order Paper.

(The Senate Majority Leader)

23. **SUSPENSION OF THE SENATE**

The Deputy Speaker suspended the proceedings at thirty minutes past twelve O'clock to allow Senators a lunch break.

24. **THE SENATE RESUMED** - at thirty minutes past two O'clock (the Deputy Speaker - in the Chair)

25. MOTION – ALTERATION OF THE SENATE CALENDAR FOR THE FIFTH SESSION

Motion made and Question proposed;

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2021 (*approval of the Senate Calendar*) and on 24th March, 2021 (*alteration of the Senate Calendar*), pursuant to Standing Order 29(4), the Senate resolves to further alter the Senate Calendar (*Regular Sessions of the Senate*) in respect of Part II, so as to adjourn on Tuesday, 30th March, 2021 and to resume sittings on Tuesday, 11th May, 2021, in accordance with the Resolution made on 24th March, 2021; and that pursuant to Standing Order 31(3)(a) and (b), the morning sitting of Tuesday, 30th March, 2021 be held until conclusion of business appearing on the Order Paper.

(The Senate Majority Leader)

Debate arising;

Amendment proposed;

THAT, the Motion be amended by adding the following words immediately after the words “*Resolution made on 24th March, 2021*” appearing on the 7th line of the Motion –

“Provided that Select Committees of the Senate continue to hold virtual meetings pursuant to Standing Order 251A, and where necessary, hold physical meetings in absolute and strict compliance with COVID 19 Protocols.”

(Sen. (Dr.) Ochillo Ayacko, MP)

Debate arising on the amendment;

There being no other Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Deputy Speaker ruled that the Question did not affect counties;

Question on amendment put and agreed to.

Motion proposed in amended form pursuant to Standing Order 62(11);

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2021 (*approval of the Senate Calendar*) and on 24th March, 2021 (*alteration of the Senate Calendar*), pursuant to Standing Order 29(4), the Senate resolves to further alter the Senate Calendar (*Regular Sessions of the Senate*) in respect of Part II, so as to adjourn on Tuesday, 30th March, 2021 and to resume sittings on Tuesday, 11th May, 2021, in accordance with the

Resolution made on 24th March, 2021; **Provided that Select Committees of the Senate continue to hold virtual meetings pursuant to Standing Order 251A, and where necessary, hold physical meetings in absolute and strict compliance with COVID 19 Protocols;** and that pursuant to Standing Order 31(3)(a) and (b), the morning sitting of Tuesday, 30th March, 2021 be held until conclusion of business appearing on the Order Paper.

Debate on Motion as amended resumed;

And there being no other Senator wishing to contribute;

The Senate Majority Whip replied on behalf of the Mover;

Before the Question was put, and pursuant to Standing Order No. 79 (1), the Temporary Speaker (Sen. Judith Pareno, MP) informed the House that the Motion did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY;

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2021 (*approval of the Senate Calendar*) and on 24th March, 2021 (*alteration of the Senate Calendar*), pursuant to Standing Order 29(4), the Senate resolves to further alter the Senate Calendar (*Regular Sessions of the Senate*) in respect of Part II, so as to adjourn on Tuesday, 30th March, 2021 and to resume sittings on Tuesday, 11th May, 2021, in accordance with the Resolution made on 24th March, 2021; **Provided that Select Committees of the Senate continue to hold virtual meetings pursuant to Standing Order 251A, and where necessary, hold physical meetings in absolute and strict compliance with COVID 19 Protocols;** and that pursuant to Standing Order 31(3)(a) and (b), the morning sitting of Tuesday, 30th March, 2021 be held until conclusion of business appearing on the Order Paper.

