



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS (AFTERNOON SITTING)

TUESDAY, JUNE 23, 2020 AT 02:30 P.M.

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Deputy Speaker.
3. **NOTICE OF MOTION-ALTERATION OF THE SENATE CALENDAR (REGULAR SESSIONS) FOR THE FOURTH SESSION**
(The Deputy Senate Majority Leader on behalf of the Senate Majority Leader)

THAT, notwithstanding the Senate Resolutions made on 27th February, 2020 (Approval of Senate Calendar), 17th March, 2020, 14th April, 2020, 2nd June, 2020 and 16th June, 2020 (alteration of the Senate Calendar) the Senate, pursuant to Standing Orders 29 (4) and 31 (3) (b) now resolves to hold a Sitting on Wednesday, 24th June, 2020 in the afternoon from 2.30 p.m. and thereafter proceed on recess and resume Sittings on Tuesday, 7th July, 2020.

4. **STATEMENTS**

a) Statements pursuant to Standing Order 48(1)

- i) The Senator for Migori County (Sen. (Dr.) Ochilo Ayacko, MP) sought a Statement from the Standing Committee on Finance and Budget concerning the financial and fiscal interventions by the government to save public-owned sugar millers.
- ii) The Senator for Migori County (Sen. (Dr.) Ochilo Ayacko, MP) sought a Statement from the Standing Committee on Devolution and Intergovernmental Relations concerning the status of project funding and implementation for Rongo Township, Awendo Township and Migori Municipality.
- iii) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Committee on Finance and Budget concerning the approved budgets for Taita Taveta County Government, submitted to the Controller of Budget.
- iv) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Committee on Justice, Legal Affairs and Human

Rights concerning the administrative boundary between Taita Taveta and Makueni Counties.

- v) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Ad-hoc Committee on COVID 19 Situation in Kenya concerning usage of funds by the Taita Taveta County Government to mitigate the spread of the pandemic.
- vi) Nominated Senator (Sen. (Dr.) Alice Milgo, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning nixtamalization of maize to curb aflatoxins.
- vii) Nominated Senator (Sen. Falhada Dekow, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning an alleged second wave of desert locust invasion in the country.
- viii) Nominated Senator (Sen. Millicent Omanga, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the prolonged delay in issuance of certificates of good conduct at DCI offices and Huduma Centres across the country.
- ix) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Roads and Transportation regarding the poor road signage in sections of the road under construction along the Kapsabet-Eldoret Highway.
- x) The Senator for Nairobi City County (Sen. Johnson Sakaja, MP) sought a Statement from the Standing Committee on Lands, Environment and Natural Resources concerning the planned repossession of land and demolition of houses in parts of Langata Constituency.

5. **COMMITTEE OF THE WHOLE**

THE PANDEMIC RESPONSE AND MANAGEMENT BILL (SENATE BILLS NO. 6 OF 2020)

(Chairperson, Ad-hoc Committee on COVID-19 Situation in Kenya)

(Resumption of debate interrupted on Tuesday, 9th June, 2020)

(Division)

Order deferred.

6. **COMMITTEE OF THE WHOLE**

THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)

(Sen. Mary Seneta, MP)

(Resumption of debate interrupted on Tuesday, 9th June, 2020)

(Division)

Order deferred.

7. **COMMITTEE OF THE WHOLE**

***THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 9 OF 2019)**

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

(Resumption of debate interrupted on Tuesday, 9th June, 2020)
(Division)

Order deferred.

8. **COMMITTEE OF THE WHOLE**
CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE
OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)

(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 25th February, 2020)
(Division)

Order deferred.

9. **COMMITTEE OF THE WHOLE**
CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE
PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILLS NO.
22 OF 2018)

(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 25th February, 2020)
(Division)

Order deferred.

10. **COMMITTEE OF THE WHOLE**
CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE
COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF
2018)

(Chairperson, Standing Committee on Education)

(Resumption of debate interrupted on Tuesday, 25th February, 2020)
(Division)

Order deferred.

