



REPUBLIC OF KENYA

TWELFTH PARLIAMENT (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS (AFTERNOON SITTING)

TUESDAY, JUNE 02, 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. **PAPERS LAID**

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

- a. The Report of the Parliamentary Service Commission on the recruitment of the Parliamentary Service Commissioner who is not a Member of Parliament pursuant to Article 127(2)(d) of the Constitution and Section 9 of the Parliamentary Service Act No. 22 of 2019;
- b. The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Eastleigh Area) Order, Legal Notice No. 83 of 2020; and
- c. The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Mombasa Old Town) Order, Legal Notice No. 84 of 2020.

(The Senate Majority Leader)

4. **COMMUNICATION FROM THE CHAIR ON THE NOMINATION OF A COMMISSIONER UNDER ARTICLE 127(2) (D) OF THE CONSTITUTION, AND SECTION 9 OF THE PARLIAMENTARY SERVICE ACT.**

The Speaker conveyed the following Communication from the Chair:-

“Honourable Senators,

You are aware that the Senate Majority Leader has tabled the Report of the Parliamentary Service Commission on the appointment of a Commissioner under Article 127(2)(d) of the Constitution, and Section 9 of the Parliamentary Service Act.

Pursuant to Standing Order 71(1), Upon receipt of a notification of nomination for appointment to a public office required to be approved by the Senate under the

Constitution or any other legislation, the nomination shall stand committed to the relevant Standing committee for consideration.

In this regard, the nomination is committed to the Standing Committee on Justice, Legal Affairs and Human Rights for consideration and further as stipulated in Standing Order 71(3), the Committee shall conduct public hearings on the appointment & table their report within fourteen days.

I thank you.”

5. **STATEMENTS**

i) Pursuant to Standing Order 48(1)

- a) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning alleged extra-judicial killing by the police of Mr. Kevin Kipchumba and Mr. Bonface Kiprotich in Tabolwa village Mosop Constituency in Nandi county.
- b) The Senator for Nyamira County (Sen. Okong’o Mogeni, MP) sought a statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning alleged summary dismissal of tea pickers in Kerito and Kipkebe tea factories in Nyamira County.
- c) The Senator for Nyamira County (Sen. Okong’o Mogeni, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning recent demolitions of houses and homesteads carried out in Keroka and Nyamira town, Nyamira County.

ii) Pursuant to Standing Order 51(1)(a)

The Chairperson of the Standing Committee on Education issued a statement regarding the status of education in Kenya during the COVID-19 pandemic.

In the Statement, the Chairperson informed the House that the Committee is in a continuous engagement with the Ministry of Education and other stakeholders with a view of addressing numerous concerns raised by Kenyans on continued learning during the pandemic.

The Chairperson informed the House that the Ministry has developed several programs for learners and teachers while at home which are being disseminated through radio and TV broadcast besides being uploaded to KICD digital platforms. He said the programs have appropriate content for learners in pre-primary, primary and secondary schools as well as enhancing capacity for teachers.

The Chairperson stated that the Ministry has also partnered with community and faith-based radio stations including the ones in marginalized and urban poor regions for wider reach to learners across the country. He said it was presumed that this had ensured country coverage of 90%.

The Chairperson however expressed the Committee’s concern that there is no practical demonstration from the Ministry on how the implementation of

different policy guidelines has brought equity and ensured access to education for every learner in the country. He said it was clear that virtual and distance learning programs have not been able to reach every Kenyan child in a bid to ensure continuous learning during the pandemic.

The House was further informed that the Committee is in the process of coming up with a comprehensive report which will spell out strong recommendations to different actors in the education sector.

The Chairperson concluded by stating that the Committee will also be coming up with very robust recommendations seeking to address the plight of learners with Special Needs and Disabilities. Further, they will be exploring ways and means through which they can compensate for the lost learning and keep learners on a path towards academic progress.

6. **COMMUNICATION FROM THE CHAIR ON ELECTION OF THE DEPUTY SPEAKER OF THE SENATE**

The Speaker conveyed the following Communication from the Chair:-

“Honourable Senators,

As you may recall, on Tuesday, 26th May, 2020, I directed that the election of the Deputy Speaker of the Senate will take place today, Tuesday, 2nd June, 2020 at 2:30 p.m. I also indicated in the Communication that certain processes and procedures leading to the election of a Deputy Speaker were required to be completed in order for the Senate to proceed with the election.