26. **MOTION - FAST TRACKING CULTURAL DEVELOPMENTS IN COUNTIES**
(Sen. (Arch.) Sylvia Kasanga, MP)

Order read;

THAT, WHEREAS Kenya is a multi-ethnic and multi-racial country with rich and diverse cultural resources such as traditional medicine and foods, arts, craft, music, dances, dress among others;

AWARE THAT, the Constitution, in its preamble acknowledges the cultural diversity of the Kenyan people who are determined to live in peace and unity as one indivisible sovereign nation whilst, Article 11 of the Kenyan Constitution recognizes culture as the foundation of the nation;

NOTING that, while the Department of Culture under the Ministry of Sports, Culture and Heritage has been playing some of the key roles in promotion of cultural integration, formulation of policies and standards that will guide the development of culture, little information has been available to the Kenyan public;

ACKNOWLEDGING, that culture performs a significant role in the life of a child, the cultural background in which a child is brought up affects the totality of his or her life's activities;

CONCERNED, that our children are losing their sense of identity due to the negative influences due to inadequate cultural identity catalyzed by globalization which has led to catastrophic consequences to the next generation as experienced in our country where a majority of young people are showing symptoms of feeling suicidal, anxious, feeling of hopelessness, anger, violence, feeling isolated, and paranoia;

NOW THEREFORE, the Senate urges the Cabinet Secretary, Ministry of Sports, Culture and Heritage to –

- a) Formulate cultural development policies and initiatives to inculcate stronger community values, safeguard Kenya's heritage, recognize local heroes and promote socio-cultural opportunities in the counties; and
- b) Formulate strategies to create an enabling environment for protection and promotion of diversity of cultural expressions in all counties.

Order deferred.

27. **ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON INQUIRY INTO THE OPERATIONALIZATION OF THE NATIONAL CONSTRUCTION AUTHORITY (DEFECTS LIABILITY) REGULATIONS**

(Chairperson, Standing Committee on Roads and Transportation)

Order read;

THAT, the Senate adopts the report of the Standing Committee on Roads and Transportation on its inquiry into the operationalization of the National Construction Authority (Defects Liability) Regulations, laid on the Table of the Senate on Thursday, 24th September, 2020.

Order deferred.

28. **MOTION - PARKING CHARGES IN PUBLIC INSTITUTIONS OFFERING ESSENTIAL SERVICES**

(Sen. (Dr.) Ali Abdullahi Ibrahim, MP)

Order read;

THAT, AWARE THAT, many urban areas and towns in Kenya lack designated car parking areas as a result of imbalance between parking supply and demand mainly due to ineffective land use planning and miscalculations of space requirements, thereby leading to exorbitant parking fees;

NOTING THAT, most essential services offered in hospitals, educational institutions and other public utilities are offered in urban centers, shopping malls and other designated areas that charge parking fees to access;

ACKNOWLEDGING, that whether they are delivered by public or private providers, essential services such as health, banking, education and other utilities are considered to be public services because they are public goods that sustain the well-being of every citizen and help in the development of the society as a whole;

CONCERNED, that access to hospitals, educational institutions and other places offering essential services might be hindered due to exorbitant parking fees levied on motorists accessing these services;

FURTHER CONCERNED, that charging entry fees amount to double taxation as the motorists who would have paid the parking fees will still pay for the services they seek;

NOW THEREFORE, the Senate urges the Cabinet Secretary for Lands, Housing and Physical Planning together with the Council of Governors to come up with a policy framework to create an enabling environment for protection of motorists accessing essential services from paying exorbitant fees for parking.

Order deferred.

29. **MOTION – REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 141ST ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS, HELD IN BELGRADE, SERBIA FROM 13TH TO 17TH OCTOBER, 2019**

(Sen. Susan Kihika, MP)

Order read;

THAT, the Senate notes the report of the Parliament of Kenya Delegation to the 141st Assembly of the Inter-Parliamentary Union (IPU) and related meetings, held in Belgrade, Serbia, from 13th to 17th October, 2019 laid on the Table of the House on Wednesday, 4th March, 2020.

Order deferred.

30. **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. (Dr.) Abdullahi Ali, MP)

Order read;

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, laid on the Table of the House on Tuesday, 10th March, 2020.

Order deferred.

And the time being forty-eight Minutes past Six O'clock, the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP) adjourned the Senate without Question put, pursuant to the Standing Orders.

31. **SENATE ROSE** – at Forty-eight Minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, May 11, 2021 at 10.00 a.m.*

--x--