



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, OCTOBER 08, 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. **PAPERS**

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

- i) The County Governments Cash Disbursement Schedule for the Financial Year 2020/2021.
(The Deputy Senate Majority Leader)
- ii) Report of the Standing Committee on Finance and Budget on the County Governments Cash Disbursement Schedule for the Financial Year 2020/2021.
(Chairperson, Standing Committee on Finance and Budget)
- iii) Statement on the business of the Senate for the week commencing Tuesday, 3rd November, 2020.
(The Senate Majority Leader)

4. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following communication -

“Hon. Senators,

This Communication relates to the County Governments Cash Disbursement Schedule for the Financial Year 2020/2021.

Honourable Senators, Section 17(6) of the Public Finance Management Act states that at the beginning of every month and not later than the fifteenth day from the commencement of the month, the National Treasury shall disburse monies to the county governments for the expenditure of the following month. Paragraph (7) of the same Section further states that the disbursement “*shall be done in accordance with*

a schedule prepared by the National Treasury in consultation with the Intergovernmental Budget and Economic Council, with the approval of the Senate, and published in the Gazette, as approved, not later than the 30th May in every year”.

Honourable Senators will note that this year, the aforementioned legal timeline has not been met owing to consultations, debate and eventual approval of the Third Basis for Revenue Allocation among the County Governments.

This approval paved way for the consideration of the County Allocation of Revenue Bill for financial year 2020/2021 by the Senate and the National Assembly, which Bill was approved by both Houses of Parliament on 29th September 2020 and on 6th October, 2020, respectively. I am happy to report that His Excellency the President has assented to the County Allocation of Revenue Bill (Senate Bills No. 7 of 2020) today, Thursday, 8th October, 2020.

Honourable Senators, Standing Order 183(1) states that *“not later than fifteen days following the enactment of the County Allocation of Revenue Bill, the Cabinet Secretary responsible for Finance shall submit to the Senate the Cash Disbursement Schedule for county governments, which shall be deemed to have been laid before the Senate”*. This document has been laid on the Table of the Senate a few minutes ago by the Senate Majority Leader.

Standing Order 183(2) mandates the Standing Committee on Finance and Budget to consider the Cash Disbursement Schedule and to table a report containing its recommendations, within seven days. Owing to the urgency of this matter which has an impact on the normal operations of county governments, I am aware that the Standing Committee on Finance and Budget is working hard to table a report, and to give Notice of Motion for adoption of the Committee’s report, in the course of this afternoon’s sitting.

Honourable Senators, pursuant to Standing Order 183(3), the approval of the Senate of the Motion on the report of the Standing Committee on Finance and Budget on the Cash Disbursement Schedule shall constitute the Resolution of the Senate on the same, which in any event, must be made not later than fourteen days after the tabling of the Cash Disbursement Schedule.

I thank you.”

5. **NOTICE OF MOTION – EXTENSION OF TIME TO CONSIDER THE RAILWAY CITY DEVELOPMENT AUTHORITY ORDER, 2020**
(Chairperson, Sessional Committee on Delegated on Legislation)

AWARE that the Sessional Committee on Delegated Legislation is established under standing order 221 of the Senate Standing Orders and is charged with the responsibility of scrutinizing statutory instruments laid before the House and that pursuant to standing order 221 (3) (b), the Committee is mandated to consider, in respect of any statutory instrument, whether the statutory instrument *“infringes on fundamental rights and freedoms of the public”*;

FURTHER AWARE that on 26th May, 2020, the Senate referred the Railway City Development Authority Order, 2020 to the Sessional Committee on Delegated Legislation;

AWARE that the purpose of the State Corporation proposed in the Order is to provide for the coordinated planning, management, development and use of the Nairobi Railway Central Station and the surrounding land which has been designated as a special planning area;

ACKNOWLEDGING that the Regulations touch on existing land rights, particularly with regard to the Kenya Railways Corporation, Kenya Railways Pension Scheme and private land owners in the designated area;

NOTING that due to the gravity of the impact of the Regulations, the Committee met with the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works on Wednesday, 29th July, 2020 and the National Land Commission on 5th August and 16th September, 2020 and further invited the Ministry of Lands and Physical Planning to appear before it on Wednesday, 30th September, 2020;

NOTING that the Committee directed the Ministry of Lands and Physical Planning to provide clarity on the ownership of the land in the area defined under paragraph 2 of the Order which is defined as “*all the land measuring one hundred and seventy-two hectares consisting of the Nairobi Central Railway Station and the surrounding land*” and to submit supporting documentation on the same;

FURTHER NOTING that the Ministry of Lands and Physical Planning requested for more time until the 13th October, 2020 to furnish the Committee with the requisite information and that this information is vital to the consideration of the Order;

APPRECIATING that under section 15(2) of the Statutory Instruments Act, 2013 the Committee is required to make a report within twenty-eight sitting days after the date of referral of the instrument by the Senate, or such other period as the Senate may, by Resolution, approve;

NOTING that with regard to the Railway City Development Authority Order, 2020, the twenty-eight sitting days lapse on 7th October, 2020;

NOW THEREFORE, pursuant to section 15(2) of the Statutory Instruments Act, 2013, the Senate resolves to extend the timelines for the consideration of the Railway City Development Authority Order, 2020 by a further period of twenty-one days to enable the Committee to scrutinize the submissions from the Ministry of Lands and Physical Planning with regard to land rights in the area designated under the Railway City Development Authority Order, 2020 and to conclude its consideration of the Order.

