



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (FOURTH SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, MAY 05, 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 Speaker.
3. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE PASSAGE OF THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2019)**

“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 of the Livestock and Livestock Products Marketing Board Bill (National Assembly Bill No. 2 of 2019). Pursuant to the said Standing Orders, I now report the Message-

*“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 Livestock and Livestock Products Marketing Board Bill (National Assembly Bill No. 2 of 2019) was published vide Kenya Gazette Supplement No. 6 of 7<sup>th</sup> February, 2019 as a Bill concerning county governments to establish the Livestock and Livestock Products Marketing Board;*

***AND WHEREAS** the National Assembly considered and passed the said Bill on Wednesday, March 12, 2020 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,**

Pursuant to Standing Order 157 which requires that a Bill originating 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 139, I direct that the Bill be listed for First Reading on Tuesday, 12<sup>th</sup> May, 2020.

I thank you.”

4. **PETITIONS**

- a) Pursuant to Standing Order 226 (1) (a) and 230 (2) (b) the Speaker of the Senate presented to the Senate a Petition on the alleged corruption and embezzlement of funds in the County Government of Narok with respect to awarding of tenders.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Finance and Budget for consideration, pursuant to Standing Order 232 (1).

- b) The Chairperson of the Standing Committee on Finance and Budget presented the report of the Standing Committee on a Petition to the Senate by a Mr. Edward Mwangi concerning unpaid Bills by the National Youth Service (NYS) to contractors and service providers.

5. **PAPERS**

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

- i) The Public Procurement and Asset Disposal Regulations, 2020.

*(The Senate Majority Leader)*

- ii) The Fourth Progress Report of the Ad-hoc Committee on COVID -19 situation in Kenya;

*(Chairperson, Ad Hoc Committee)*

- iii) Report of the Standing Committee on Finance and Budget on consideration of the County Allocation of Revenue Bill (Senate Bills No. 7 of 2020)

*(Chairperson, Standing Committee on Finance and Budget)*

- iv) The Report of the Standing Committee on Finance and Budget on a Petition to the Senate by a Mr. Edward Mwangi concerning unpaid Bills by the National Youth Service (NYS) to contractors and service providers.

*(Chairperson, Standing Committee on Finance and Budget)*

- v) The Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Fisheries Management and Development (Amendment) Bill (Senate Bills No. 22 of 2019).

*(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)*

6. **NOTICE OF MOTION- ALTERATION OF THE HOURS OF MEETING OF THE SENATE**

(The Senate Majority Leader)

THAT, pursuant to the Senate Resolutions made on 27<sup>th</sup> February, 2020 (approval of the Senate Calendar) and 14<sup>th</sup> April, 2020 (alteration of the Senate Calendar), the Senate, pursuant to Standing Order 31 (3)(b) resolves to hold additional Sittings every Tuesday morning, starting from 10.00 am and ending at 12.30 pm, commencing on 12<sup>th</sup> May, 2020 until 2<sup>nd</sup> June, 2020.

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

(Chairperson, Ad-Hoc Committee)

THAT, the Senate adopts the Fourth Progress Report of the Ad-hoc Committee on COVID -19 Situation in Kenya, laid on the Table of the Senate on Tuesday, 5<sup>th</sup> May, 2020

8. **STATEMENTS**

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

- i). The Senator for Kisumu County (Sen. Fred Outa, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the humanitarian response in Kisumu County following the current floods as well as the Corona Virus pandemic.
- ii). The Senator for Nairobi City County (Sen. Johnson Sakaja, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding the demolition of houses that has left over 5,000 city residents in Kariobangi North Ward, Embakasi North Constituency homeless.

After deliberations, the Speaker directed that the Standing Committee on Land, Environment and Natural resources provides a report to the Senate on the matter on Tuesday, 12<sup>th</sup> May, 2020.

- iii). The Senator for Makueni County (Sen. Mutula Kilonzo Junior, MP) sought a statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding the delay in appointment of forty-one (41) Judges of the High Court and Court of Appeal.

The Speaker directed the Standing Committee on Justice, Legal Affairs and Human Rights to provide a report on the matter on Tuesday, 12<sup>th</sup> May, 2020

**(b) Statements pursuant to Standing Order 51 (1) (a)**

- i). The Chairperson of the Standing Committee on Health issued a statement on the Scaling up of the Universal Health Care (UHC) program to the 47 County Governments as sought by the Senator for Makueni County (Sen. Mutula Kilonzo Jnr, MP).

