



**TWELFTH PARLIAMENT – (FOURTH SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, JULY 07, 2020 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. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE APPOINTMENT OF A MEMBER TO THE PARLIAMENTARY SERVICE COMMISSION**

The 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 on appointment of a member to the Parliamentary Service Commission.

*PURSUANT to the provisions of Standing Orders 41(1) of the National Assembly Standing Orders, I hereby transmit a Message to the Senate –*

*THAT, pursuant to the provisions of Article 127 (2) (d) of the Constitution and paragraph 4 of the First Schedule of the Parliamentary Service Act, 2019, by a Resolution passed on Thursday, June 25<sup>th</sup>, 2020, the National Assembly appointed the Hon. Rachel Ameso Amolo as a Member of the Parliamentary Service Commission;*

*NOW, THEREFORE, in accordance with the said provisions of the Standing Orders, I hereby convey the aforementioned Resolution of the National Assembly and invite the Senate to also consider the said person for appointment to the Parliamentary Service Commission.*

I thank you!”

4. **PETITIONS**

- (a) Pursuant to Standing Order 230(2) (b), the Speaker reported to the Senate, a Petition by Mr. Collins A. Omolo, concerning alleged double taxation of pharmacies in Kenya.

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

- (b) Pursuant to Standing Order 230(2)(b), the Speaker reported to the Senate, a Petition by Gov. Stephen K. Sang, the Governor of Nandi County, concerning landslides, as a result of heavy rains, in Nandi County.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Land, Environment and Natural Resources and the Standing Committee on National Security, Defence and Foreign Relations, pursuant to Standing Order 232(1).

- (c) Pursuant to Standing Order 230(2)(a), Nominated Senator (Sen. Isaac Mwaura, MP), presented to the Senate, a Petition by Kenyan youths concerning reforms on the design and structure of the procurement framework in Kenya.

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, pursuant to Standing Order 232(1).

- (d) Pursuant to Standing Order 230(2)(a), Nominated Senator (Sen. Isaac Mwaura, MP), presented to the Senate, a Petition by residents of Kiambu County concerning *gazettement* of Ondiri Wetland in the County.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Land, Environment and Natural Resources, pursuant to Standing Order 232(1).

## 5. **PAPERS**

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

- (a) The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Nairobi Metropolitan Area) (Extension) Order, No. 3 of 2020 – Legal Notice No. 104 of 2020;
- (b) The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Daadab Refugee Complex and Kakuma Refugee Camp) (Extension) Order, No. 2 of 2020 – Legal Notice No. 105 of 2020;
- (c) The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Mombasa County) (Extension) Order, No. 3 of 2020 – Legal Notice No. 106 of 2020; and

- (d) The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Mandera County) (Extension) Order, No. 3 of 2020 – Legal Notice No. 107 of 2020.

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

- (e) The Eighth Progress Report of the Ad-hoc Committee on COVID-19 Situation in Kenya.

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

6. **NOTICE OF MOTION – ADOPTION OF THE EIGHTH PROGRESS REPORT OF THE AD – HOC COMMITTEE ON COVID-19 SITUATION IN KENYA**

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

**THAT**, the Senate **adopts** the Eighth Progress Report of the Ad-hoc Committee on COVID-19 Situation in Kenya, laid on the Table of the Senate on Tuesday, 7<sup>th</sup> July, 2020.

7. **STATEMENTS**

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

- i) Nominated Senator (Sen. Beatrice Kwamboka, MP) sought a statement from the Standing Committee on Roads and Transportation concerning the status of the Nairobi Metropolitan Area Transport Authority (NAMATA);
- ii) Nominated Senator (Sen. Beatrice Kwamboka, MP) sought a statement from the Standing Committee on Education concerning the alleged rise in cases of teenage pregnancies during the COVID-19 pandemic;
- iii) Nominated Senator (Sen. Farhiya Ali Haji, MP) sought a statement from the Standing Committee on Labour and Social Welfare concerning alleged stalled payment of sitting allowance to members of the Wajir Land Tribunal Board;
- iv) 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 killing of three (3) residents of Lessos in Nandi Hills Constituency, Nandi County;
- v) The Senator for Nairobi City County (Sen. Johnson Sakaja, MP) sought a statement from the Standing Committee on Roads and Transportation concerning progress made in construction of various markets across Nairobi City County; and
- vi) The Senator for Bomet County (Sen. (Dr.) Christopher Lang’at, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding alleged cruel treatment of Kenyans working in the State of Qatar.

**(b) Statement Pursuant to Standing Order 52(1)**

The Senate Majority Whip issued a Statement on the business of the Senate for the week commencing Tuesday, 14<sup>th</sup> July, 2020.

8. **THE INVESTMENT PROMOTION (AMENDMENT) BILL (SENATE BILLS NO. 8 OF 2020)**

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

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Tourism, Trade and Industrialization.

9. **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, 12<sup>th</sup> March, 2020)  
(Division)*

Order deferred.

10. **MOTION - ADOPTION OF THE SEVENTH AND EIGHT PROGRESS REPORTS OF THE AD-HOC COMMITTEE ON COVID - 19 SITUATION IN KENYA**

Order read;

Motion made in an amended form;

**THAT**, the Senate **adopts** the Seventh and Eighth Progress Reports of the Ad-hoc Committee on COVID –19 Situation in Kenya, laid on the Table of the Senate on Tuesday, 16<sup>th</sup> June, 2020 and on 7<sup>th</sup> July, 2020, respectively.

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

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Isaac Mwaura, MP) adjourned the Senate without question put, pursuant to the Standing Orders.

11. **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, July 14, 2020 at 2.30 p.m.*

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