6. **NOTICE OF MOTION – APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR FINANCIAL YEAR 2020/2021**
(Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Cash Disbursement Schedule for Financial year 2020/2021 and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 183 (3), the Senate approves the County Governments Cash Disbursement Schedule for Financial Year 2020/2021, laid on the Table of the Senate on Thursday, 8th October, 2020.

7. **STATEMENTS**

a) Pursuant to Standing Order 48 (1)

- i) Seneta wa Kaunti ya Mombasa (Sen. Mohamed Faki, MP) kaomba taarifa kutoka kwa Kamati ya Kudumu ya Barabara na Uchukuzi kuhusu hali ya barabara ya Nairobi – Mombasa, hususan maeneo ya karibu na Dongo Kundu.
- ii) Nominated Senator (Sen. Falhada Iman, MP) sought a statement from the Standing Committee on Health concerning cases of COVID-19 infections in the Nairobi Remand Prison, and the general state of preparedness to deal with the pandemic in correctional facilities in the country.
- iii) The Senator for Kericho County (Sen. Aaron Cheruiyot, MP) sought a statement from the Standing Committee on Finance and Budget regarding the operations of mobile money lending platforms.
- iv) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding the unlawful dismissal of staff by the Ewaso Ng'iro North Development Authority.

b) Pursuant to Standing Order 51 (1) (b)

- i) The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights made a statement relating to the activities of the Committee.
- ii) The Vice-Chairperson, Standing Committee on Information and Technology made a statement relating to the activities of the Committee.
- iii) The Chairperson, Standing Committee on Land, Environment and Natural Resources made a statement relating to the activities of the Committee.
- iv) The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration made a statement relating to the activities of the Committee.

c) Pursuant to Standing Order 52 (1)

The Senate Majority Leader issued a Statement on the business of the Senate for the week commencing Tuesday, 3rd November, 2020.

8. **MOTION – ALTERATION OF THE SENATE CALENDAR (REGULAR SESSIONS) FOR THE FOURTH SESSION, 2020**

Order read;

Motion made and Question proposed;

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.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Before the Question was put and pursuant to Standing Order 79(1), the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP) ruled that the Motion did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

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.

9. **MOTION - EXTENSION OF TIME TO CONSIDER THE RAILWAY CITY DEVELOPMENT AUTHORITY ORDER, 2020**

Order read;

Motion made and Question proposed;

THAT, AWARE that the Sessional Committee on Delegated Legislation is established under standing order 221 of the Senate Standing Orders and is charged with the responsibility of scrutinizing statutory instruments laid before the House and that pursuant to standing order 221 (3) (b), the Committee is mandated to consider, in

respect of any statutory instrument, whether the statutory instrument “*infringes on fundamental rights and freedoms of the public*”;

FURTHER AWARE that on 26th May, 2020, the Senate referred the Railway City Development Authority Order, 2020 to the Sessional Committee on Delegated Legislation;

AWARE that the purpose of the State Corporation proposed in the Order is to provide for the coordinated planning, management, development and use of the Nairobi Railway Central Station and the surrounding land which has been designated as a special planning area;

ACKNOWLEDGING that the Regulations touch on existing land rights, particularly with regard to the Kenya Railways Corporation, Kenya Railways Pension Scheme and private land owners in the designated area;

NOTING that due to the gravity of the impact of the Regulations, the Committee met with the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works on Wednesday, 29th July, 2020 and the National Land Commission on 5th August and 16th September, 2020 and further invited the Ministry of Lands and Physical Planning to appear before it on Wednesday, 30th September, 2020;

NOTING that the Committee directed the Ministry of Lands and Physical Planning to provide clarity on the ownership of the land in the area defined under paragraph 2 of the Order which is defined as “*all the land measuring one hundred and seventy-two hectares consisting of the Nairobi Central Railway Station and the surrounding land*” and to submit supporting documentation on the same;

FURTHER NOTING that the Ministry of Lands and Physical Planning requested for more time until the 13th October, 2020 to furnish the Committee with the requisite information and that this information is vital to the consideration of the Order;

APPRECIATING that under section 15(2) of the Statutory Instruments Act, 2013 the Committee is required to make a report within twenty-eight sitting days after the date of referral of the instrument by the Senate, or such other period as the Senate may, by Resolution, approve;

NOTING that with regard to the Railway City Development Authority Order, 2020, the twenty-eight sitting days lapse on 7th October, 2020;

NOW THEREFORE, pursuant to section 15(2) of the Statutory Instruments Act, 2013, the Senate resolves to extend the timelines for the consideration of the Railway City Development Authority Order, 2020 by a further period of twenty-one days to enable the Committee to scrutinize the submissions from the Ministry of Lands and Physical Planning with regard to land rights in the area designated under the Railway City Development Authority Order, 2020 and to conclude its consideration of the Order.

