



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, JULY 14, 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 Deputy Speaker.
3. **MESSAGES FROM THE NATIONAL ASSEMBLY**

The Deputy Speaker conveyed the following Messages from the National Assembly–

i) APPROVAL BY THE NATIONAL ASSEMBLY OF THE MEDIATED VERSIONS ON THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2) BILL (SENATE BILL NO. 7 OF 2017) AND THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO.11 OF 2017)

“Honourable Senators,

I wish to bring to the attention of the Senate that, pursuant to Standing Order No.41 (3), a Message has been received from the National Assembly regarding the approval by the National Assembly, of the mediated versions of the County Governments (Amendment) (No. 2) Bill (Senate Bill No. 7 of 2017) and the County Governments (Amendment) Bill (Senate Bill No. 11 of 2017). Pursuant to the said Standing Order, I now report the Message-

“Pursuant to the provisions of Standing Orders 41 and 149 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly:-

Whereas the County Governments (Amendment) (No. 2) Bill (Senate Bill No. 7 of 2017) and the County Governments (Amendment) Bill (Senate Bill No. 11 of 2017) were referred to a Mediation Committee on 23rd July,

2019 pursuant to the provisions of Article 112(2) (b) of the Constitution and Standing Order 148(b) of the National Assembly Standing Orders;

*And whereas, the National Assembly considered and **approved** the Mediated Versions of the said Bills in the form developed by the Mediation Committee on Tuesday, June 30th, 2020;*

Now, therefore, in accordance with the provisions of Article 113 (3) of the Constitution and Standing Order 150(4) (b), I will present the two Bills to H.E the President for Assent.”

Honourable Senators,

For your information, the Speaker of the National Assembly indeed forwarded the two Bills for Assent as required and were Assented to by H.E the President on 16th June, 2020.

Further, following approval by the Senate of the National Assembly amendments to the County Attorney Bill (Senate Bills No. 3 of 2018) and the Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018), the two Bills were also forwarded to H. E the President for Assent and he Assented to them on 9th July, 2020.

I thank you!

ii) PASSAGE BY THE NATIONAL ASSEMBLY OF THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILL NO.19 OF 2018)

“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 County Outdoor Advertising Control Bill (Senate Bill No. 19 of 2018). Pursuant to the said Standing Order, I now report the Message-

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

*Whereas, the County Outdoor Advertising Control Bill (Senate Bill No. 19 of 2018) was passed by the Senate on Wednesday, 19th June, 2019 **with amendments** and referred to the National Assembly for consideration;*

And whereas, the National Assembly passed the said Bill on Thursday, 25th June, 2020 with amendments attached herewith;

Now, therefore, in accordance with the provisions of Article 110 of the Constitution and Standing Order 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 Information and Technology 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 County Outdoor Advertising Control Bill (Senate Bill No. 19 of 2018) be circulated to all Senators and be listed in the Order Paper for consideration on Tuesday, 28th July, 2020.

I thank you.”

4. **NOTICE OF MOTION – EXTENSION MANDATE OF TO THE SELECT COMMITTEE ON THE MANAGED MEDICAL EQUIPMENT SERVICES**

(Chairperson, Ad Hoc Committee to investigate the Managed Medical Equipment Service)

THAT, AWARE that the Senate resolved to establish a select Committee comprising nine (9) Senators to investigate and establish the facts surrounding the leasing of the Medical Equipment, in the now 119 beneficiary hospitals country wide;

APPRECIATING, that the mandate of the Select Committee lapsed on 4th April, 2020;

REGRETTING, that due to the COVID-19 pandemic and in view of the World Health Organization and the Ministry of Health guidelines on social

distancing and staying safe, the Committee has been unable to meet with key witnesses who would provide crucial information that would inform the Committee's recommendations, thus the Committee requires more time to include its inquiry into the matter;

NOW THEREFORE, the Senate resolves to renew the mandate of the Committee by a further period of twenty-three (23) days to enable the Ad hoc Committee to conclude its work and table its report in the House on or before 4th August, 2020.

5. PAPER LAID

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

Statement on the business of the Senate for the week commencing Tuesday, 21st July, 2020.

