



TWELFTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, NOVEMBER 04, 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 Deputy Speaker.
3. **COMMUNICATION FROM THE CHAIR ON THE CONSIDERATION OF SESSIONAL PAPERS**

The Deputy Speaker conveyed the following communication;

“Honourable Senators,

On Tuesday, 3rd November, 2020, the Senate Majority Leader laid on the Table of the Senate, the following documents –

- i) Sessional Paper No. 2 of 2020 on the proposed Veterinary Policy; and
- ii) Sessional Paper No. 3 of 2020 on the proposed Livestock Policy.

Honourable Senators,

This is the first time that the National Executive has submitted to the Senate, policy documents that outline the Government’s long-term agenda in relation to the greater livestock agricultural sub-sector. Consideration and adoption of these two documents will ultimately lead to legislative interventions to actualize their aims and objectives, and as such, must be scrutinized carefully and reports thereon prepared and debated by the Senate.

In this respect, I direct that the Sessional Paper No. 2 of 2020 on the proposed Veterinary Policy, and Sessional Paper No. 3 of 2020 on the proposed Livestock Policy be committed to the Standing Committee on Agriculture, Livestock and Fisheries for consideration. I further direct the Committee to table reports on the two Sessional Papers, taking into account the views of relevant stakeholders, within the next thirty (30) days.

Honourable Senators,

After tabling of the Reports of the Standing Committee on Agriculture, Livestock and Fisheries on the two Sessional Papers, the Senate may thereafter consider, with a view to approve the same, for further action by the Ministry of Agriculture, Livestock and Fisheries.

I therefore urge the Standing Committee on Agriculture, Livestock and Fisheries to proceed with speed in considering the Sessional Papers and to table reports as directed above.

I thank you”.

4. **PETITION**

Pursuant to Standing Order 232(2), Nominated Senator (Sen. Farhiya Haji, MP), a Member of the Standing Committee on Finance and Budget, on behalf of the Chairperson of the Standing Committee on Finance and Budget, tabled before the Senate the Report of the Standing Committee on Finance and Budget on a Petition to the Senate by Mr. Simon L. Kilonga and Mr. Olonana D. Oletulet concerning alleged corruption and embezzlement of funds in Narok County Government, in respect of award of tenders.

Pursuant to Standing Order 232(2) the Deputy Speaker allowed comments and observations in relation to the Petition.

5. **PAPERS**

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

- i.) The Salaries and Remuneration Commission Annual Report for the Financial Year 2018/2019; and
- ii.) The Nuts and Oil Crops Regulations, 2020.
(The Senate Majority Leader)
- iii.) Report of the Standing Committee on Finance and Budget on a Petition to the Senate by Mr. Simon L. Kilonga and Mr. Olonana D. Oletulet concerning alleged corruption and embezzlement of funds in Narok County Government, in respect of award of tenders

(Sen. Farhiya Haji, MP, on behalf of the Chairperson, Standing Committee on Finance and Budget)

6. **STATEMENTS**

a) Pursuant to Standing Order 47 (1)

- i) The Senator for Vihiga County (Sen. George Khaniri, MP), made a statement on the preservation of national and cultural heritage and revenue generation from the same.

Thereupon, the Senator stated that Kenya is home to 42 different and unique cultures, that is also inhabited by Europeans, Asians, Indians and nationalities from different parts of the world. The different cultures that have come together in Kenya form our identity and vast heritage. The Senator however expressed concern that over the past few decades, conservation of national heritage had been threatened by globalization.

The Senator observed that important sites such as forests, hills, caves, sites and many more were being destroyed to make way for modern infrastructure. Furthermore, he stated that in as much as modernization was appreciated, there was need to find a balance where both modernization and our cultural heritage can coexist for the improvement of Kenya's culture and economy. The Senator further expressed concern that in Vihiga county, historical and cultural sites such as *Wagereva* footstone, the *Mungoma* caves found in Maragoli, the Maragoli hills which carry great importance in the Maragoli culture, had been neglected and were wasting away.

While other countries take advantage of such sites for their economic and cultural benefit, Kenya had not placed enough emphasis on preservation of cultural and historical identity. The Senator argued that Kenya had a rich cultural heritage which needed to be preserved for future generations and called on the government to institute measures for preservation and promotion of the same.

Pursuant to Standing Order 47 (3), the Deputy Speaker committed the Statement to the Standing Committee on Labour and Social Welfare for consideration following concerns raised by Senators.

- ii) The Senator for Trans Nzoia County (Sen. (Dr.) Michael Mbito, MP) made a statement concerning enforcement of rules and regulations to remove toxic paints from Kenya.

The Senator stated that lead additives are used to enhance drying properties of oil-based decorative paints, giving them the much-needed visually appealing gloss and reducing corrosion on painted metal surfaces. However, this comes at a steep cost to human health, especially in women and children, given that these paints are extensively used in homes, schools, vehicles, buildings, roads, toys, furniture and playground equipment. The Senator argued that there was compelling evidence against lead to support and enforce the country's paint industry to transition from unsafe lead based paints to minimize their devastating health and environmental impacts.