(The Senate Majority Leader on behalf of the Chairperson, Sessional Committee on Delegated on Legislation)

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 79, the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP) ruled that the Motion did not affect counties.

RESOLVED ACCORDINGLY

THAT, AWARE that the Sessional Committee on Delegated Legislation is established under standing order 221 of the Senate Standing Orders and is charged with the responsibility of scrutinizing statutory instruments laid before the House and that pursuant to standing order 221 (3) (b), the Committee is mandated to consider, in respect of any statutory instrument, whether the statutory instrument “*infringes on fundamental rights and freedoms of the public*”;

FURTHER AWARE that on 26th May, 2020, the Senate referred the Railway City Development Authority Order, 2020 to the Sessional Committee on Delegated Legislation;

AWARE that the purpose of the State Corporation proposed in the Order is to provide for the coordinated planning, management, development and use of the Nairobi Railway Central Station and the surrounding land which has been designated as a special planning area;

ACKNOWLEDGING that the Regulations touch on existing land rights, particularly with regard to the Kenya Railways Corporation, Kenya Railways Pension Scheme and private land owners in the designated area;

NOTING that due to the gravity of the impact of the Regulations, the Committee met with the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works on Wednesday, 29th July, 2020 and the National Land Commission on 5th August and 16th September, 2020 and further invited the Ministry of Lands and Physical Planning to appear before it on Wednesday, 30th September, 2020;

NOTING that the Committee directed the Ministry of Lands and Physical Planning to provide clarity on the ownership of the land in the area defined under paragraph 2 of the Order which is defined as “*all the land measuring one hundred and seventy-two hectares consisting of the Nairobi Central Railway Station and the surrounding land*” and to submit supporting documentation on the same;

FURTHER NOTING that the Ministry of Lands and Physical Planning requested for more time until the 13th October, 2020 to furnish the Committee with the

requisite information and that this information is vital to the consideration of the Order;

APPRECIATING that under section 15(2) of the Statutory Instruments Act, 2013 the Committee is required to make a report within twenty-eight sitting days after the date of referral of the instrument by the Senate, or such other period as the Senate may, by Resolution, approve;

NOTING that with regard to the Railway City Development Authority Order, 2020, the twenty-eight sitting days lapse on 7th October, 2020;

NOW THEREFORE, pursuant to section 15(2) of the Statutory Instruments Act, 2013, the Senate resolves to extend the timelines for the consideration of the Railway City Development Authority Order, 2020 by a further period of twenty-one days to enable the Committee to scrutinize the submissions from the Ministry of Lands and Physical Planning with regard to land rights in the area designated under the Railway City Development Authority Order, 2020 and to conclude its consideration of the Order.

10. **APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR FINANCIAL YEAR 2020/2021**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Cash Disbursement Schedule for Financial year 2020/2021 and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 183 (3), the Senate approves the County Governments Cash Disbursement Schedule for Financial Year 2020/2021, laid on the Table of the Senate on Thursday, 8th October, 2020.

(Chairperson, Standing Committee on Finance and Budget)

There being no Senator wishing to contribute;

The Senate proceeded to a Division;

The Speaker directed that 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 three minutes;

After the expiry of three minutes, the Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows-

- a) Sen. Cherarkey, Samson Kiprotich - AYES
- b) Sen. Haji Ali Farhiya, MP - NOES

Whereupon, 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 – 33

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Adan, Dullo Fatuma
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey, Samson Kiprotich
5. Sen. Cheruiyot, Aaron Kipkirui
6. Sen. Iman Falhada Dekow-- voted on behalf of Garissa County Delegation
7. Sen. Hargura, Godana
8. Sen. Kabaka, Boniface Mutinda
9. Sen. Kajwang’ Moses Otieno
10. Sen. Kamar, Margaret Jepkoech
11. Sen. Kang’ata, Irungu
12. Sen. Kibiru, Charles Reubenson
13. Sen. Prengei Victor-- voted on behalf of Nakuru County Delegation
14. Sen. Kimani Wamatangi
15. Sen. Kirinyaga, Ephraim Mwangi Maina
16. Sen. Langat, Christopher Andrew
17. Sen. Lelegwe, Ltumbesi
18. Sen. Linturi Franklin Mithika
19. Sen. Madzayo, Stewart Mwachiru
20. Sen. Mbogo, George Ochilo Ayacko
21. Sen. Moi Gideon Kipsielei Towett
22. Sen. Mutula, Kilonzo Junior
23. Sen. Mwangi, Paul Githiomi
24. Sen. Mwaruma, Johnes Mwashushe
25. Sen. Mwinyihaji, Mohamed Faki
26. Sen. Nderitu, John Kinyua
27. Sen. Olekina, Ledama
28. Sen. Outa, Frederick Otieno
29. Sen. Haji Ali Farhiya-- voted on behalf of Nairobi County Delegation
30. Sen. Wako, Sitswila Amos
31. Sen. Wambua, Enoch Kiio
32. Sen. Wario, Golich Juma
33. Sen. Wetang’ula, Moses Masika

Question - agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Cash Disbursement Schedule for Financial year 2020/2021 and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 183 (3), the Senate approves the County Governments Cash

Disbursement Schedule for Financial Year 2020/2021, laid on the Table of the Senate on Thursday, 8th October, 2020.

11. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. (Dr.) Lelegwe Ltumbesi, MP) – in the Chair)

The Sectional Properties Bill (National Assembly Bills No. 23 of 2019)

Clauses 4 – 11

Motion made and Question proposed;

THAT, Clauses 4 – 11 be part of the Bill.

Debate interrupted on Wednesday, 7th October, 2020 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Lelegwe Ltumbesi, MP) 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 three minutes;

After the expiry of three minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows-

- i. Sen. Haji Ali Farhiya, MP - AYES
- ii. Sen. Cherarkey, Samson Kiprotich - NOES

Whereupon, the Acting Chairperson 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 – 32

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena -voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Hargura Godana

6. Sen. Kabaka Boniface Mutinda
7. Sen. Kajwang' Moses Otieno
8. Sen. Kamar Margaret Jepkoech
9. Sen. Kang'ata Irungu
10. Sen. Kibiru Charles Reubenson
11. Sen. Prengei Victor -voted on behalf of Nakuru County Delegation
12. Sen. Kimani Wamatangi Paul
13. Sen. Kirinyaga Ephraim Maina
14. Sen. Langat Christopher Andrew
15. Sen. Lelegwe Ltumbesi
16. Sen. Linturi Franklin Mithika
17. Sen. Madzayo Stewart Mwachiru
18. Sen. Moi Gideon Kipsielei Towett
19. Sen. Mutula Kilonzo Juniour
20. Sen. Mwangi Paul Githiomi
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Ndwiga Peter Njeru
25. Sen. Olekina Ledama
26. Sen. Outa Frederick Otieno
27. Sen. Poghisio Samuel Losuron
28. Sen. Sakaja Johnson Arthur
29. Sen. Wako Sitswila Amos
30. Sen. Wambua Enoch Kiio
31. Sen. Wario Golich Juma
32. Sen. Wetang'ula Moses Masika

Clauses 4 – 11 - agreed to.

Clause 12 - amendment proposed

THAT clause 12 of the Bill be amended by deleting sub clause (5) and substituting therefor the following new sub clause –

(5) Before registering a proposed sectional plan of sub-division or consolidation, the Registrar shall amend, in the manner prescribed by the regulations, the original sectional plan as endorsed by a surveyor.

(Chairperson, Standing Committee on Land, Environment and Natural Resources – 07/10/2020)

Debate interrupted on Wednesday, 7th October, 2020 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Lelegwe Ltumbesi, MP) 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 three minutes;

After the expiry of three minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows-

- i. Sen. Haji Ali Farhiya, MP - AYES
- ii. Sen. Cherarkey, Samson Kiprotich - NOES

Whereupon, the Acting Chairperson 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 – 32 NOES – 0 ABSTENTIONS – 0

AYES

- 1. Sen. Adan Dullo Fatuma
- 2. Sen. Ali Abdullahi Ibrahim
- 3. Sen. Zani Agnes Philomena -voted on behalf of Kwale County Delegation
- 4. Sen. Cherarkey Samson Kiprotich
- 5. Sen. Hargura Godana
- 6. Sen. Kabaka Boniface Mutinda
- 7. Sen. Kajwang’ Moses Otieno
- 8. Sen. Kamar Margaret Jepkoech
- 9. Sen. Kang’ata Irungu
- 10. Sen. Kibiru Charles Reubenson
- 11. Sen. Prengei Victor -voted on behalf of Nakuru County Delegation
- 12. Sen. Kimani Wamatangi Paul
- 13. Sen. Kirinyaga Ephraim Maina
- 14. Sen. Langat Christopher Andrew
- 15. Sen. Lelegwe Ltumbesi
- 16. Sen. Linturi Franklin Mithika
- 17. Sen. Madzayo Stewart Mwachiru
- 18. Sen. Moi Gideon Kipsielei Towett
- 19. Sen. Mutula Kilonzo Juniour
- 20. Sen. Mwangi Paul Githiomi
- 21. Sen. Mwaruma Johnes Mwashushe
- 22. Sen. Mwinyihaji Mohamed Faki
- 23. Sen. Nderitu John Kinyua
- 24. Sen. Ndwiga Peter Njeru
- 25. Sen. Olekina Ledama
- 26. Sen. Outa Frederick Otieno
- 27. Sen. Poghisio Samuel Losuron
- 28. Sen. Sakaja Johnson Arthur
- 29. Sen. Wako Sitswila Amos
- 30. Sen. Wambua Enoch Kiio
- 31. Sen. Wario Golich Juma
- 32. Sen. Wetang’ula Moses Masika

Clause 12 (as amended) - agreed to

Clauses 3 and 2, the Title and Clause 1

Motion made and Question proposed;

THAT, Clauses 3 and 2, the Title and Clause 1 be part of the Bill.