The Chairperson informed the Senate that the Committee had received a response from the Ministry of Health and was in the process of inviting the Cabinet Secretary for Health. However, due to the COVID -19 outbreak in Kenya, this was not possible.

The Chairperson noted that following the response issued by the Ministry of Health, the committee was not content, as much as the Committee acknowledged that a realignment of UHC funds to match emerging priorities may have been necessitated at the MoH. As such, it is possible that the resources referred to in the statement have since been channeled elsewhere;

The Chairperson further informed the House that, despite Senate raising concerns on regarding the intended procurement of Community Health Volunteer kits and basic equipment by the National Government on behalf of counties; budgetary provisions for the procurement of CHV kits and basic equipment were nonetheless included in the MoH budget for the FY 2019/2020.

The Chairperson further stated that under the Constitution, the MoH is assigned policy and national referral functions while the provision of community and primary health care services fall under the functional domain of county governments; However, based on the statement by the MoH, the IPAs executed between the National and County Governments appear to transfer specified implementation roles and functions to the MoH in the provision of primary and community health services without any reference to Parliament or the County Assemblies;

In conclusion, the Chairperson informed that House that based on the above mentioned concerns, the Standing Committee on Health has commenced investigations on the proposed UHC scale up, and will be tabling a substantive report to this House with clear recommendations.

- ii). The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries issued a statement on the second generation of locust invasion in parts of the country as sought by the Senator for Kitui County (Sen. Enoch Wambua, MP).

He informed the Senate that the Committee met with the Cabinet Secretary on Thursday, 27<sup>th</sup> February, 2020 where he assured the Committee that the Ministry was up to the task and briefed Senators on the Government efforts to control and contain the locust threat in the country. The Committee further took a visit to

different counties to establish the extent of damage caused by the locust invasion and the measures taken to mitigate the effects of the invasion.

Nothing that the second generation locust invasion projected to be twenty times worse than the January, 2020 invasion, and noting the serious threat to food security in the country, more so in light of the COVID – 19 situation. The Chairperson informed the Senate of the measures the Ministry was putting in place to mitigate the second generation locust invasion.

In conclusion, the Chairperson informed the Senate that the Cabinet Secretary assured the Committee that by the end of June, 2020, the locust invasion shall be adequately contained internally, noting that the Ministry had no control over the threat of external swarms from neighbouring countries and he further committed to provide a report on funds spent so far in the control of the locust invasion and to provide the Committee with a status update on a monthly basis until the threat is finally contained.

- iii). The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries issued a statement on the criteria for allocation of World Bank funds for the improved production of coffee in the country as sought by the Senator for Bungoma County (Sen. Moses Wetang'ula, MP).

He informed the Senate that following H.E the president's directions that the recommendations of the National Coffee Taskforce be implemented, the World Bank made a committee to support the implantation of the Coffee Reform. In implementing these reforms, there was a launch of eight pilot projects and based on the outcome of this pilot, programme will be up-scaled and out-scaled to all other coffee growing counties.

The Chairperson further informed the Senate that the World Bank supported Coffee Revitalization Programme will be anchored in two World Bank funded programmes (NARIGP and KSCAP) which are ongoing in the counties. Therefore, at the County level, these Projects have functional implementation structures which shall be used in the management of the Project. At the National level, a Technical Advisory Committee has been formed. This Committee is made up of the relevant National Government Institutions, the CECs of the implementing counties and a representative of stakeholder institutions. The Terms of Reference (TORs) of the Committee is to coordinate and ensure efficient and effective implementation of the Project and prudent utilization of resources among others. The Project implementation is subject to World Bank conditionality and will be subject to normal audit processes.

In conclusion, the Chairperson informed the Senate that the Cabinet Secretary had assured the Committee that there was no hidden agenda in the disbursement of funds and added that the rationale was that if the funds were spread out, the impact of the Project would be very little, the Cabinet secretary also committed to bring forward the commencement of Phase II of the Project to July, 2020 and to table before the Committee the World Bank commitment evidencing the availability of funds for the second phase of the Project.