The Senator informed the Senate that beginning from 2013, the issues of lead in paint came into Kenya's public domain and, in recognition of the

serious threat posed by leaded paints, Kenya Bureau of Standards (KEBs) developed and gazetted two (2) Standard, KS 2662-1:2017 and KS 2662-2:2017, to curb the production, importation, exportation, sale and use of paints. This made Kenya one of only five African countries to have done this, including South Africa, Cameroon, Tanzania and Algeria. However, he stated that despite this effort to safeguard human health and environment as well as to prevent technical barriers to trade across the East African region, the said Standards were yet to be implemented.

In conclusion, he stated that Kenya was under obligation to demonstrate action to address the environmental and health impact of lead exposure from these paints and that the most effective way to ensure that consumers get lead-free paints, with no addition of toxic metals, was by enforcing the standards and creating the necessary awareness.

Pursuant to Standing Order 47 (3), the Deputy Speaker committed the Statement to the Standing Committee on Health for consideration following concerns raised by Senators.

- iii) The Senator for Kakamega County (Sen. Cleophas Malalah, MP) made a statement concerning the looming health crisis in Kakamega County exacerbated by the COVID-19 pandemic in the Country and alleged dereliction of duty by the Kakamega County Government Executive.

The Senator informed the Senate that in July 2019, he carried out a fact-finding exercise of all public health facilities within Kakamega County and shared in the Senate what he found to be a despicable state of the public hospitals in the County. The Senator observed that sadly, the health sector in Kakamega County has continued to deteriorate amidst the COVID-19 pandemic. He stated that healthcare issues ought to be at the center stage of government priorities given the prevailing COVID-19 situation in the country.

He stated that the deteriorating state of healthcare in the County during the pandemic, and even after the County having received emergency pandemic funds, the conclusion that one leads to is that funds have been embezzled. The Senator called upon the Ethics and Anti-Corruption Commission (EACC), together with other investigative agencies, to investigate how these funds were utilized.

The Senator argued that the deteriorating health services in the County could be one of the reasons why in the recent past, the County witnessed an upsurge in COVID 19 cases. This rise in COVID – 19 cases has led to the closure of the County Government offices hence halting the operations of both the County Executive and the County Assembly and a possible case for the death of many residents of the County.

The Senator emphasised on the need to intensify adherence to the COVID-19 protocols and restrictions, enforce the social distancing rules,

revive the hand washing points and ensure all learners in schools wear masks and ban school visits completely.

In conclusion, and while acknowledging that health is a devolved function and a very integral area to citizens' well-being; from the prevailing circumstances in Kakamega County, the Senator stated that it has become obvious that the County Executive has completely failed to perform the function as required.

Pursuant to Standing Order 47 (3), the Deputy Speaker committed the Statement to the Standing Committee on Health for consideration following concerns raised by Senators.

b) Pursuant to Standing Order 48 (1)

- i) The Senator for Kericho County (Sen. Aaron Cheruiyot, MP), sought a statement from the Standing Committee on Health regarding alleged non-payment of COVID-19 claims by the National Health Insurance Fund (NHIF) and private medical insurance companies.
- ii) The Senator for Wajir County (Sen. (Dr.) Abdullahi Ibrahim Ali, MP), sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding security checks conducted at the Wilson Airport on passengers arriving from the Wajir Airport.
- iii) Nominated Senator (Sen. (CPA.) Farhiya Haji, MP), sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding the drought situation of counties in the Arid and Semi-Arid Lands (ASAL).
- iv) The Senator for Wajir County (Sen. (Dr.) Abdullahi Ibrahim Ali, MP), sought a statement from the Standing Committee on Roads and Transportation regarding the tarmacking of Wajir Ring Road (Four Mile Road).
- v) Seneta wa Kaunti ya Mombasa (Sen. Mohamed Faki, MP), aliomba taarifa kutoka kwa Kamati ya Kudumu ya Leba na Ustawi wa Jamii kuhusu kuteuliwa kwa Mkurugenzi Mkuu wa Mamlaka ya Kitaifa ya Bandari.

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

Order read;

Motion made and Question proposed;

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, 29thSeptember, 2020.

(Chairperson, Ad-hoc Committee on the COVID-19 Situation in Kenya – 03.11.2020)

Debate interrupted on Tuesday, 3rd November, 2020 resumed;

And there being no other Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 79 (1), the Temporary Speaker (Sen. Judith Pareno, MP) ruled that the Motion did not affect Counties.

Question put and, agreed to

RESOLVED ACCORDINGLY

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.

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

Order read;

Motion made;

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. Organize value addition mechanisms such as financial training to help the beneficiaries of the programme to efficiently utilize this allowance.

(Sen. Rose Nyamunga, MP)

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

9. **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
Thursday, November 05, 2020 at 2:30 p.m.*

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