



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 08, 2019 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. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

a) Visiting Students and Teachers from Kangema High School in Murang'a County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Kangema High School, Murang'a County.

On behalf of the Senate, and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.”

b) Visiting Students and Teachers from Kirwara High School in Murang'a County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Kirwara High School, Murang'a County.

On behalf of the Senate, and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.”

4. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE PASSAGE OF THE INDEPENDENT ELECTORAL AND BOUNDARIES (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2019)**

The Speaker conveyed the following Message from the National Assembly: -

“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 Independent Electoral and Boundaries (Amendment) (No. 3) Bill (National Assembly Bill No. 35 of 2019)-

“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 Independent Electoral and Boundaries (Amendment) (No. 3) Bill (National Assembly Bill No. 35 of 2019) was published vide Kenya Gazette Supplement No. 65 of 8th May, 2019 as a Bill concerning county governments proposing to inter alia, establish a Selection Panel to oversee the filling of vacant positions in the Independent Electoral and Boundaries Commission;

AND WHEREAS the National Assembly considered the Bill at the Committee Stage on Thursday, 19th September, 2019 and passed the said Bill on Tuesday, 24th September, 2019 with amendments in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of 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,

Standing Order No. 157 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, therefore, direct that the Independent Electoral and Boundaries (Amendment) (No. 3) Bill (National Assembly Bill No. 35 of 2019) be read a First time, tomorrow, Wednesday, 9th October, 2019.

I thank you.”

4. PAPERS LAID

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

- (i) Report of the Auditor-General on the Financial Statements of Homa-Bay county Assembly Car Loan and Mortgage Fund for the Year ended 30th June, 2018.

(The Senate Majority Leader)

- (ii) Report of the Standing Committee on Health on the strike by doctors in Laikipia County.

(Chairperson, Standing Committee on Health)

5. MOTION – APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR FINANCIAL YEAR 2019/20

Motion made and Question proposed:

THAT, pursuant to Section 17 of the Public Finance Management Act and Standing Order 183 of the Senate, this House approves the Report of the Standing Committee on Finance and Budget on the County Governments Cash Disbursement Schedule for Financial Year 2019/2020, laid on the Table of the House on Wednesday, 25th September, 2019.

(Chairperson, Standing Committee on Finance and Budget – 25.9.2019)

Debate interrupted on Wednesday, 25th September, 2019 resumed on a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for one minute;

Upon the expiry of one minute, the Speaker directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to standing order 81 (5), the Speaker allowed one (1) Senator to record his vote verbally.

Thereupon, Sen. Kang’ata Irungu recorded his vote as “**Yes**”-

The results of the Division were as follows:-

AYES – 25

NOES – NIL

ABSTENTION – NIL

AYES

- 1. Sen. Adan Dullo Fatuma

2. Sen. Cheruiyot Aaron Kipkirui
3. Sen. Iman Falhada Dekow – Voted on behalf of Garissa County Delegation
4. Sen. Hargura Godana
5. Sen. Imana Malachy Ekal
6. Sen. Kajwang' Moses Otieno
7. Sen. Kang'ata Irungu - Voted verbally
8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
10. Sen. Prengei Victor – Voted on behalf of Nakuru County Delegation
11. Sen. Kimani Wamatangi Paul
12. Sen. Kindiki Kithure
13. Sen. Lang'at Christopher Andrew
14. Sen. Linturi Franklin Mithika
15. Sen. Malalah Cleophas Wakhungu
16. Sen. Mbito Michael Maling'a
17. Sen. Mogeni Erick Okong'o
18. Sen. Mpaayei Phillip Salau – Voted verbally
19. Sen. Murkomen Onesimus Kipchumba
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Nderitu John Kinyua
23. Sen. Nyamunga Rose – Voted on behalf of Kisumu County Delegation
24. Sen. Haji Farhiya Ali – Voted on behalf of Nairobi City County Delegation
25. Sen. Wetang'ula Moses Masika

RESOLVED ACCORDINGLY

THAT, pursuant to Section 17 of the Public Finance Management Act and Standing Order 183 of the Senate, this House approves the Report of the Standing Committee on Finance and Budget on the County Governments Cash Disbursement Schedule for Financial Year 2019/2020, laid on the Table of the House on Wednesday, 25th September, 2019.