9. **THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO. 4 OF 2020)**

(Sen. (Dr.) Agnes Zani, MP)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Justice Legal Affairs and Human Rights.

10. **MOTION –ALTERATION OF THE HOURS OF MEETING OF THE SENATE**

Motion made and Question proposed-

THAT, pursuant to Senate Resolution made on 27<sup>th</sup> February, 2020 (approval of the Senate Calendar) and 14<sup>th</sup> April, 2020 (alteration of the Senate Calendar), the Senate, pursuant to Standing Order 31 (3)(b) resolves to hold additional Sittings every Tuesday morning, starting from 10.00am and ending at 12:30 pm, commencing on Tuesday, 12<sup>th</sup> May 2020 until Tuesday, 2<sup>nd</sup> June, 2020.

*(The Senate Majority Leader)*

There being no Senator wishing to contribute;

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

Question put and agreed to.

**RESOLVED ACCORDINGLY**

THAT, pursuant to Senate Resolution made on 27<sup>th</sup> February, 2020 (approval of the Senate Calendar) and 14<sup>th</sup> April, 2020 (alteration of the Senate Calendar), the Senate, pursuant to Standing Order 31 (3)(b) resolves to hold additional Sittings every Tuesday morning, starting from 10.00am and ending at 12:30 pm, commencing on Tuesday, 12<sup>th</sup> May 2020 until Tuesday, 2<sup>nd</sup> June, 2020.

11. **THE FISHERIES MANAGEMENT AND DEVELOPMENT (AMENDMENT) BILL (SENATE BILLS NO. 22 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Fisheries Management and Development (Amendment) Bill (Senate Bills No. 22 of 2019) be now read a Second Time.

*(Sen. Moses Kajwang', MP – 19<sup>th</sup> February, 2020)*

Debate interrupted on Wednesday, 19<sup>th</sup> February, 2020 resumed on a Division;

The Speaker directed that roll call vote be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines by the Speaker for Senate plenary and committee sittings during the Covid-19 pandemic situation dated April 17<sup>th</sup> 2020, and that the Division Bell be rung for three minutes;

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

The Speaker put the Question and directed the Clerk to call out the names of Senators who had been designated to attend the Sitting;

The results of the Division were as follows:-

AYES – 26

NOES – 0

ABSTENTIONS – 0

**AYES**

1. Sen. Adan Dullo Fatuma
2. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation.
3. Sen. Hargura Godana
4. Sen. Kamar Margaret Jepkoech
5. Sen. Kihika Susan Wakarura
6. Sen. Kimani Wamatangi
7. Sen. Milgo, Alice Chepkorir – voted on behalf of Bomet County Delegation.
8. Sen. Linturi Frankline Mithika
9. Sen. Madzayo Stewart Mwachiru
10. Sen. Mahamud Mohamed Maalim
11. Sen. Malalah Cleophas Wakhungu
12. Sen. Mbito Michael Maling’a
13. Sen. Mbogo George Ochilo Ayacko
14. Sen. Mogeni Erick Okong’o
15. Sen. Murkomen Onesimus Kipchumba
16. Sen. Mutula Kilonzo Junior
17. Sen. Mwangi Paul Githiomi
18. Sen. Mwaruma Johnes Mwashushe
19. Sen. Mwinyihaji Mohamed Faki
20. Sen. Ndwiga Peter Njeru
21. Sen. Olekina Ledama
22. Sen. Onger Samson Kegengo
23. Sen. Orengo James
24. Sen. Outa Fredrick Otieno
25. Sen. Sakaja Johnson Arthur
26. Sen. Wetang’ula Moses Masika

Question, agreed to.

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

12. **THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO.35 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Independent Electoral and Boundaries Commission (Amendment) (No. 3) Bill (National Assembly Bills No.35 of 2019) be now read a Second Time.