Debate interrupted on Wednesday, 7th October, 2020 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Lelegwe Ltumbesi, MP) 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 three minutes;

After the expiry of three minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows-

- i. Sen. Haji Ali Farhiya, MP - AYES
- ii. Sen. Cherarkey, Samson Kiprotich - NOES

Whereupon, the Acting Chairperson 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 – 32 NOES – 0 ABSTENTIONS – 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena -voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Hargura Godana
6. Sen. Kabaka Boniface Mutinda
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kamar Margaret Jepkoech
9. Sen. Kang’ata Irungu
10. Sen. Kibiru Charles Reubenson
11. Sen. Prengei Victor -voted on behalf of Nakuru County Delegation
12. Sen. Kimani Wamatangi Paul
13. Sen. Kirinyaga Ephraim Maina
14. Sen. Langat Christopher Andrew
15. Sen. Lelegwe Ltumbesi
16. Sen. Linturi Franklin Mithika
17. Sen. Madzayo Stewart Mwachiru
18. Sen. Moi Gideon Kipsielei Towett

19. Sen. Mutula Kilonzo Juniour
20. Sen. Mwangi Paul Githiomi
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Ndwiga Peter Njeru
25. Sen. Olekina Ledama
26. Sen. Outa Frederick Otieno
27. Sen. Poghisio Samuel Losuron
28. Sen. Sakaja Johnson Arthur
29. Sen. Wako Sitswila Amos
30. Sen. Wambua Enoch Kiio
31. Sen. Wario Golich Juma
32. Sen. Wetang'ula Moses Masika

Clauses 3 and 2, the Title and Clause 1 - agreed to.

Motion made:

THAT, the Bill be reported with amendments.

(The Senate Majority Leader)

Before the question was put and pursuant to Standing Order 79(1), the Acting Chairperson (Sen. (Dr.) Lelegwe Ltumbesi, MP) ruled that the question did not affect counties;

Question put and agreed to.

12. **THE HOUSE RESUMED** – The Temporary Speaker (Sen. (Dr.) Isaac Mwaura, MP) - in the Chair
13. **THE SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2019)**

Bill reported with amendments;

Motion made and Question proposed-

THAT, the House do agree with the Committee of the Whole in the said Report.

(The Senate Majority Leader)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79(1), the Temporary Speaker (Sen. (Dr.) Isaac Mwaura, MP), ruled that the question did not affect counties;

Question put and agreed to.

Motion made and question proposed -

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

(The Senate of Majority Leader)

There being no Senator wishing to contribute;

The House proceeded to a Division;

Temporary Speaker (Sen. (Dr.) Isaac Mwaura, MP) directed that 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 two minutes;

After the expiry of two minutes, the Temporary Speaker (Sen. (Dr.) Isaac Mwaura, MP) directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows-

- i. Sen. Victor Prengei, MP – AYES
- ii. Sen. Petronilla Were Lokorio, MP - NOES

Whereupon, the Temporary Speaker (Sen. (Dr.) Isaac Mwaura, MP) 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 = 29 NOES = 0 ABSTENTIONS = 0

AYES

- 1. Sen. Adan Dullo Fatuma
- 2. Sen. Ali Abdullahi Ibrahim
- 3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
- 4. Sen. Cheruiyot Aaron Kipkirui
- 5. Sen. Hargura Godana
- 6. Sen. Kajwang’ Moses Otieno
- 7. Sen. Kamar Margaret Jepkoech
- 8. Sen. Kang’ata Irungu
- 9. Sen. Kibiru Charles Reubenson
- 10. Sen. Prengei Victor – voted on behalf of Nakuru County Delegation
- 11. Sen. Kilonzo Mutula Junior
- 12. Sen. Mwangi Paul Githiomi
- 13. Sen. Mwaruma Johnes Mwashushe
- 14. Sen. Mwinyihaji Mohamed Faki
- 15. Sen. Nderitu John Kinyua
- 16. Sen. Ndwiga Peter Njeru
- 17. Sen. Olekina Ledama
- 18. Sen. Outa Frederick Otieno
- 19. Sen. Poghisio Samuel Losuron
- 20. Sen. Sakaja Johnson Arthur

21. Sen. Mwaura Isaac – on behalf of Kiambu County Delegation
22. Sen. Kirinyaga Ephraim Maina
23. Sen. Langat Christopher Andrew
24. Sen. Lelegwe Ltumbesi
25. Sen. Madzayo Stewart Mwachiru
26. Sen. Moi Gideon Kipsielei Towett
27. Sen. Wako Sitswila Amos
28. Sen. Wario Golich Juma
29. Sen. Wetang'ula Moses Masika

Question agreed to

Bill Read a Third Time and passed.

14. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. (Dr.) Lelegwe Ltumbesi, MP) – in the Chair)

Consideration of the National Assembly Amendments the County Outdoor Advertising Control Bill (Senate Bills No. 19 of 2018)

National Assembly amendment to Clause 2

THAT Clause 2 of the Bill be amended by inserting the following definition in its proper alphabetical sequence—

“rate card” means a document containing prices and descriptions for various advertisement placement options available from a service sector, which sets out the minimum and maximum price of a service.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 2 of the Bill be approved.

