



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 06, 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 - APPROVAL BY THE NATIONAL ASSEMBLY OF THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 3 OF 2019**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3), I have received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Public Finance Management (Amendment) Bill (Senate Bills No. 3 of 2019). Pursuant to the said Standing Order, I now report the Message-

“PURSUANT to the provisions of Standing Orders 41 (1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly: -

WHEREAS the Public Finance Management (Amendment) Bill (Senate Bills No. 3 of 2019) was passed by the Senate on Wednesday, 23rd October, 2019 with amendments and referred to the National Assembly for consideration;

AND WHEREAS the National Assembly passed the said Bill on Thursday, 24th September, 2020 with further amendments attached herewith;

NOW, THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41 (1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

Honourable Senators,

Article 112 (1) (b) of the Constitution provides that *if one House passes an ordinary Bill concerning counties and the second House passes the Bill in an amended form, it shall be referred back to the originating House for reconsideration.*

Honourable Senators,

In this regard, I direct the Standing Committee on Finance and Budget to deliberate on the National Assembly amendments and report to the Senate. Further, pursuant to Standing Order 159 (1) of the Senate Standing Orders, I direct that the National Assembly amendments to the Public Finance Management (Amendment) Bill (Senate Bill No. 3 of 2019) be circulated to all Senators.

I thank you.”

4. **PAPERS**

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

- i) The Kenya Law Reform Commission Annual Report for Financial Year 2019/2020
- ii) The Independent Electoral and Boundaries Commission Annual Report for Financial Year 2019/2020

(The Senate Majority Leader)

5. **NOTICE OF MOTION**– (The Senate Majority Leader)

THAT, notwithstanding the resolutions of the Senate made on 27th February, 2020 (Approval of the Senate Calendar), and on 15th September, 2020 (Alteration of the Senate Calendar) and. pursuant to Standing Order 29(4), the Senate resolves to further alter its Calendar (Regular Sessions) for the Fourth Session, 2020, in respect of Part IV, to proceed on Recess starting on Friday, 9th October, 2020, until Monday, 2nd November, 2020 and, thereafter, resume sittings on Tuesday, 3rd November, 2020 as set out under Part V of the Calendar, and that the Senate Calendar (Regular Sessions) for the Fourth Session, 2020 be altered accordingly.

6. **STATEMENTS**

(a) Pursuant to Standing Order 47 (1)

The Senator for Trans Nzoia County (Sen. (Dr.) Michael Mbito, MP) made a Statement on an issue of general topical concern namely; public-private partnerships to spur future development.

Thereupon, the Senator stated that, in order for Africa to thrive, investment in digital infrastructure is inevitable. He said digital infrastructure and resulting digital transformation will be an enabler of rapid development across the continent, positively impacting the most vulnerable communities.

The Senator noted that, while digital transformation is certainly not a new discussion, the covid-19 pandemic has abruptly accelerated the need for digital adoption and investment in connecting communities and improving

service delivery to citizens throughout Africa. He, however, indicated that governments across Africa and indeed globally, have budgetary restraints that have been exacerbated by the current pandemic.

He affirmed that with digitization requiring significant investments to modernize the government sector and beyond, public-private partnerships (PPPs) will play a critical role in accelerating digital transformation. He noted that Africa's recovery must be digitally driven as the digital economy is the recipe for job creation, spurring innovation, boosting economic growth and supporting long-term competitiveness in the global digital economy.

The Senator concluded by stating that African governments have important roles to play in developing sound digital policies and stable harmonized regulatory environments, that enable people and businesses to participate fully in the global digital economy.

(b) Pursuant to Standing Order 48 (1)

- (i) Nominated Senator (Sen. (Dr.) Isaac Mwaura, MP) sought a Statement from the Standing Committee on Health on the operationalization status of the Counsellors and Psychologists Act, 2014.
- (ii) The Senator for Bungoma County (Sen. Moses Wetang'ula, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on the need for government support to maize farmers in the Western Region.
- (iii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on the status of the fight against locust invasion in Kenya.

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

The Vice Chairperson of the Standing Committee on Education Committee (Sen. Dr. Agnes Zani, MP), on behalf the Chairperson, made a Statement on an issue of general topical concern namely; the World Teachers' Day.

The Senate was informed that commemoration of the World Teachers' Day provides an opportunity to celebrate the teaching profession worldwide, take stock of achievements and draw attention to the voices of teachers, who are at the heart of efforts to achieve the global education target of "*leaving no one behind*".

