



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FIFTH SESSION)
VOTES AND PROCEEDINGS
THURSDAY, SEPTEMBER 16, 2021 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **PETITIONS**

The following Petitions were presented to the Senate -

- i) Pursuant to Standing Order 230(2) (b), the Speaker, reported to the Senate a petition by the Kenya Water and Sanitation Civil Society Network concerning offending provisions in the Water Services Regulations, 2021 and the Water Resources Regulations, 2021.

Pursuant to Standing Order 231, the Speaker invited Senators to make comments, observations or seek clarification in relation to the Petition and, subsequently committed it to the Standing Committee on Land, Environment and Natural Resources, pursuant to Standing Order 232(1).

- ii) Pursuant to Standing Order 230(2)(a) Nominated Senator (Sen. (Dr.) Getrude Musuruve, MP), reported to the Senate a petition by Mr. Daniel Matendechere, a resident of Kakamega County, concerning unfair dismissal and lack of compensation by M/S Broadways Bakery Limited.

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

4. **PAPERS**

The following papers was laid on the Table of the Senate –

- i.) Report of the Standing Committee on Labour and Social Welfare on the Persons with Disabilities (Amendment) Bill (Senate Bills No. 29 of 2020).

(Sen. Naomi Shiyonga, MP on behalf of the Chairperson, Standing Committee on Labour and Social Welfare)

- ii.) Statement on the Business of the Senate for the week commencing Tuesday 21st September, 2021.

(The Deputy Senate Majority Leader)

5. STATEMENTS

i.) Pursuant to Standing Order 48 (1)

- a) The Senator for Bomet County (Sen. (Dr.) Christopher A. Langat, MP) sought a statement from the Standing Committee on Health, regarding the decision by the National Hospital Insurance Fund (NHIF) to deny cover to COVID-19 patients admitted in non-designated health facilities.
- b) The Senator for Samburu County (Sen. (Dr.) Lelegwe Ltumbesi, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations, regarding alleged unfair treatment of members of the Samburu community living in Laikipia County and wanton killing of their livestock by security forces in the ongoing security operation in the County.

ii.) Pursuant to Standing Order 51(a)

The Chairperson, Standing Committee on Energy issued a Statement on the increase of fuel prices by the Energy and Petroleum Regulatory Authority in mid-September, 2021.

The Chairperson informed the Senate that the Cabinet Secretary, Ministry of Petroleum issued the Petroleum Levy Order, 2020, which was published in the Kenya Gazette on 10th July, 2020. The Order sets out levies to be paid with respect to various petroleum fuels consumed in Kenya, which were to be paid into a fund created under the Act and to serve as a stabilizing mechanism for local pump prices, where the prices rise owing to various external factors.

To facilitate accessible fuel prices for *wananchi*, the Chairperson urged for the implementation of the Price Control (Essential Goods) Act No. 26 of 2011 that provides for the regulation of prices for essential commodities including, maize, maize flour, wheat, wheat flour, rice, cooking fat, oil, sugar, kerosene, diesel and petrol, in order to secure their availability at reasonable prices.

He concluded by stating that the Standing Committee on Energy was committed to ensuring the protection of Kenyans against the sharp rise in fuel prices, and gave the House the assurance that the Committee was considering the matter carefully and has scheduled a meeting with the Cabinet Secretary in the Ministry of Petroleum on 21st September, 2021 to address the matter.

iii.) **Pursuant to Standing Order 52(1)**

The Deputy Senate Majority Leader issued a Statement on the Business of the Senate for the week commencing Tuesday, 21st September, 2021.

6. **MOTION- APPROVAL OF SEN. JOHN KINYUA NDERITU, MP, TO SERVE IN THE SPEAKER'S PANEL AND PRESIDE OVER THE SENATE IN THE ABSENCE OF THE SPEAKER AND THE DEPUTY SPEAKER**

Order Read;

Motion made and Question Proposed;

THAT, pursuant to Standing Order 17, the Senate approves the nomination of Sen. John Kinyua Nderitu, MP, as a Member of the Speaker's Panel; and further, to be elected to preside over the Senate in the absence of the Speaker and the Deputy Speaker, pursuant to Article 107(1)(c) of the Constitution and Standing Order 15 of the Senate.