11. **MOTION - PROVISION OF CEMETERY, FUNERAL PARLOURS AND**
CREMATORIA IN ALL COUNTIES

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

THAT, AWARE THAT under Article 61 of the Constitution of Kenya, land in Kenya is classified into three categories, public, Community and private land;

FURTHER AWARE THAT, public land is vested in both the County and National Governments and is managed on their behalf by the National Land Commission, and that Article 62 (2) clarifies the distribution of public land between the two levels of government.;

COGNIZANT THAT, the Fourth Schedule of the Constitution delegates cemeteries, funeral parlours and crematoria as a function of County Governments;

CONCERNED THAT, cemeteries in the Country are filling up, and counties are finding it increasingly difficult to identify land to allocate as “public” for use as a cemetery with the knowledge that any cemetery or burial-place that is crowded and therefore dangerous to health is defined as constituting a nuisance in the Public Health Act;

NOW THEREFORE, the Senate calls upon the county governments to ensure that funds are allocated in the County Annual Development Plans for FY 2020/2021, towards the planning and development of cemetery, funeral parlours and crematory facilities.

(Resumption of debate interrupted on Thursday, 12th March, 2020)
(Division)

Order deferred.

12. **MOTION - ADOPTION OF REPORT OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS ON THE NOMINATION OF HON. RACHEL AMESO AMOLO, FOR APPOINTMENT AS A NON-MEMBER OF PARLIAMENT COMMISSIONER TO THE PARLIAMENTARY SERVICE COMMISSION**

Order read;

Motion made;

THAT, taking into consideration the recommendation of the Standing Committee on Justice, Legal Affairs and Human Rights, in its Report on the proposed appointment of Hon. Rachel Ameso Amolo as a Member of the Parliamentary Service Commission, laid on the Table of the Senate on Tuesday, 16th June, 2020, pursuant to Standing Order 71, and cognizant of the provisions of Article 127(2)(d) of the Constitution, Section 9 of the Parliamentary Service Act and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, the Senate **rejects** the proposed appointment of Hon. Rachel Ameso Amolo as a non-Member of Parliament Commissioner to the Parliamentary Service Commission.

(Sen. Mwinjihaji Faki, MP, on behalf of the Vice-Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

In the absence of a Seconder, the Motion stood withdrawn, pursuant to Standing Order 65(1).

13. **MOTION - ALTERATION OF THE SENATE CALENDAR (REGULAR SESSIONS) FOR THE FOURTH SESSION**

Order read;

Motion made and Question proposed;

THAT, notwithstanding the Senate Resolutions made on 27th February, 2020 (approval of Senate Calendar), 17th March, 2020, 14th April, 2020, 2nd June, 2020 and 16th June, 2020 (alteration of the Senate Calendar) the Senate, pursuant to Standing Orders 29 (4) and 31 (3) (b) now resolves to hold a Sitting on Wednesday, 24th June, 2020 in the afternoon from 2.30 pm and thereafter proceed on recess and resume Sittings on Tuesday, 7th July, 2020.

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

There being no Senator wishing to contribute;

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

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, notwithstanding the Senate Resolutions made on 27th February, 2020 (approval of Senate Calendar), 17th March, 2020, 14th April, 2020, 2nd June, 2020 and 16th June, 2020 (alteration of the Senate Calendar) the Senate, pursuant to Standing Orders 29 (4) and 31 (3) (b) now resolves to hold a Sitting on Wednesday, 24th June, 2020 in the afternoon from 2.30 pm and thereafter proceed on recess and resume Sittings on Tuesday, 7th July, 2020.

14. **THE NATIONAL DROUGHT MANAGEMENT AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 26 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the National Drought Management Authority (Amendment) Bill (National Assembly Bills No. 26 of 2019) be now read a Second time.

*(The Deputy Senate Majority Leader – 09.06.2020)
(Second Reading)*

Debate interrupted on Tuesday, 23rd June, 2020 resumed;

And there being no other Senator wishing to contribute;

The Senate Majority Whip replied on behalf of the Mover;

Raising a point of order, the Mover (Sen. Irungu Kang'ata, MP) requested that the putting of the Question be deferred to a later date, pursuant to Standing Order 61(3).

And the Temporary Speaker (Sen. Rose Nyamunga, MP), acceding to the request, deferred the putting of the Question to a later date.

15. **THE PROMPT PAYMENT BILL (SENATE BILLS NO. 3 OF 2020)**

Order for Second Reading read;

Motion made;

THAT, the Prompt Payment Bill (Senate Bills No. 3 of 2020) be now read a Second Time.

(Sen. Farhiya Ali, MP – 09.06.2020)

And the time being thirty Minutes past Six O'clock, the Temporary Speaker (Sen. Rose Nyamunga, MP) interrupted the business of the House and adjourned the Senate without Question put, pursuant to the Standing Orders.

16. **SENATE ROSE** – at thirty Minutes past Six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Wednesday, June 24, 2020 at 2:30 p.m.*

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