(Vice Chairperson, Standing Committee on Information and Technology – 07.10.2020)

Debate interrupted on Wednesday, 7th October, 2020 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Lelegwe Ltumbesi, MP) 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 two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows-

- i. Sen. Haji Ali Farhiya, MP - AYES
- ii. Sen. Cherarkey, Samson Kiprotich - NOES

Whereupon, the Acting Chairperson 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 – 31 NOES – 0 ABSTENTIONS – 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena -voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Hargura Godana
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kamar Margaret Jepkoech
9. Sen. Kang’ata Irungu
10. Sen. Kibiru Charles Reubenson
11. Sen. Prengei Victor – voted on behalf of Nakuru County Delegation
12. Sen. Kimani Wamatangi Paul
13. Sen. Kirinyaga Ephraim Maina
14. Sen. Langat Christopher Andrew
15. Sen. Lelegwe Ltumbesi
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Moi Gideon Kipsielei Towett
18. Sen. Mutula Kilonzo Juniour
19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Nderitu John Kinyua
23. Sen. Ndwiga Peter Njeru
24. Sen. Olekina Ledama
25. Sen. Outa Frederick Otieno
26. Sen. Poghisio Samuel Losuron
27. Sen. Omanga Millicent – voted on behalf of Nairobi City County Delegation
28. Sen. Wako Sitswila Amos
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Golich Juma
31. Sen. Wetang’ula Moses Masika

National Assembly amendment to Clause 2 - agreed to.

National Assembly amendment to Clause 3

THAT Clause 3 of the Bill be amended—

(a) by deleting the expression “(1)”;

(b) in paragraph (c) by inserting the words “that has a licence from another county” immediately after the words “a moving vehicle” appearing in subparagraph (vi).

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 3 of the Bill be approved.

(Vice Chairperson, Standing Committee on Information and Technology – 07.10.2020)

Debate interrupted on Wednesday, 7th October, 2020 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Lelegwe Ltumbesi, MP) 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 two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows-

- i. Sen. Haji Ali Farhiya, MP - AYES
- ii. Sen. Cherarkey, Samson Kiprotich - NOES

Whereupon, the Acting Chairperson 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 – 31 NOES – 0 ABSTENTIONS – 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena -voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Hargura Godana
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kamar Margaret Jepkoech

9. Sen. Kang'ata Irungu
10. Sen. Kibiru Charles Reubenson
11. Sen. Prengei Victor – voted on behalf of Nakuru County Delegation
12. Sen. Kimani Wamatangi Paul
13. Sen. Kirinyaga Ephraim Maina
14. Sen. Langat Christopher Andrew
15. Sen. Lelegwe Ltumbesi
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Moi Gideon Kipsielei Towett
18. Sen. Mutula Kilonzo Juniour
19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Nderitu John Kinyua
23. Sen. Ndwiga Peter Njeru
24. Sen. Olekina Ledama
25. Sen. Outa Frederick Otieno
26. Sen. Poghio Samuel Losuron
27. Sen. Omanga Millicent – voted on behalf of Nairobi City County Delegation
28. Sen. Wako Sitswila Amos
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Golich Juma
31. Sen. Wetang'ula Moses Masika

National Assembly amendment to Clause 3 - agreed to.

National Assembly amendment to Clause 4

THAT Clause 4 of the Bill be amended in sub-clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph--

“(b) the written consent of the owner of the site or any other person with an interest in the site entitled to give consent”.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 4 of the Bill be approved.

(Vice Chairperson, Standing Committee on Information and Technology – 07.10.2020)

Debate interrupted on Wednesday, 7th October, 2020 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Lelegwe Ltumbesi, MP) 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 two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows-

- i. Sen. Haji Ali Farhiya, MP - AYES
- ii. Sen. Cherarkey, Samson Kiprotich - NOES

Whereupon, the Acting Chairperson 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 – 31 NOES – 0 ABSTENTIONS – 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena -voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Hargura Godana
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kamar Margaret Jepkoech
9. Sen. Kang’ata Irungu
10. Sen. Kibiru Charles Reubenson
11. Sen. Prengei Victor – voted on behalf of Nakuru County Delegation
12. Sen. Kimani Wamatangi Paul
13. Sen. Kirinyaga Ephraim Maina
14. Sen. Langat Christopher Andrew
15. Sen. Lelegwe Ltumbesi
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Moi Gideon Kipsielei Towett
18. Sen. Mutula Kilonzo Juniour
19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Nderitu John Kinyua
23. Sen. Ndwiga Peter Njeru
24. Sen. Olekina Ledama
25. Sen. Outa Frederick Otieno
26. Sen. Poghisio Samuel Losuron
27. Sen. Omanga Millicent – voted on behalf of Nairobi City County Delegation
28. Sen. Wako Sitswila Amos
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Golich Juma
31. Sen. Wetang’ula Moses Masika

National Assembly amendment to Clause 4 - agreed to.