(The Deputy Senate Minority Leader)

Debate arising;

Quorum of the Senate

Raising a Point of Order pursuant to Standing Order 36(1), the Senator for Mandera County (Sen. Mahamud M. Maalim, MP) drew the attention of the Temporary Speaker (Sen. Rose Nyamunga, MP) to the fact that there was no quorum in the House;

And the Temporary Speaker (Sen. Rose Nyamunga, MP) having counted the Senators present and confirmed that there was a quorum in the House;

Debate interrupted resumed;

And there being no Senator wishing to contribute;

Pursuant to Standing Order 79 (1), the Temporary Speaker (Sen. Rose Nyamunga, MP) ruled that the Question did not affect Counties.

Question put and agreed to.

RESOLVED ACCORDINGLY:

THAT, pursuant to Standing Order 17, the Senate approves the nomination of Sen. John Kinyua Nderitu, MP, as a Member of the Speaker's Panel; and further, to be elected to preside over the Senate in the absence of the Speaker and the Deputy Speaker, pursuant to Article 107(1)(c) of the Constitution and Standing Order 15 of the Senate.

7. **MOTION – APPROVAL OF SENATORS TO SERVE IN THE COMMITTEE OF POWERS AND PRIVILEGES**

Order Read;

Motion made and Question Proposed;

THAT, NOTWITHSTANDING the resolution of the Senate made on 14th February, 2018, and 24th June, 2020, on the approval of Senators to serve in the Committee of Powers and Privileges, and pursuant to Section 15 (1) (b) (ii), of the Parliamentary Powers and Privileges Act, and Standing Order 189, the Senate approves the following Senators nominated to serve in the Committee of Powers and Privileges –

1. Sen. (Canon) Naomi Waqo, MP to replace Sen. (Dr.) Alice Milgo, MP;
2. Sen. Christine Zawadi Gona, MP to replace Sen. Kipchumba Murkomen, EGH, MP; and
3. Sen. Haji Abdul Mohammed, MP to replace Sen. Kimani Wamatangi, MP

(The Deputy Senate Minority Leader)

Debate arising;

And there being no Senator wishing to contribute;

Pursuant to Standing Order 79 (1), the Temporary Speaker (Sen. Rose Nyamunga, MP) ruled that the Question did not affect Counties.

Question put and negatived.

8. **MOTION – APPROVAL OF SEN. (PROF.) SAMSON ONGERI, EGH, MP TO SERVE IN THE SESSIONAL COMMITTEE ON DELEGATED LEGISLATION**
(The Senate Majority Leader)

THAT, NOTWITHSTANDING, the resolution of the Senate made on 30th March, 2021 on the approval of Senators to serve in the Sessional Committee on Delegated Legislation, and pursuant to Standing Orders 189 and 219, the Senate approves the nomination of Sen. (Prof.) Samson Ongeri, EGH, MP to replace Sen. Erick Okong’o Mogeni, SC, MP as a Member of the Sessional Committee on Delegated Legislation.

Order deferred.

9. **MOTION – RECONSTITUTION OF STANDING COMMITTEES**
(The Senate Majority Leader)

THAT, NOTWITHSTANDING, the resolutions of the Senate made on 14th December, 2017; 14th February, 2018; 21st February, 2018; 21st November, 2018; 20th March, 2019; 19th June, 2019; 28th April, 2020; and 24th June,

2020 on the approval of Senators to serve in various Standing Committees of the Senate, and pursuant to Standing Orders 189, 218, and the Second Schedule to the Standing Orders, the Senate approves the following Senators nominated by the Senate Business Committee to serve in Standing Committees of the Senate as follows –

(i) Committee on Agriculture, Livestock and Fisheries

1. Sen. (Prof.) Margaret Kamar, EGH, MP to replace Sen. (Eng.) Ephraim Mwangi Maina, MP;
2. Sen. Haji Abdul Mohammed, MP to replace Sen. (Dr.) Mbito Michael Maling'ua, MP;
3. Sen. (Dr.) Gertrude Musuruve Inimah, MP to replace Sen. Boy Issa Juma, MP; and
4. Sen. Agnes Kavindu Muthama, MP to serve as a Member.

(ii) Committee on Devolution and Intergovernmental Relations

1. Sen. Njeru Ndwiga, EGH, MP to replace Sen. Aaron Cheruiyot, MP.
2. Sen. Samson Cherarkey, MP to serve as a Member;
3. Sen. Irungu Kang'ata, MP to serve a Member; and
4. Sen. Agnes Kavindu, MP to serve as a Member.