6. **THE COUNTY TOURISM BILL (SEN. BILLS NO. 5 OF 2019)**

Motion made and Question proposed;

THAT, the County Tourism Bill (Sen. Bills No. 5 of 2019) be now read a Second Time.

(Sen. (Dr.) Agnes Zani – 18.09.2019)

The debate interrupted on Thursday, 19th September, 2019 resumed on a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for one minute;

Upon the expiry of one minute, the Speaker directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to standing order 81 (5), the Speaker allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes as “Yes”-

1. Sen. Haji Farhiya Ali – On behalf of Nairobi City County Delegation
2. Sen. Kang’ata Irungu

The results of the Division were as follows:-

AYES – 25

NOES – NIL

ABSTENTION – NIL

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Cheruiyot Aaron Kipkirui
3. Sen. Iman Falhada Dekow – Voted on behalf of Garissa County Delegation
4. Sen. Hargura Godana
5. Sen. Imana Malachy Ekal
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kang’ata Irungu - Voted verbally
8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
10. Sen. Prengei Victor – Voted on behalf of Nakuru County Delegation
11. Sen. Kimani Wamatangi Paul
12. Sen. Kindiki Kithure
13. Sen. Lang’at Christopher Andrew
14. Sen. Linturi Franklin Mithika
15. Sen. Malalah Cleophas Wakhungu
16. Sen. Mbito Michael Maling’a
17. Sen. Mogeni Erick Okong’o
18. Sen. Mpaayei Phillip Salau – Voted verbally
19. Sen. Murkomen Onesimus Kipchumba
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Nderitu John Kinyua
23. Sen. Nyamunga Rose – Voted on behalf of Kisumu County Delegation
24. Sen. Haji Farhiya Ali – Voted verbally on behalf of Nairobi City County Delegation
25. Sen. Wetang’ula Moses Masika

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

7. THE COUNTY HALL OF FAME BILL (SEN. BILLS NO. 39 OF 2018)

Motion made and Question proposed;

THAT, the County Hall of Fame Bill (Sen. Bills No. 39 of 2018) be now read a Second Time.

(Senate Majority Leader – 06.08.2019)

The debate interrupted on Tuesday, 24th September, 2019 resumed on a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for one minute;

Upon the expiry of one minute, the Speaker directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to standing order 81 (5), the Speaker allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes as “Yes”-

1. Sen. Kang’ata Irungu
2. Sen. Lang’at Christopher Andrew

The results of the Division were as follows:-

AYES – 26

NOES – NIL

ABSTENTION – NIL

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Cheruiyot Aaron Kipkirui
3. Sen. Iman Falhada Dekow – Voted on behalf of Garissa County Delegation
4. Sen. Hargura Godana
5. Sen. Imana Malachy Ekal
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kang’ata Irungu - Voted verbally
8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
10. Sen. Prengei Victor – Voted on behalf of Nakuru County Delegation
11. Sen. Kimani Wamatangi Paul
12. Sen. Kindiki Kithure
13. Sen. Lang’at Christopher Andrew
14. Sen. Linturi Franklin Mithika

15. Sen. Malalah Cleophas Wakhungu
16. Sen. Mbito Michael Maling'a
17. Sen. Mogeni Erick Okong'o
18. Sen. Mpaayei Phillip Salau – Voted verbally
19. Sen. Murkomen Onesimus Kipchumba
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Nderitu John Kinyua
23. Sen. Nyamunga Rose – Voted on behalf of Kisumu County Delegation
24. Sen. Haji Farhiya Ali – Voted on behalf of Nairobi City County Delegation
25. Sen. Wambua Enoch Kiio
26. Sen. Wetang'ula Moses Masika

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

8. **THE ESTABLISHMENT OF CHILDREN'S HOMES (SEN. BILLS NO. 12 OF 2019)**

Motion made and Question proposed;

THAT, the Establishment of Children's Homes (Sen. Bills No. 12 of 2019) be now read a Second Time.