I will now detail each of the processes and procedures and the manner in which the Standing Orders have been complied with.

Standing Order 5 required the Clerk, by notice in the Gazette, to notify and invite interested persons to submit their nomination papers for election to the office of the Deputy Speaker of the Senate. I would like to inform you that, vide Gazette Notice No. 3699 dated 26th May, 2020, the Clerk notified and invited interested persons to submit their nomination papers for election to the office of the Deputy Speaker. The nomination papers of a candidate were required to be accompanied by the names and signatures of two Senators who support the candidate and a declaration by them that the candidate is willing to serve as Deputy Speaker.

Honourable Senators,

As per the Gazette Notice issued by the Clerk, candidates were required to pick nomination papers from the office of the Clerk of Senate on First Floor, Main Parliament Buildings, Nairobi, between the hours of 9.00 am and 3 p.m. commencing on Wednesday, 27th May, 2020 and ending on Thursday, 28th May, 2020. Completed nomination papers, together with the curriculum vitae of each candidate and the relevant supporting documents were to be returned to the same office of the Clerk not later than 3.00 p.m. on Friday, 29th May, 2020.

Standing Order 5 (4) requires that *“The Clerk shall maintain a register in which shall be shown the date and time when each candidate’s nomination papers were received”*.

I hereby confirm that the Clerk of the Senate has maintained a register in accordance with the requirements of Standing Order 5 (4).

Honourable Senators,

I wish to report for the benefit of the House that six (6) Senators collected nomination papers from the office of the Clerk. These were □

- i. Sen. Charles Reubenson Kibiru, MP;
- ii. Sen. Millicent Nyaboke Omanga, MP;
- iii. Sen. Stewart Mwachiru Madzayo, MP;
- iv. Sen. (Prof.) Margaret Jepkoech Kamar, MP;
- v. Sen. Isaac Maigua Mwaura, MP; and
- vi. Sen. Judith Ramaita Pareno, MP.

One Senator, namely, Sen. Millicent Nyaboke Omanga did not return her nomination papers.

Standing Order No.5 (5) requires that “ *immediately upon the close of the nomination period provided for in paragraph (2), the Clerk shall-*

- a) publicise and make available to all Senators, a list showing all qualified candidates; and*
- b) make available to all Senators, copies of the curriculum vitae of the qualified candidates.”*

I confirm that a list showing all qualified candidates was publicised and was made available to all Senators electronically and that the Clerk made available to all Senators copies of the curriculum vitae of the qualified candidates.

Honourable Senators,

Standing Order 8 as read together with Standing Order 13 (4) states that “ *a candidate may, by written notice to the Clerk, withdraw his or her name before the ballot is started.*”, for the election of the Deputy Speaker.

At the close of the nomination period on Friday, 29th May, 2020, there were five (5) candidates who had submitted their nomination papers and who were declared to be duly nominated for election to the Office of Deputy Speaker. These were-

- i. Sen. Charles Reubenson Kibiru, MP;
- ii. Sen. Stewart Mwachiru Madzayo, MP;
- iii. Sen. (Prof.) Margaret Jepkoech Kamar, MP;
- iv. Sen. Isaac Maigua Mwaura, MP; and
- v. Sen. Judith Ramaita Pareno, MP.

Subsequently, the following Senators by notice in writing to the Clerk, withdrew their candidature for election to the Office of Deputy Speaker □

- i. Sen. Charles Reubenson Kibiru, MP;
- ii. Sen. Judith Ramaita Pareno, MP;
- iii. Sen. Stewart Mwachiru Madzayo, MP; and
- iv. Sen. Isaac Maigua Mwaura, MP;

This leaves Sen. (Prof.) Margaret Jepkoech Kamar, MP as the only candidate for election to the Office of the Deputy Speaker.

Honourable Senators,

Standing Order 11 as read together with Standing Order 13(4) states that in the event that there is only one candidate who has been duly nominated for election as Deputy Speaker, that candidate shall be declared forthwith to have been elected Deputy Speaker without any ballot or vote being required, and the Speaker shall administer the Oath or Affirmation of Office of the Deputy Speaker in the presence of the assembled Senate. Accordingly, I hereby declare Sen. (Prof.) Margaret Jepkoech Kamar, MP to be duly elected as Deputy Speaker of the Senate.