National Assembly amendment to Clause 10

THAT Clause 10 of the Bill be amended in sub-clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) the written consent of the owner of the site or any other person with an interest in the site entitled to give consent”.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 10 of the Bill be approved.

(Vice Chairperson, Standing Committee on Information and Technology – 07.10.2020)

Debate interrupted on Wednesday, 7th October, 2020 resumed on a Division;
The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Lelegwe Ltumbesi, MP) 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 two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows-

- i. Sen. Haji Ali Farhiya, MP - AYES
- ii. Sen. Cherarkey, Samson Kiprotich - NOES

Whereupon, the Acting Chairperson 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 – 31 NOES – 0 ABSTENTIONS – 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena -voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Hargura Godana
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kamar Margaret Jepkoech
9. Sen. Kang’ata Irungu
10. Sen. Kibiru Charles Reubenson
11. Sen. Prengei Victor – voted on behalf of Nakuru County Delegation
12. Sen. Kimani Wamatangi Paul
13. Sen. Kirinyaga Ephraim Maina
14. Sen. Langat Christopher Andrew

- 15. Sen. Lelegwe Ltumbesi
- 16. Sen. Madzayo Stewart Mwachiru
- 17. Sen. Moi Gideon Kipsielei Towett
- 18. Sen. Mutula Kilonzo Juniour
- 19. Sen. Mwangi Paul Githiomi
- 20. Sen. Mwaruma Johnes Mwashushe
- 21. Sen. Mwinyihaji Mohamed Faki
- 22. Sen. Nderitu John Kinyua
- 23. Sen. Ndwiga Peter Njeru
- 24. Sen. Olekina Ledama
- 25. Sen. Outa Frederick Otieno
- 26. Sen. Poghisio Samuel Losuron
- 27. Sen. Omanga Millicent – voted on behalf of Nairobi City County Delegation
- 28. Sen. Wako Sitswila Amos
- 29. Sen. Wambua Enoch Kiio
- 30. Sen. Wario Golich Juma
- 31. Sen. Wetang’ula Moses Masika

National Assembly amendment to Clause 10 - agreed to.

National Assembly amendment to Clause 15

THAT Clause 15 of the Bill be amended by inserting the words “regulate and” immediately after the words “government entity shall”.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 15 of the Bill be approved.

(Vice Chairperson, Standing Committee on Information and Technology – 07.10.2020)

Debate interrupted on Wednesday, 7th October, 2020 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Lelegwe Ltumbesi, MP) 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 two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows-

- i. Sen. Haji Ali Farhiya, MP - AYES
- ii. Sen. Cherarkey, Samson Kiprotich - NOES

Whereupon, the Acting Chairperson 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 – 31

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena -voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Hargura Godana
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kamar Margaret Jepkoech
9. Sen. Kang’ata Irungu
10. Sen. Kibiru Charles Reubenson
11. Sen. Prengei Victor – voted on behalf of Nakuru County Delegation
12. Sen. Kimani Wamatangi Paul
13. Sen. Kirinyaga Ephraim Maina
14. Sen. Langat Christopher Andrew
15. Sen. Lelegwe Ltumbesi
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Moi Gideon Kipsielei Towett
18. Sen. Mutula Kilonzo Juniour
19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Nderitu John Kinyua
23. Sen. Ndwiga Peter Njeru
24. Sen. Olekina Ledama
25. Sen. Outa Frederick Otieno
26. Sen. Poghisio Samuel Losuron
27. Sen. Omanga Millicent – voted on behalf of Nairobi City County Delegation
28. Sen. Wako Sitswila Amos
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Golich Juma
31. Sen. Wetang’ula Moses Masika

National Assembly amendment to Clause 15

- agreed to.

National Assembly amendment to Clause 21

THAT Clause 21 of the Bill be amended in sub-clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) a rate card that shall be reviewed every seven years stating the fees and charges to be paid in respect of any matter required for the purposes of this Act”.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 21 of the Bill be approved.

(Vice Chairperson, Standing Committee on Information and Technology – 07.10.2020)

Debate interrupted on Wednesday, 7th October, 2020 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Lelegwe Ltumbesi, MP) 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 two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows-

- i. Sen. Haji Ali Farhiya, MP - AYES
- ii. Sen. Cherarkey, Samson Kiprotich - NOES

Whereupon, the Acting Chairperson 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 – 31 NOES – 0 ABSTENTIONS – 0

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena -voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Hargura Godana
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kamar Margaret Jepkoech
9. Sen. Kang’ata Irungu
10. Sen. Kibiru Charles Reubenson
11. Sen. Prengei Victor – voted on behalf of Nakuru County Delegation
12. Sen. Kimani Wamatangi Paul
13. Sen. Kirinyaga Ephraim Maina
14. Sen. Langat Christopher Andrew
15. Sen. Lelegwe Ltumbesi
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Moi Gideon Kipsielei Towett
18. Sen. Mutula Kilonzo Juniour
19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Nderitu John Kinyua
23. Sen. Ndwiga Peter Njeru
24. Sen. Olekina Ledama

- 25. Sen. Outa Frederick Otieno
- 26. Sen. Poghiso Samuel Losuron
- 27. Sen. Omanga Millicent – voted on behalf of Nairobi City County Delegation
- 28. Sen. Wako Sitswila Amos
- 29. Sen. Wambua Enoch Kiio
- 30. Sen. Wario Golich Juma
- 31. Sen. Wetang’ula Moses Masika

National Assembly amendment to Clause 21 - agreed to.