(iii) Committee on Education

1. Sen. Naomi Shiyonga Masitsa, MP to replace Sen. (Dr.) Gertrude Musuruve Inimah, MP; and
2. Sen. Boy Issa Juma, MP to replace Sen. (Prof.) Imana Malachi Charles Ekal, MP.

(iv) Committee on Energy

1. Sen. Susan Kihika, MP to replace Sen. Abshiro Halake, MP;
2. Sen. Kipchumba Murkomen, EGH, MP to replace Sen. John Kinyua Nderitu, MP; and
3. Sen. Haji Abdul Mohammed, MP, to serve as a Member.
4. Sen. Moses Wetangula, EGH, MP to replace Sen. (Prof.) Imana Malachy Ekal, MP

(v) Committee on Finance and Budget

- Sen. (Prof.) Samson Ongeru, EGH, MP to replace Sen. (Dr.) Ochillo Ayacko, EGH, MP.

(vi) Committee on Information, Communication and Technology

1. Sen. Samuel Poghio, EGH, MP to replace Sen. Gideon Moi, CBS, MP;
2. Sen. (Eng.) Mahamud, Mohamed Maalim, CBS, MP to replace Sen. Susan Kihika, MP;
3. Sen. Moses Kajwang', MP to replace Sen. Petronilla Were Lokorio, MP; and
4. Sen. (Dr.) Gertrude Musuruve Inimah, MP to replace Sen. Mercy Chebeni, MP.

- (vii) **Committee on Justice, Legal Affairs and Human Rights**
Sen. (Eng.) Ephraim Maina, EBS, MP to serve as a Member.
- (viii) **Committee on Labour and Social Welfare**
1. Sen. Ledama Olekina, MP to replace Sen. Johnes Mwaruma, MP; and
 2. Sen. Philip Salau Mpaayei, MP to replace Sen. Paul Mwangi Githiomi, MP.
- (ix) **Committee on Land, Environment and Natural Resources**
Sen. (Dr.) Alice Milgo, MP to replace Sen. Ndwiga Peter Njeru, MP; and further that Sen. Gideon Moi, CBS, MP ceases being a Member of the Committee.
- (x) **Committee on National Cohesion, Equal Opportunity and Regional Integration**
1. Sen. Abshiro Halake, MP to replace Sen. (Dr.) Christopher Andrew Lang'at, MP; and
 2. Sen. (Dr.) Ochillo Ayacko, EGH, MP to replace Sen. (Dr.) Gertrude Musuruve Inimah, MP.
- (xi) **Committee on National Security, Defence and Foreign Relations**
1. Sen. Gideon Moi, CBS, MP to replace Sen. (Eng.) Mahamud, Mohamed Maalim, CBS, MP; and
 2. Sen. Paul Mwangi Githiomi, MP to serve as a Member.
- (xii) **Committee on Tourism, Trade and Industrialization**
1. Sen. Aaron Cheruiyot, MP to replace Sen. Philip Mpaayei, MP;
 2. Sen. (Prof.) Imana Malachy Charles Ekal, MP to replace Sen. (Dr.) Agnes Zani, CBS MP; and
 3. Sen. Petronilla Were Lokorio, MP, to replace Sen. Mercy Chebeni, MP.

Order deferred.

10. **THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2021)**

(Sen. Abshiro Halake, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 4th August, 2021)

Order for Second Reading read;

Order deferred.

11. **THE PUBLIC PRIVATE PARTNERSHIPS BILL (NATIONAL ASSEMBLY BILLS NO. 6 OF 2021)**

(The Senate Majority Leader)

(Second Reading)

Order for Second Reading read;

Order deferred.

12. **THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 9 OF 2021)**
(Sen. Kipchumba Murkomen, MP)

(Second Reading)

Order for Second Reading read;

Order deferred.

13. **THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 14 OF 2021)**

Order for Second Reading read;

Motion made;

THAT, the Disaster Risk Management Bill (Senate Bills No. 14 of 2021) be now read a Second Time.

(Sen. Sakaja Johnson, MP)

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

14. **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
Tuesday, September 21, 2021 at 2.30 p.m.*

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