Honourable Senators,

We will now proceed to the Swearing in ceremony for the newly elected Deputy Speaker which shall proceed as follows;

- a. When I call out the name of the Deputy Speaker, all Senators shall rise in their places and shall remain standing during the ceremony.
- b. The Deputy Speaker will be escorted by two Senators in procession to the swearing in arena. The procession shall commence at the bar where the Deputy Speaker and the two senators shall bow before proceeding to the swearing in arena where the Speaker shall be waiting to administer the oath or affirmation.
- c. On arrival, the Deputy Speaker shall be introduced to the Speaker who shall administer the oath or affirmation.
- d. Immediately upon being sworn in, the Deputy speaker shall proceed to sign the Oath Book in the presence of the Speaker.
- e. Thereafter, the Deputy Speaker shall be escorted back to the bar by the two Senators who together with her shall bow and resume their seats.
- f. All Senators shall thereupon resume their seats to end the ceremony.

We shall now begin the swearing in ceremony; Sen. (Prof.) Margaret Jepkoech Kamar, MP

I thank you.”

Consequently, Sen. (Prof) Margaret Kamar was escorted to the Chair.

Thereupon, the Speaker administered the Oath of office of the Deputy Speaker of the Senate to Sen. (Prof) Margaret Kamar, MP.

Thereafter, the Speaker allowed Senators to congratulate the Deputy Speaker.

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

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Pandemic Response and Management Bill (Senate Bills No. 6 of 2020) be now read a Second Time.

(Vice Chairperson, Ad Hoc Committee on COVID-19 Situation in Kenya - 12.05.2020)

Debate interrupted on Thursday, 12th May, 2020 resumed on a Division;

The Speaker directed that roll call voting be taken pursuant to Standing Order 83 (1) and that the Division Bell be rung for five minutes;

After the expiry of five 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 in alphabetical order;

The results of the Division were as follows:-

AYES - 27

NOES - 0

ABSTENTION - 0

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Boy Issa Juma
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation
5. Sen. Waqo Naomi Jillo - voted on behalf of Marsabit County Delegation
6. Sen. Kamar Margaret Jepkoech
7. Sen. Kang'ata Irungu
8. Sen. Khaniri George
9. Sen. Prengei Victor - voted on behalf of Nakuru County Delegation
10. Sen. Mwaura Isaack- voted on behalf of Kiambu County Delegation
11. Sen. Langat Christopher Andrew
12. Sen. Linturi Franklin Mithika
13. Sen. Madzayo Stewart Mwachiru
14. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation
15. Sen. Mbogo George Ochilo Ayacko
16. Sen. Mogeni Erick Okong'o
17. Sen. Mpaayei Philip Salau
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Ongeru Samson Kegengo
23. Sen. Orengo James
24. Sen. Outa Fredrick Otieno
25. Sen. Poghisi Samuel Lesuron
26. Sen. Haji Farhiya Ali- voted on behalf of Nairobi City County Delegation
27. Sen. Wetang'ula Moses Masika

Question agreed to.

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

8. **THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 1 OF 2018)**

Order for Second Reading read;

Motion made and Question propose;

THAT, the Sacco Societies (Amendment) Bill (National Assembly Bills No. 1 of 2018) be now read a Second Time.

(The Senate Majority Leader - 18.02.2020)

Debate interrupted on Thursday, 18th February, 2020 resumed on a Division;

The Speaker directed that roll call voting be taken pursuant to Standing Order 83 (1) and that the Division Bell be rung for five minutes;

After the expiry of five 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 in alphabetical order;

The results of the Division were as follows:-

AYES - 27

NOES - 0

ABSTENTION - 0

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Boy Issa Juma
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation
5. Sen. Waqo Naomi Jillo - voted on behalf of Marsabit County Delegation
6. Sen. Kamar Margaret Jepkoech
7. Sen. Kang'ata Irungu
8. Sen. Khaniri George
9. Sen. Prengei Victor - voted on behalf of Nakuru County Delegation
10. Sen. Mwaura Isaack- voted on behalf of Kiambu County Delegation
11. Sen. Langat Christopher Andrew
12. Sen. Linturi Franklin Mithika
13. Sen. Madzayo Stewart Mwachiru
14. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation
15. Sen. Mbogo George Ochilo Ayacko
16. Sen. Mogeni Erick Okong'o
17. Sen. Mpaayei Philip Salau
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Ongeru Samson Kegengo
23. Sen. Orengo James
24. Sen. Outa Fredrick Otieno
25. Sen. Poghisio Samuel Lesuron

- 26. Sen. Haji Farhiya Ali- voted on behalf of Nairobi City County Delegation
- 27. Sen. Wetang'ula Moses Masika

Question agreed to.