Motion made:

THAT, the Committee of the Whole do report to the Senate its consideration of the National Assembly amendments to the County Outdoor Advertising Control Bill (Senate Bills No. 19 of 2018) and its approval thereof.

(The Senate Majority Leader)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79(1), the Acting Chairperson (Sen. (Dr.) Lelegwe Ltumbesi, MP) ruled that the question did not affect counties;

Question put and agreed to.

15. **THE HOUSE RESUMED** – The Temporary Speaker (Sen. (Dr.) Isaac Mwaura, MP) - in the Chair

16. **THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILLS NO. 19 OF 2018)**

Bill reported;

Motion made and Question proposed-

THAT, the House do agree with the Committee of the Whole in the said Report.

(The Senate Majority Leader)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79(1), the Temporary Speaker (Sen. (Dr.) Isaac Mwaura, MP), ruled that the question did not affect counties;

Question put and agreed to.

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

Order for Second Reading read;

Motion made and Question proposed;

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

(The Senate Majority Leader – 06/10/2020)

Debate interrupted on Wednesday, 7th October, 2020 resumed;

And there being no other Senator wishing to contribute;

The Mover replied;

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

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

18. **COMMITTEE OF THE WHOLE**

***THE ELECTIONS (AMENDMENT) BILL (SENATE BILLS NO. 18 OF 2019)**

(Sen. (Eng.) Ephraim Maina, MP)

Order Deferred.

19. **COMMITTEE OF THE WHOLE**

*****THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 10 OF 2019)**

(Chairperson, Standing Committee on Tourism, Trade and Industrialization)

Order Deferred.

20. **COMMITTEE OF THE WHOLE**

*** THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 15 OF 2019)**

(Sen. (Dr.) Gertrude Musuruve, MP and Sen. (Prof.) Margaret Kamar, MP)

Order Deferred.

21. **MOTION – ADOPTION OF THE NINTH PROGRESS REPORT OF THE AD-HOC COMMITTEE ON THE COVID-19 SITUATION IN KENYA**

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

THAT, the Senate adopts the Ninth Progress Report of the Ad-hoc Committee on the COVID-19 Situation in Kenya, laid on the table of the Senate on Tuesday, 29th September, 2020.

Order Deferred.

22. **MOTION - RECOGNIZING AND APPRECIATING THE ELDERLY BY COUNTY GOVERNMENTS**

(Sen. Rose Nyamunga, MP)

THAT, AWARE that in 2006, the National Government initiated the Older Persons Cash Transfer (OPCT) Programme, popularly known as *Pesa ya Wazee*, which is an unconditional cash transfer programme to destitute elderly persons above the age of 65 years to cater for their subsistence needs;

NOTING THAT the beneficiaries receive a monthly stipend of Kshs. 2,000, delivered every two months through appointed payment agents, and also entitled to medical insurance through the National Health Insurance Fund (NHIF);

CONCERNED HOWEVER THAT the programme's credibility is marred by issues of delayed payments to beneficiaries, difficulties in processing of payments through the stipulated agents and payments to unregistered persons;

NOW THEREFORE, the Senate recommends that the County Governments complement the efforts of the National Government and assist in resolving these challenges by:-

1. Developing legislation and policies to protect the elderly including ensuring all elderly persons in their counties are registered in the OPCT programme; and
2. Organise value addition mechanisms such as financial training to help the beneficiaries of the programme to efficiently utilise this allowance.

Order Deferred.

23. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON ITS INQUIRY INTO THE OPERATIONALIZATION OF THE NATIONAL CONSTRUCTION AUTHORITY (DEFECTS LIABILITY) REGULATIONS, 2020.**

(Chairperson, Standing Committee on Roads and Transportation)

THAT, the Senate adopts the report of the Standing Committee on Roads and Transportation on its inquiry into the operationalization of National Construction Authority (Defects Liability) Regulations, 2020, laid on the table of the Senate, on Thursday, 24th September, 2020.

Order Deferred.

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

(Sen. Johnes Mwaruma, MP)

(Second Reading)

Order Deferred.

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

(Sen. Abshiro Halake, MP)

(Second Reading)

Order Deferred.

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

(Sen. Rose Nyamunga, MP)

(Second Reading)

Order Deferred.

27. *****THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2019)**

(The Senate Majority Leader)

(Second Reading)

Order Deferred.

Pursuant to Standing Order 31(2), the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP) interrupted the proceedings and adjourned the Senate at twenty-seven minutes past Six O'clock, without question put, pursuant to the Standing Orders.

28. **SENATE ROSE** – at twenty-seven minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, November 03, 2020 at 2.30 p.m.*

--X--