



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, SEPTEMBER 23, 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. **STATEMENTS**

(i) **Pursuant to Standing Order 47(1)**

The Senator for Trans Nzoia County (Sen. (Dr.) Michael Mbito, MP) made a statement on the boosting of domestic tourism in Kenya.

In his statement, the Senator informed the House that although the tourism industry had been ravaged by the COVID-19 pandemic, the industry had seen an encouraging sign of local tourists flocking to the Maasai Mara Game Reserve to enjoy the annual wildebeest migration. The Senator noted that Tourism is not just a major source of revenue for the investors in the industry and tax for the government, but that it was also a big employer to the people, especially the youth.

The Senator highlighted that there was a huge potential in domestic tourism that was waiting to be tapped. He urged the Ministry of Tourism and Wildlife to consider incentives to encourage more Kenyans to sample their country's famed attractions. Further, he informed the House that waiving park fees was one of the key incentives and urged for the reduction of accommodation and other hospitality charges by industry players as a means to revive the industry.

(ii) **Pursuant to Standing Order 48(1)**

a) The Senator for Bungoma County (Sen. Moses Wetang'ula, MP) sought a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the plans to lease out State owned sugar companies.

b) Nominated Senator (Sen. Beatrice Kwamboka, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning pollution of the environment by industrial emissions.

- c) The Senator for Kakamega County (Sen. Cleophas Malalah, MP) sought a statement from the Standing Committee on Finance and Budget concerning the proposed increase of Excise Duty on beer made from sorghum, millet and cassava.
- d) The Senator for Kericho County (Sen. Aaron Cheruiyot, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding the operations of the Anti-Doping Agency of Kenya (ADAK) and the alleged rampant doping test failure by Kenyan athletes.
- e) Nominated Senator (Sen. (Canon) Naomi Waqo, MP) sought a statement from the Standing Committee on Energy regarding the frequent cases of electricity surge and outage in Marsabit County.
- f) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Energy regarding the mass electricity blackout in Nandi County due to several faulty transformers.
- g) Nominated Senator (Sen. Judith Pareno, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations on an ongoing boundary dispute between Kajiado and Makueni Counties at Merrueshi area of Kenyawa Poka Ward, a place commonly known as Oloirien.

(iii) **Pursuant to Standing Order 51(1)(a)**

The Chairperson, Ad-hoc Committee on the COVID-19 Situation in Kenya made a statement on visits undertaken by the Ad-hoc Committee to various Counties and on the progress made in carrying out its mandate.

The Chairperson informed the Senate that the Ad-hoc Committee visited Isiolo and Meru Counties in the month of June, and Mombasa, Kilifi, and Kwale Counties within the month of September, 2020. During the visits, the Committee met and held discussions with front line healthcare workers in the counties, human rights organizations and residents' associations, national and county government officials, as well as other organizations that had partnered with county governments in responding to the pandemic, such as the Kenya Red Cross Society, and the Rotary Club of Mombasa.

The Senate was informed that through these engagements, the Committee was able to identify key successes that counties had recorded in responding to the pandemic, as well as challenges that have hampered the effective containment of and response to the pandemic.

The Chairperson highlighted that further details of the visits, and the progress made by the Committee in undertaking its mandate will be contained in the Ninth Progress Report which will be finalized and processed for tabling in the coming week.

4. **MOTION – PROVISION OF CEMETERY, FUNERAL PARLOURS AND CREMATORIAL 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.

Order deferred.

5. **MOTION – ADOPTION OF THE REPORT OF THE COMMITTEE OF POWERS AND PRIVILEGES ON THE INQUIRY INTO THE CONDUCT OF TWO SENATORS**

(Sen. (Arch.) Sylvia Kasanga, MP – Member, Committee of Powers and Privileges)

THAT, the Senate adopts the Report of the Committee of Powers and Privileges on the Inquiry into the Conduct of Sen. Beatrice Kwamboka, MP, and Sen. Mary Seneta, MP, During the Election of the Chairperson and Vice-chairperson of the Standing Committee on Health, laid on the Table of the Senate on Tuesday, 8th September, 2020.

Order deferred.

6. **MOTION – CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILLS NO. 19 OF 2018)**

Order read;

Motion made and Question proposed -

THAT, the National Assembly amendments to the County Outdoor Advertising Control Bill (Senate Bills No. 19 of 2018), be now considered.

(The Senate Majority Leader on behalf of the Chairperson, Standing Committee on Information and Technology)

Debate arising;

And there being no other Senator wishing to contribute;

The Senate Majority Leader replied on behalf of the Mover;

Before the Question was put, and pursuant to Standing Order No. 79 (1), the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP) informed the House that the Motion did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the National Assembly amendments to the County Outdoor Advertising Control Bill (Senate Bills No. 19 of 2018), be now considered.

7. **MOTION – SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2019)**

(Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 8th September, 2020)

Order deferred.

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

Order for Second Reading read;

Motion made and Question proposed -

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

(Sen. (CPA) Farhiya Haji, MP – 23.6.2020- Afternoon Sitting)

Debate interrupted on 23rd June, 2020, resumed;

There being no other Senator wishing to contribute;

The Mover replied;

Raising a Point of Order pursuant to Standing Order 61(3), the Mover (Sen. Farhiya Haji, MP), requested the Temporary Speaker (Sen. (Dr.) Isaac Mwaura, MP) to defer putting of the Question to another day.

And the Temporary Speaker (Sen. (Dr.) Isaac Mwaura, MP) acceding to the request, deferred putting of the Question to Thursday, 24th September, 2020.

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

9. **SENATE ROSE** – at thirty minutes past Six O'clock.

*The Speaker will take the Chair on
Thursday, September 24, 2020 at 2.30 p.m.*

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