(Sen. (Dr.) Agnes Zani – 25.09.2019)

The debate interrupted on Thursday, 1st October, 2019 resumed on a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for one minute;

Upon the expiry of one minute, the Speaker directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to standing order 81 (5), the Speaker allowed one (1) Senator to record his vote verbally.

Thereupon, Sen. Kang'ata Irungu recorded his vote as “**Yes**”

The results of the Division were as follows:-

AYES – 26

NOES – NIL

ABSTENTION – NIL

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Cheruiyot Aaron Kipkirui

3. Sen. Iman Falhada Dekow – Voted on behalf of Garissa County Delegation
4. Sen. Hargura Godana
5. Sen. Imana Malachy Ekal
6. Sen. Kajwang' Moses Otieno
7. Sen. Kang'ata Irungu - Voted verbally
8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
10. Sen. Prengei Victor – Voted on behalf of Nakuru County Delegation
11. Sen. Kimani Wamatangi Paul
12. Sen. Kindiki Kithure
13. Sen. Lang'at Christopher Andrew
14. Sen. Linturi Franklin Mithika
15. Sen. Malalah Cleophas Wakhungu
16. Sen. Mbito Michael Maling'a
17. Sen. Mogeni Erick Okong'o
18. Sen. Mpaayei Phillip Salau – Voted verbally
19. Sen. Murkomen Onesimus Kipchumba
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Nderitu John Kinyua
23. Sen. Nyamunga Rose – Voted on behalf of Kisumu County Delegation
24. Sen. Haji Farhiya Ali – Voted on behalf of Nairobi City County Delegation
25. Sen. Wambua Enoch Kiiio
26. Sen. Wetang'ula Moses Masika

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

9. **THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SEN. BILLS NO. 10 OF 2019)**

Motion made and Question proposed;

THAT, the Street Vendors (Protection of Livelihood) Bill (Sen. Bills No. 10 of 2019) be now read a Second Time.

*(Chairperson, Standing Committee on Tourism, Trade and Industrialization –
02.10.2019)*

The debate interrupted on Thursday, 3rd October, 2019 resumed on a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for one minute;

Upon the expiry of one minute, the Speaker directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to standing order 81 (5), the Speaker allowed one (1) Senator to record his vote verbally.

Thereupon, Sen. Kang’ata Irungu recorded his vote as **“Yes”**-

The results of the Division were as follows:-

AYES – 26

NOES – NIL

ABSTENTION – NIL

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Cheruiyot Aaron Kipkirui
3. Sen. Iman Falhada Dekow – Voted on behalf of Garissa County Delegation
4. Sen. Hargura Godana
5. Sen. Imana Malachy Ekal
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kang’ata Irungu - Voted verbally
8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
10. Sen. Prengei Victor – Voted on behalf of Nakuru County Delegation
11. Sen. Kimani Wamatangi Paul
12. Sen. Kindiki Kithure
13. Sen. Lang’at Christopher Andrew
14. Sen. Linturi Franklin Mithika
15. Sen. Malalah Cleophas Wakhungu
16. Sen. Mbito Michael Maling’a
17. Sen. Mogeni Erick Okong’o
18. Sen. Mpaayei Phillip Salau – Voted verbally
19. Sen. Murkomen Onesimus Kipchumba
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Nderitu John Kinyua
23. Sen. Nyamunga Rose – Voted on behalf of Kisumu County Delegation
24. Sen. Haji Farhiya Ali – Voted on behalf of Nairobi City County Delegation
25. Sen. Wambua Enoch Kiio
26. Sen. Wetang’ula Moses Masika

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

10. **MOTION - REPORT OF THE AD HOC COMMITTEE ON TEA**

Order read;

Motion made and Question proposed-

THAT, the Senate adopts the Report of the Ad hoc Committee inquiring into the challenges facing the tea sector in Kenya, laid on the Table of the Senate on Thursday, 25th July, 2019.

