



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, APRIL 28, 2020 AT 2:30 PM

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Deputy Speaker.
3. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE PASSAGE OF THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2020)**

The Deputy Speaker conveyed the following Message from the National Assembly

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order No.41 (3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Division of Revenue Bill (National Assembly Bill No. 3 of 2020) –

“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. 3 of 2020) was passed by the National Assembly on Tuesday, March 17, 2020 without amendments and referred to the Senate for consideration in accordance with the provisions of Article 110 of the Constitution;

AND WHEREAS, the Senate passed the said Bill with amendments to Clause 4 and the Schedule on April 14, 2020 and referred it back to the National Assembly for reconsideration in accordance with the provisions of Article 112 (1) (b) of the Constitution;

FURTHER WHEREAS, the National Assembly considered and approved all the Senate amendments to the Bill on April 22, 2020;

NOW THEREFORE, in accordance with the provisions of Article 112 (2) (a) of the Constitution and Standing Order 148 of the National Assembly Standing Orders, I have since referred the Bill to His Excellency the President for Assent.”

I thank you.”

4. **PAPERS**

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

- i) The Third Progress Report of the Ad-Hoc Committee on COVID-19 Situation in Kenya.

(Chairperson, Ad-Hoc Committee)

- ii) The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Variation Rules, 2020 Legal Notice 56/2020; and

- iii) The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Variation Rules, No. 2 of 2020 Legal Notice 58/2020.

(The Senate Majority Leader)

- iv) Report of the Standing Committee on Finance and Budget regarding the implementation status of the Senate Resolution on County Governments’ infrastructure projects comprising County Executive Headquarter offices, Assembly chambers and offices and County State officers’ residences.

(Chairperson, Standing Committee on Finance and Budget)

5. **NOTICE OF MOTION - THIRD PROGRESS REPORT OF THE AD-HOC COMMITTEE ON COVID - 19 SITUATION IN KENYA**

(Chairperson, Ad-Hoc Committee)

THAT, the Senate adopts the Third Progress Report of the Ad- Hoc Committee on COVID –19 Situation in Kenya, laid on the Table of the Senate on Tuesday, 28th April, 2020.

6. **NOTICE OF MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET REGARDING THE IMPLEMENTATION STATUS OF THE SENATE RESOLUTION ON COUNTY GOVERNMENTS’ INFRASTRUCTURE PROJECTS**

(Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget regarding the implementation status of the Senate Resolution on County Governments’ infrastructure projects comprising County Executive Headquarter offices, Assembly chambers and offices and County State officers’ residences laid on the Table of the Senate on Tuesday, 28th April, 2020.

7. NOTICE OF MOTION - APPROVAL OF SENATORS TO SERVE IN RESPECTIVE SESSIONAL AND STANDING COMMITTEES

(The Senate Majority Leader)

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

A. COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS

1. Sen. Franklin Mithika Linturi, MP
2. Sen. Hargura Godana, MP
3. Sen. Paul Wamatangi Kimani, MP
4. Sen. Millicent Omanga, MP
5. Sen. Irungu Kang'ata, MP
6. Sen. (Prof.) Samson Ongeru, MP
7. Sen. Ledama Olekina, MP
8. Sen. (Dr.) Ochillo Ayacko, MP
9. Sen. Johnes Mwaruma, MP

B. COMMITTEE ON DELEGATED LEGISLATION

1. Sen. Samuel Poghisiu, EGH, MP
2. Sen. Victor Prengei, MP
3. Sen. Phillip Mpaayei, MP
4. Sen. Farhiya Ali, MP
5. Sen. Millicent Omanga, MP
6. Sen. Judith Pareno, MP
7. Sen. Boniface Kabaka, MP
8. Sen. Okong'o Mogeni, MP
9. Sen. Faki Mwinyihaji Mohamed, MP; and

C. COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS

THAT, pursuant to Standing Order No. 189, the Senate approves Sen. Mary Seneta, MP, to replace Sen. Johnson Sakaja, MP, CBS, to serve in the Standing Committee on National Security, Defence and Foreign Relations.

8. STATEMENTS**a) Statement pursuant to Standing Order 47 (1)**

- i) The Senator for Vihiga County (Sen. George Khaniri, MP) made a Statement on an issue of national concern regarding response by the government to the COVID-19 pandemic, accountability of government spending and enforcement of government measures.

In the Statement, the Senator commended action taken by the Senate to establish an ad-hoc committee to comprehensively tackle the pandemic. He

stated that the Committee had proven its adaptability to address the challenges of the pandemic by successfully adopting technology to transact Committee business and through introduction of the Pandemic Response and Management Bill (Senate Bills No.6 of 2020), a Bill sponsored by the Ad-hoc Committee.

The Senator also commended government efforts such as implementation of cash transfers for the elderly, people with disability and stipend for the vulnerable in slum areas. The Senator cited other measures such as income tax reduction and the establishment of the COVID-19 Emergency Response Fund to mitigate against the spread of the pandemic.

The Senator observed that while the aforementioned measures were welcome, there was still need for the government to explore additional social safety nets that could include subsidization of commodities and increased food distribution. The Senator argued that reports from the National Treasury that the Government had spent Kshs. 40 billion during this pandemic were inconceivable to most Kenyans as the impact of the funds had not been felt. He indicated that among others, mandatory quarantine, testing, face masks, hand sanitizers, evacuation of distressed Kenyans from China and other parts of the world, and food purchases were all at individual cost.

The Senator noted that a majority of Kenyans were struggling to survive and were finding it difficult to honour their financial obligations such as loans and house rent. Further, businesses had been affected negatively while some people had lost their jobs and their sources of livelihood as companies close or send employees on unpaid leave.