*(The Senate Majority Leader – 19<sup>th</sup> February, 2020)*

Debate interrupted on Thursday, 20<sup>th</sup> February, 2020 resumed on a Division;

The Speaker directed that roll call vote be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines by the Speaker for Senate plenary and committees sittings during the Covid-19 pandemic situation dated April 17<sup>th</sup> 2020, and that the Division Bell be rung for three minutes;

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

The Speaker put the Question and directed the Clerk to call out the names of Senators who had been designated to attend the Sitting;

The results of the Division were as follows:-

AYES – 25

NOES – 1

ABSTENTIONS – 0

**AYES**

1. Sen. Adan Dullo Fatuma
2. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation.
3. Sen. Hargura Godana
4. Sen. Kamar Margaret Jepkoech
5. Sen. Kihika Susan Wakarura
6. Sen. Kimani Wamatangi
7. Sen. Milgo, Alice Chepkorir – voted on behalf of Bomet County Delegation.
8. Sen. Linturi Frankline Mithika
9. Sen. Madzayo Stewart Mwachiru
10. Sen. Mahamud Mohamed Maalim
11. Sen. Mbito Michael Maling’a
12. Sen. Mbogo George Ochilo Ayacko
13. Sen. Mogeni Erick Okong’o
14. Sen. Murkomen Onesimus Kipchumba
15. Sen. Mutula Kilonzo Junior
16. Sen. Mwangi Paul Githiomi
17. Sen. Mwaruma Johnes Mwashushe
18. Sen. Mwinyihaji Mohamed Faki
19. Sen. Ndwiga Peter Njeru
20. Sen. Olekina Ledama



- 21. Sen. Onger Samson Kegengo
- 22. Sen. Orengo James
- 23. Sen. Outa Fredrick Otieno
- 24. Sen. Sakaja Johnson Arthur
- 25. Sen. Wetang'ula Moses Masika

**NOES**

- 1. Sen. Malalah Cleophas Wakhungu

Question – agreed to.

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

13. **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**

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 28<sup>th</sup> April, 2020.

*(Chairperson, Standing Committee on Finance and Budget – 28<sup>th</sup> April, 2020)*

Debate interrupted on Tuesday, 28<sup>th</sup> April, 2020 resumed on a Division;

The Speaker directed that roll call vote be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines by the Speaker for Senate plenary and committees sittings during the Covid-19 pandemic situation dated April 17<sup>th</sup> 2020, and that the Division Bell be rung for three minutes;

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

The Speaker put the Question and directed the Clerk to call out the names of Senators who had been designated to attend the Sitting;

The results of the Division were as follows:-

AYES – 26

NOES – 0

ABSTENTIONS – 0

**AYES**

- 1. Sen. Adan Dullo Fatuma
- 2. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation.

3. Sen. Hargura Godana
4. Sen. Kamar Margaret Jepkoech
5. Sen. Kihika Susan Wakarura
6. Sen. Kimani Wamatangi
7. Sen. Milgo, Alice Chepkorir – voted on behalf of Bomet County Delegation.
8. Sen. Linturi Frankline Mithika
9. Sen. Madzayo Stewart Mwachiru
10. Sen. Mahamud Mohamed Maalim
11. Sen. Malalah Cleophas Wakhungu
12. Sen. Mbito Michael Maling'a
13. Sen. Mbogo George Ochilo Ayacko
14. Sen. Mogeni Erick Okong'o
15. Sen. Murkomen Onesimus Kipchumba
16. Sen. Mutula Kilonzo Junior
17. Sen. Mwangi Paul Githiomi
18. Sen. Mwaruma Johnes Mwashushe
19. Sen. Mwinyihaji Mohamed Faki
20. Sen. Ndwiga Peter Njeru
21. Sen. Olekina Ledama
22. Sen. Onger Samson Kegengo
23. Sen. Orengo James
24. Sen. Outa Fredrick Otieno
25. Sen. Sakaja Johnson Arthur
26. Sen. Wetang'ula Moses Masika

Question, agreed to

**RESOLVED ACCORDINGLY**

**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 28<sup>th</sup> April, 2020.

14. **THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 7 OF 2020)**

Order for Second Reading read;

Motion made;

THAT, the County Allocation of Revenue Bill (Senate Bills No. 7 of 2020) be now read a Second Time.

*(Chairperson, Standing Committee on Finance and Budget)*

**Adjournment of Debate Pursuant to Standing Order 105**

Motion made and Question proposed;

THAT, debate be now adjourned.

*(Sen. Sakaja Johnson, MP)*

Debate arising;

There being no other Senator wishing to contribute;

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

Question put and agreed to.

And the time being thirty Minutes past Six O'clock, the Speaker adjourned the Senate without Question put, pursuant to the Standing Orders.

15. **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, May 12, 2020 at 10.00 a.m.*

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