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

9. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 13 OF 2018)**

Order for Second Reading read;

Motion made and Question propose;

THAT, the Sacco Societies (Amendment) Bill (National Assembly Bills No. 1 of 2018) be now read a Second Time.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights - 03.12.19)

Debate interrupted on Thursday, 4th December, 2019 resumed on a Division;

The Speaker directed that roll call voting be taken pursuant to Standing Order 83 (1) and that the Division Bell be rung for five minutes;

After the expiry of five 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 in alphabetical order;

The results of the Division were as follows:-

AYES - 27

NOES - 0

ABSTENTION - 0

- 1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
- 2. Sen. Boy Issa Juma
- 3. Sen. Cherarkey Samson Kiprotich
- 4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation
- 5. Sen. Waqo Naomi Jillo - voted on behalf of Marsabit County Delegation
- 6. Sen. Kamar Margaret Jepkoech
- 7. Sen. Kang'ata Irungu
- 8. Sen. Khaniri George
- 9. Sen. Prengei Victor - voted on behalf of Nakuru County Delegation
- 10. Sen. Mwaura Isaack- voted on behalf of Kiambu County Delegation
- 11. Sen. Langat Christopher Andrew
- 12. Sen. Linturi Franklin Mithika
- 13. Sen. Madzayo Stewart Mwachiru
- 14. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation
- 15. Sen. Mbogo George Ochilo Ayacko
- 16. Sen. Mogeni Erick Okong'o
- 17. Sen. Mpaayei Philip Salau
- 18. Sen. Mutula Kilonzo Junior

19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Ongeru Samson Kegengo
23. Sen. Orengo James
24. Sen. Outa Fredrick Otieno
25. Sen. Poghisi Samuel Lesuron
26. Sen. Haji Farhiya Ali- voted on behalf of Nairobi City County Delegation
27. Sen. Wetang'ula Moses Masika

Question agreed to.

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

10. **COMMITTEE OF THE WHOLE**
PANDEMIC RESPONSE AND MANAGEMENT BILL (SENATE BILLS NO. 6 OF 2020)

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

(By Leave of the Senate)

Order deferred.

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

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

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

Order deferred.

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

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

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

Order deferred.

13. **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.

14. **THE REPRODUCTIVE HEALTHCARE BILL (SENATE BILLS NO. 23 OF 2019)**

Order for Second Reading Read;

Motion made and Question proposed;

THAT, the Reproductive Healthcare Bill (Senate Bills No. 23 of 2019) be now Read a Second Time.

(Sen. Susan Kihika, MP - 26.05.2020)

Debate interrupted on Tuesday, 26th May, 2020 resumed;

And there being no other Senator wishing to contribute, and in the absence of the Mover;

Raising a point of order and pursuant to Standing Order 61 (3), Sen. Haji Farhiya Ali requested the Temporary Speaker (Sen. Judith Pareno, MP) to defer putting of the question to another day;

And the Temporary Speaker (Sen. Judith Pareno, MP) acceding to the request deferred putting of the question to a later date.

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

(The Senate Majority Leader)

(Second Reading)

Order for Second Reading read;

Order deferred.

16. **THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2019)**

(Sen. Johnes Mwaruma, MP)

(Second Reading)

Order for Second Reading read;

Order deferred.

17. **THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2020)**

(Sen. Abshiro Halake, MP)

(Second Reading)

Order for Second Reading read;

Order deferred.

18. **THE COUNTY RESOURCE DEVELOPMENT BILL (SENATE BILLS NO. 2 OF 2020)**

(Sen. Rose Nyamunga, MP)

(Second Reading)

Order for Second Reading read;

Order deferred.

19. **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)

And the time being thirty Minutes past Six O'clock, the Temporary Speaker (Sen. Judith Pareno, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

20. **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, June 09, 2020 at 10:00 a.m.*

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