The Senator noted that this year's commemoration comes amidst a global pandemic, which has posed immense challenges to our societies, including shutting down of educational institutions in the largest simultaneous disruption in the lives of many learners, their parents and teachers. She said teachers and learners were thrown into a distance-learning experiment and the entire education system was turned into an at-home virtual instruction model.

The Senator informed the House that, during the inquiry of the Standing Committee on Education into the effects of COVID-19 to education in the

country, it was observed that the country is in dire shortage of teachers, which had persisted even before the pandemic.

The House was also informed that the Teachers Service Commission (TSC) has consistently requested for increased budgetary provisions every year to employ 20,000 teachers annually. The Commission, however, receives only KShs. 2.5 billion annually for the recruitment of 5,000 teachers.

The Senator stated that the country now needs to think beyond the pandemic and work to build greater resilience in our education system.

The Senator, on behalf of the Standing Committee on Education, paid tribute to all teachers for their contribution to the greater good in our societies.

7. **THE STARTUP BILL (SENATE BILLS NO. 16 OF 2020)**

(Sen. Johnson Sakaja, MP)

Order for First Reading Read;

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

8. **THE SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2019)**

Order read;

Motion made and Question proposed;

THAT, the Sectional Properties Bill (National Assembly Bills No. 23 of 2019) be now read a Second time.

(The Senate Majority Leader – 08/09/2020)

Debate interrupted on Wednesday 30th September, 2020 resumed on a Division;

The Senate proceeded to a Division;

The Deputy Speaker directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020 and that the Division bell be rung for five minutes;

After the expiry of five minutes, the Deputy Speaker directed that the bell be rung for a further two minutes;

Whereupon, the Deputy Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The names of the Tellers were as follows-

Sen. Farhiya Haji, MP	-	AYES
Sen. Charles Kibiru, MP	-	NOES

The results of the Division were as follows-

AYES – 24

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Halake, Abshiro Soka - voted on behalf of the Isiolo County Delegation
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Cherarkey, Samson Kiprotich
5. Sen. Iman, Falhada Dekow – voted on behalf of the Garissa County Delegation
6. Sen. Sen. Waqo, Naomi Jillo – voted on behalf of the Marsabit County Delegation
7. Sen. Imana, Malachy Charles Ekal
8. Sen. Chebeni, Mercy – voted on behalf of the Uasin Gishu County Delegation
9. Sen. Kang'ata, Irungu
10. Sen. Kibiru, Charles Reubenson
11. Sen. Kirinyaga, Ephraim Mwangi Maina
12. Sen. Linturi, Franklin Mithika
13. Sen. Mahamud, Mohamed Maalim
14. Sen. Mbito, Michael Maling'a
15. Sen. Mogeni, Erick Okong'o
16. Sen. Mutula, Kilonzo Junior
17. Sen. Mwangi, Paul Githiomi
18. Sen. Mwinyihaji, Mohamed Faki
19. Sen. Orengo, James
20. Sen. Poghisio, Samuel Losuron
21. Sen. Sakaja, Johnson Arthur
22. Sen. Wako, Sitswila Amos
23. Sen. Wambua, Enoch Kiio
24. Sen. Wetang'ula Moses Masika

Question - agreed to.

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

9. **THE COMMUNITY HEALTH SERVICES BILL (SENATE BILLS NO. 5 OF 2020)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Community Health Services Bill (Senate Bills No. 5 of 2020) be now read a Second Time.

(Sen. (Dr.) Agnes Zani, MP – 04.08.2020)

Debate interrupted on Thursday, 1st October, 2020 resumed;

There being no other Senator wishing to contribute;

Mover replied;

Raising a point of Order, the Mover requested for the deferment of the putting of the Question to a later date, pursuant to Standing Order 61 (3).

And the Temporary Speaker (Sen. (Dr.) Isaack Mwaura, MP) acceding to the request, nominated Wednesday 7th October 2020 as the day when the Question shall be put.

10. **THE EQUALIZATION FUND BILL (NATIONAL ASSEMBLY BILLS NO. 43 OF 2019)**

Order for Second Reading read;

Motion made;

THAT, the Equalization Fund Bill (National Assembly Bills No. 43 of 2019) be now read a Second Time.

(The Senate majority Leader)

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. (Dr.) Isaack Mwaura, MP) interrupted the proceedings and 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
Wednesday, October 07, 2020 at 2.30 p.m.*

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