



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, MARCH 12, 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. **COMMUNICATION FROM THE CHAIR ON VISITING STUDENTS AND TEACHERS FROM MURUAKI BOYS HIGH SCHOOL, NYANDARUA COUNTY**

The Speaker conveyed the following Communications from the Chair: -

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Muruaki Boys High School, Nyandarua County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit

I thank you.”

4. **PETITION**

The Chairperson of the Standing Committee on Health presented the report of the Standing Committee on a Petition to the Senate concerning challenges faced by individuals with connective tissue disorders;

The Speaker allowed comments and observations from Senators, in relation to the report, pursuant to Standing Order 232 (2).

5. **PAPER**

The following Paper was laid on the Table of the Senate-

Statement on the business of the Senate for the week commencing Tuesday, 17th March, 2020.

6. **NOTICE OF MOTION - ADDRESSING THE CATASTROPHE OF THE DESERT LOCUST INVASION IN THE COUNTRY**

(Vice Chairperson, Committee of Agriculture, Livestock and Fisheries)

THAT, AWARE THAT, for the first time in seventy years, Kenya is experiencing a humanitarian and conservation catastrophe in the wake of the desert locust invasion affecting more than a quarter of the entire country;

FURTHER AWARE THAT, the swarms now invading Kenya arrived from Somalia and Ethiopia, where they have already caused widespread devastation of crops and grazing land before moving south and then west;

COGNIZANT THAT, locusts are highly mobile and destructive, and according to the Food and Agricultural Organization of the United Nations (FAO), each square kilometre of locusts in a swarm can eat as much in a day as 35,000 people;

CONCERNED THAT, localized aerial spraying using chemicals that are purportedly safe for humans and other insects has failed to contain the invasion, causing farmers to take matters into their own hands, and use more harmful pesticides that could have a serious environmental impact;

NOW THEREFORE, the Senate urges the National Government, through the Ministry of Agriculture, Livestock and Fisheries, in partnership with the County Governments to:

1. declare the locust invasion a national disaster;
2. develop methods for sharing information and best practices to coordinate and build the necessary capacity in combating the locust menace to predict, monitor and control the spread of new swarms;
3. establish modalities for enhancing the requisite financial, technical and logistical capacity of the Desert Locust Control Organisation for Eastern Africa;
4. support the counties with urgent and consistent resources such as pesticides, sprayers and motor vehicles in order to control the reproduction and further spread of the locusts;
5. fast track the impact assessment of the locust invasion and ensure adequate restitution initiatives are in place for farmers who suffered loss as a result of destruction caused by the locusts; and,
6. establish mechanisms to safeguard the strategic grain reserves with a view to mitigate against famine and food shortages across the country.

7. STATEMENTS**(i) Pursuant to Standing Order 47(1)**

The Senator for Trans Nzoia County (Sen. (Dr.) Michael Mbiti, MP) made a statement of national and international concern on the observation of the World Kidney Day, marked on 12th March every year.

The Senator informed the House that this was the 15th observation of the World Kidney Day internationally by 90 other countries including Kenya and that the day was first celebrated in 2006 to create awareness of the increasing burden caused by kidney disease worldwide with the aim of improving and educating the world on better kidney health practices.

He added that it was alarming that a majority of Kenyans have no knowledge that they have the disease and are likely to lack access to medical facilities that could help them deal with the disease. In addition, the Government and other corporate entities have made effort to curb the rise in the number of cases by donating and buying dialysis machines with one dialysis centre at the Kenyatta National Hospital (KNH) and additional four in Kisumu, Nakuru and Eldoret. However, they are still not enough to deal with all cases efficiently.

He further urged Kenyans at large, to take advantage of the day and the available information and at least go for testing as several hospitals across the country are offering free screening and that, there was ongoing free screening at Uhuru Park spearheaded by the Kenya Renal Association.

He concluded by urging the national Government, to consider increasing the availability of medical facilities such as dialysis machines to all hospitals countrywide.

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

- a) The Senator for Lamu County (Sen. Anuar Loitiptip, MP) sought a Statement from the Standing Committee on Education on non-payment of stipends to the teachers contracted under the internship programme by the Teachers Service Commission (TSC) in Lamu County.
- b) The Senator for Lamu County (Sen. Anuar Loitiptip, MP) sought a statement from the Standing Committee on Roads and Transportation regarding the LAPPSET Presidential Scholarship Programme in Lamu County.

(iii) Statement Pursuant to Standing Order No. 52 (1)

The Senate Deputy Majority Leader issued a statement regarding the business of the Senate for the week commencing Tuesday, 17th March, 2020.

8. 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.

9. 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.

10. 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.

11. 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.

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

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

(Second Reading)

(Resumption of debate interrupted on Wednesday, 11th March, 2020)

(Division)

Order deferred.

13. 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.

14. **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.

15. **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.

16. **COMMITTEE OF THE WHOLE**
THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE
BILLS NO. 38 OF 2018)

(Sen. Mary Seneta, MP)

Order deferred.

17. **COMMITTEE OF THE WHOLE**
THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILLS
NO. 9 OF 2019)

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

Order deferred.

18. **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

Order read;

Motion made and Question proposed: -

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.

(Chairperson, Standing Committee on Roads and Transportation)

Debate arising;

And there being no other Senator wishing to contribute;

And in the absence of the Mover to reply;

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

Question put and agreed to.

RESOLVED ACCORDINGLY

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.

19. **MOTION - 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)

Order read;

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.

20. **MOTION – PROVISION OF CEMETERY, FUNERAL PARLOURS AND CREMATORIA IN ALL COUNTIES**

Order read;

Motion made and Question proposed: -

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.

(Sen. (Dr.) Alice Milgo, MP)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order, the Mover requested that the putting of the question be deferred to a later date pursuant to Standing Order 61(3).

And the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP), acceding to the request, nominated Wednesday, 18th March, 2020 as the day the Question to be put.

21. **MOTION - 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)

Order read;

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.

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

(Sen. Rose Nyamunga, MP)

Order read;

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 Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP) adjourned the Senate at eleven minutes past six O'clock, without Question put, pursuant to the Standing Orders.

23. **SENATE ROSE** - at eleven minutes past six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, March 17, 2020 at 2:30 p.m.*

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