The Senator pointed out that transparency and accountability was key to protect public resources used in the fight against the pandemic and cautioned that national and county legislatures ought to continue performing the oversight role on the executive to ensure that the money was used for the intended purposes.

The Senator concluded by encouraging all Kenyans to be vigilant during the crisis and to support and abide by government measures to curb the spread of the virus.

b) Statement pursuant to Standing Order 48 (1)

- i) The Senator for Kakamega County, (Sen. Cleophas Malalah, MP) sought a Statement from the Ad-hoc Committee on the COVID-19 Situation in Kenya concerning the sacking of Dr. Joel Lutomiah as the Director for the Centre for Virus Research at the Kenya Medical Research Institute (KEMRI) and the general operations of KEMRI during the COVID-19 pandemic.

c) Statement pursuant to Standing Order 51 (1) (b)

The Chairperson of the Ad-Hoc Committee on COVID-19 Situation in Kenya issued a Statement concerning the burial of Mr. James Oyugi Onyango, a

resident of Simur village in Ugenya Constituency of Siaya County, who died after reportedly contracting COVID-19.

The Chairperson stated that following meetings with the Cabinet Secretary for Health, the Ministry had expressed sincere regret regarding the manner in which the burial of the late Onyango was carried out. The Cabinet Secretary had conceded that the burial was not in line with the guidelines issued by the Ministry on handling of infected persons. The Chairperson added that the posthumous laboratory test performed by the Ministry had confirmed that Mr. Onyango had the Coronavirus infection.

The Chairperson further informed the Senate that having considered the matter, as well as the response from the Cabinet Secretary for Health the Committee made the following recommendations: -

- i) that, having acknowledged that the burial of Mr. Onyango was not carried out in line with the guidelines and protocols issued by the Ministry, and noting the distress caused to the family of Mr. Onyango's and to the community in Siaya and beyond, the Cabinet Secretary should get in touch with and offer a private apology to the family of the late Mr. Onyango; and
- ii) the Ministry of Health should roll out a robust program to train and create awareness among the members of the County Health Teams in all Counties, on the guidelines and protocols for handling and burial of a person who has died from Coronavirus, to ensure that this does not happen again, and to also address the stigma associated with coming into contact with or having a family member who had died from Coronavirus.

9. **MOTION - APPROVAL OF SENATORS TO SERVE IN RESPECTIVE SESSIONAL AND STANDING COMMITTEES**

Order read;

Motion made and Question proposed;

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

A. **COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS**

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4. Sen. Millicent Omanga, MP
5. Sen. Irungu Kang'ata, MP
6. Sen. (Prof.) Samson Ongeru, MP
7. Sen. Ledama Olekina, MP
8. Sen. (Dr.) Ochillo Ayacko, MP
9. Sen. Johnes Mwaruma, MP

B. COMMITTEE ON DELEGATED LEGISLATION

1. Sen. Samuel Poghisi, EGH, MP
2. Sen. Victor Prengei, MP
3. Sen. Phillip Mpaayei, MP
4. Sen. Farhiya Ali, MP
5. Sen. Millicent Omanga, MP
6. Sen. Judith Pareno, MP
7. Sen. Boniface Kabaka, MP
8. Sen. Okong’o Mogeni, MP
9. Sen. Faki Mwinyihaji Mohamed, MP; and

C. COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS

THAT, pursuant to Standing Order No. 189, the Senate approves Sen. Mary Seneta, MP, to replace Sen. Johnson Sakaja, MP, CBS, to serve in the Standing Committee on National Security, Defence and Foreign Relations.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Before the Question was put and pursuant to Standing Order 79, the Deputy Speaker informed the Senate that the Motion does not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

A. COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS

1. Sen. Franklin Mithika Linturi, MP
2. Sen. Hargura Godana, MP
3. Sen. Paul Wamatangi Kimani, MP
4. Sen. Millicent Omanga, MP
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10. MOTION - ADOPTION OF REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET REGARDING THE IMPLEMENTATION STATUS OF THE SENATE RESOLUTION ON COUNTY GOVERNMENTS' INFRASTRUCTURE PROJECTS

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget regarding the implementation status of the Senate Resolution on County Governments' infrastructure projects comprising County Executive Headquarter offices, Assembly chambers and offices and County State officers' residences laid on the Table of the Senate on Tuesday, 28th April, 2020.

(Chairperson, Standing Committee on Finance and Budget)

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Raising a point of Order, the Mover requested that the putting of the Question be deferred to a later date, pursuant to Standing Order 61 (3).

And the Deputy Speaker, acceding to the request, deferred the putting of the Question to a later date.

11. MOTION - THIRD PROGRESS REPORT OF THE AD-HOC COMMITTEE ON COVID - 19 SITUATION IN KENYA

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Third Progress Report of the Ad-Hoc Committee on COVID -19 Situation in Kenya, laid on the Table of the Senate on Tuesday, 28th April, 2020.

(Chairperson, Ad Hoc Committee)

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Before the Question was put and pursuant to Standing Order 79, the Deputy Speaker informed the Senate that the Motion does not affects counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate adopts the Third Progress Report of the Ad-Hoc Committee on COVID -19 Situation in Kenya, laid on the Table of the Senate on Tuesday, 28th April, 2020.

And the time being twenty five minutes past Six O'clock, the Deputy Speaker adjourned the Senate pursuant to Standing Order 31(2), without Question put.

12. **SENATE ROSE** - at twenty five Minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, May 5, 2020 at 2.30 p.m.*

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