



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 11, 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 Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

(a) Visiting Delegation from Tangaza University College, Nairobi City County

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of a visiting delegation from Tangaza University College, Nairobi City County.

On behalf of the Senate, and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.”

(b) Visiting Members of staff from the East African Legislative Assembly (EALA)

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of a visiting delegation of members of staff from the East African Legislative Assembly (EALA).

On behalf of the Senate, and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.”

(c) Visiting Students and Teachers from Terige Boys High School, Nandi County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Students and Teachers from Terige Boys High School, Nandi County.

On behalf of the Senate, and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.”

4. **PETITIONS**

Pursuant to Standing Order 226 (1) (b) and 230 (2) (a), the Senator for Uasin Gishu County (Sen. (Prof.) Margaret Kamar, MP) presented to the Senate a Petition by Jack Willis Okumu Abok and four other residents of Uasin Gishu County concerning the liquidation of Moi University Savings and Credit Society (MUSCO).

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and, subsequently, pursuant to Standing Order 232 (1), committed the Petition to the Standing Committee on Tourism, Trade and Industrialization for consideration.

5. **STATEMENTS PURSUANT TO STANDING ORDER 48(1)**

(a) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on the sudden closure of Kibos Sugar Company by the National Environmental Management Authority (NEMA).

(b) Nominated Senator (Sen. Falhada Iman, MP) sought a Statement from the Standing Committee on Health on outbreak of tuberculosis in Kenyan Prisons.

6. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 13 OF 2018)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 4th December, 2019)

(Division)

Order deferred.

7. **THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 1 OF 2018)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 18th February, 2020)

(Division)

Order deferred.

8. **THE FISHERIES MANAGEMENT AND DEVELOPMENT (AMENDMENT) BILL (SENATE BILLS NO. 22 OF 2019)**

(Sen. Moses Kajwang, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 19th February, 2020)

(Division)

Order deferred.

9. **THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO.35 OF 2019)**
(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Thursday, 20th February, 2020)

(Division)

Order deferred.

10. **COMMITTEE OF THE WHOLE CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)**
(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 25th February, 2020)

(Division)

Order deferred.

11. **COMMITTEE OF THE WHOLE CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILLS NO. 22 OF 2018)**
(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 25th February, 2020)

(Division)

Order deferred.

12. **COMMITTEE OF THE WHOLE CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF 2018)**
(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 25th February, 2020)

(Division)

Order deferred.

13. **COMMITTEE OF THE WHOLE THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)**
(Sen. Mary Seneta, MP)

Order deferred.

14. **COMMITTEE OF THE WHOLE THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 9 OF 2019)**
(Sen. (Dr.) Abdullahi Ali, MP)

Order deferred.

15. **THE LIFESTYLE AUDIT (NO. 2) BILL (SENATE BILLS NO. 21 OF 2019)**

(Sen. (CPA) Farhiya Ali Haji, MP)

Order for Second Reading read;

Motion Made and Question proposed;

THAT, the Lifestyle Audit (No. 2) Bill (Senate Bills No. 21 of 2019) be now read a Second Time.

(Sen. Farhiya Ali Haji, MP - 03.03.2020)

Debate interrupted on Tuesday, 10th March, 2020, resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order pursuant to Standing Order 61(3), Nominated Senator (Sen. Farhiya Ali Haji, MP) requested that the putting of the Question be deferred to a later date.

And the Deputy Speaker, acceding to the request, deferred the putting of the Question to a later date.

16. **MOTION - ADOPTION OF THE REPORTS OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON ITS VISITS TO MALABA INTERNATIONAL BORDER POINT AND THE KIBWEZI-ATHI-MUTOMO-KITUI ROAD PROJECT**

(Chairperson, Standing Committee on Roads and Transportation)

THAT, the Senate adopts the reports of the Standing Committee on Roads and Transportation on the visit to the Malaba International Border Point (OSBP) and the inspection visit and familiarization of the Kibwezi-Athi-Mutomo-Kitui Road Project in Kitui County laid on the Table of the Senate on Wednesday, 4th December, 2019.

Order deferred.

17. **MOTION - NOTING OF THE REPORT OF THE 141ST ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS, HELD IN BELGRADE, SERBIA, ON 13TH -17TH OCTOBER, 2019.**

(Sen. Susan Kihika, MP)

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 141st Assembly of the Inter-Parliamentary Union (IPU) and related meetings, held in Belgrade, Serbia from 13th -17th October, 2019, and laid on the Table of the Senate on Wednesday, 4th March, 2020.

Order deferred.

18. **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.

Order deferred.

19. **MOTION – NOTING OF THE REPORT OF THE THIRD ORDINARY SESSION OF THE 5TH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT HELD FROM 7TH TO 18TH OCTOBER, 2019 IN MIDRAND, SOUTH AFRICA.**

(Sen. (Dr.) Abdullahi Ali Ibrahim, MP)

THAT, the Senate notes the Report of the Third Ordinary Session of the 5th Parliament of the Pan-African Parliament held from 7th to 18th October, 2019 in Midrand, South Africa and laid on the Table of the Senate on Tuesday, 10th March 2020.

Order deferred.

20. **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.

And there being no other business on the Order Paper, the Deputy Speaker adjourned the Senate at thirty minutes past five O’clock, without Question put, pursuant to the Standing Orders.

21. **SENATE ROSE** – at thirty Minutes past Five O’clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Thursday, March 12, 2020 at 2.30 p.m.*

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