(Chairperson, Ad hoc Committee)

Debate arising;

There being no other Senator wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 79, the Deputy Speaker informed the House that the Motion did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate adopts the Report of the Ad hoc Committee inquiring into the challenges facing the tea sector in Kenya, laid on the Table of the Senate on Thursday, 25th July, 2019.

11. **MOTION - ENGAGEMENT OF COMMUNITY HEALTH WORKERS BY COUNTY GOVERNMENTS**

(Sen. Rose Nyamunga, MP)

THAT, AWARE THAT county health facilities, and the promotion of primary health care are devolved functions, and each county government is striving to offer the best healthcare to the people of Kenya;

COGNIZANT THAT, the provision of healthcare services is continuously riddled with numerous challenges ranging from understaffing of personnel to inadequate facilities and equipment resulting in congestion in hospitals further restricting effective service delivery;

NOTING THAT every Kenyan has a right to affordable and accessible healthcare, and the President has launched a pilot universal health care program called “*Afya Care*” that will see many Kenyans access improved healthcare;

CONCERNED THAT, the diverse nature of counties and wanting infrastructural development is compromising the quality and accessibility of health centres especially during emergency situations, resulting in the loss of many lives occasioned by the failure by patients to reach health facilities in time;

FURTHER CONCERNED THAT, in each county there are numerous unemployed community health workers who are adept at working with

communities in emergency situations, and have the requisite experience to support the medical practitioners in our country where, according to the World Health Organization 2014 report, there are two (2) doctors for every ten thousand (10,000) people;

NOW THEREFORE, the Senate resolves that the Council of Governors in partnership with the Ministry of Health –

1. Develop a policy for the training, certification and employment of community health workers to enhance the emergency health service delivery in the Counties, and
2. Facilitate the said community health workers with the necessary basic equipment for use during emergency cases.

Order deferred.

12. **MOTION - FORMATION OF COMMUNITY FOREST ASSOCIATIONS TO AID IN MANAGEMENT OF FOREST RESOURCES WITHIN COUNTIES**

Order read;

Motion made and Question proposed-

THAT, AWARE THAT, natural and forest resources prevent floods, droughts, erosion and sedimentation, and increase water supply needed to generate more power, expand farm productivity, and meet the ever-increasing demand for domestic consumption of our exploding population;

NOTING THAT, Article 69 of the Constitution and Section (5), (6) and (21) of the Forests Conservation and Management Act (FCMA) 2016 mandates National & County Governments with the responsibility of protecting, collaborating, maintaining, utilizing and attaining a tree cover of at least 10% of the land area in Kenya;

APPRECIATING THAT, there is need to achieve a holistic ecosystem approach to forest resource management, so as to prevent irreversible consequences of human activities on the environment, it is time to make an urgent call upon our citizenry to actively participate in the protection of forests and plant trees;

NOW, THEREFORE, the Senate urges:

1. THAT, all Citizens as per Article 69(2) of the Constitution, and Sections 48 – 52 of the Forest Conservations Management Act be encouraged through the relevant National Government ministries and County departments to contribute in formation of Community Forest Associations to expedite Community Participation in Forest Resources Management;

2. THAT, the National Government and all the 47 County Governments operationalize Tax & Fiscal Incentives (as per FCMA Section 53 – 55) to promote forest conservation and management, and prevent degradation of tree cover in Public, Private and Community Lands (as measures of ensuring sustainability);
3. THAT the National Government communicates progress towards establishment of a National Tree Planting Week, so that State Agencies, Corporations and Kenyans can adequately prepare for the event;
4. THAT all County Assemblies initiate processes of enacting legislation on Forestry Functions for County Governments (As per FCMA Section 21).

(Sen. (Arch.) Sylvia Kasanga, MP)

Debate arising;

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.

13. **SENATE ROSE** – at thirty minutes past six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, October 09, 2019 at 2.30 p.m.*

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