(The Deputy Senate Majority Leader)

6. STATEMENTS

(i) Pursuant to Standing Order 47(1)

- a) The Senator for Laikipia County (Sen. Nderitu John Kinyua, MP) on behalf of the Senator for Tranz-Nzoia County (Sen. (Dr.) Michael Mbiti, MP) made a statement regarding the attainment of ideal urban waste management and on the development, the Senator raised concern that industrial revolution and existence of informal businesses have caused a lot of waste generation in urban centers, which has resulted in challenges in waste collection and management.

Consequently, the Senator informed the House that suitable ways to dispose of urban waste could include frequent and timely collection of waste, to avoid scattering in undesignated areas. He noted the National Government should initiate this, in partnership with the county governments.

Finally, the Senator urged County governments to embrace public-private partnership approach with organized groups to enhance waste collection within informal settlements and low-income areas. On the other hand, the National Government should aid in designating specific land within the counties, where waste should be taken for disposal after collection.

- b) The Senator for Laikipia County (Sen. Nderitu John Kinyua, MP) on behalf of the Senator for Tranz-Nzoia County (Sen. (Dr.) Michael Mbiti, MP) made a statement concerning development of resilient youth agribusiness, under the COVID-19 pandemic, in which the Senator informed the House that COVID-19 pandemic has meted unequivocal and unprecedented negative impact on agriculture and food systems all over the world. He noted due to the rapid disruption of the systems that sustain food chains, agriculture livelihoods are at risk.

In his Statement the Senator notified the House that the Kenya Private Sector Alliance (KEPSA) recently reported that about 350,000 jobs had been lost in the agriculture sector as a result of COVID-19. Further he noted that climate change, dysfunctional markets, low productivity, policy lapses and perennial poor perception of agribusiness are some of the pre-pandemic bottlenecks that are now being compounded by the contagion, an interplay that directly subjects the agricultural youth fraternity to a grim future as the virus continues to spread.

The Senator noted that Kenya youth agribusinesses did not factor in potential mega disruptions such as COVID-19 and is therefore, bereft of measures for preparedness, response and recovery for youth.

In conclusion, the Senator explained that e-extension could come in handy allowing county governments could move in swiftly to continue supporting organized youth procedure groups while, e-marketing using specially designed digital apps or social media platforms could further help them, with the main objective of connecting youth procedures and agro-input suppliers to end-customers and exchanging market intelligence.

- c) The Nominated Senator (Sen. (Dr.) Alice Milgo, MP) made a statement concerning financial intermediaries in boosting food and nutrition security. In her statement, the Senator informed the House that Covid-19 pandemic is a health and human crisis that has caused food and nutrition insecurity to millions of people globally, Kenya included and measures to mitigate the pandemic are already affecting global food system the pandemic are already affecting global food systems.

The Senator noted that, as countries continue to roll out sizeable relief and stimulus packages, the needs of food system actors deserve attention to ensure food security, post Covid-19.

The Senator further informed the Senate that the Micro Enterprise Support Programme Trust (MESPT) to work, in partnership with the county governments, to enhance proper management of wet markets, by ensuring that enabling policies and legislations to support enactment of food safety and management of wet markets, are put in place.

- d) The Nominated Senator (Sen. (Dr.) Gertrude Musuruve Inimah,MP) made a Statement concerning escalation in incidences of violation of children's rights. In her statement the Senator informed the House that the Constitution grants children specific rights, as outlined in Article 53 of the Constitution, which rights are being flouted on a daily basis by their own care takers such as biological and step fathers, uncles, teachers, chiefs, religious leaders and other such "men of repute and honor".

The Senator reminded the House that Kenya is among the member states that signed and ratified the United Nations Convention on the Rights of the Child, and appealed to the Speaker to consider tasking the standing Committee on National Security, Defence and Foreign Relations to look into matters, with a view to ensuring that the perpetrators of such heinous acts are brought to book and that justice is served, citing the example of the two families whose children's bodies were found in an accident-wrecked car parked at the Athi River Police Station.

- e) The Senator for Nakuru County (Sen. Susan Kihika, MP) made a statement concerning eviction of residents of Mariashoni Ward in Molo Constituency, Nakuru County by the Kenya Forest Service (KFS) and Kenya Wildlife Service (KWS).

In her statement the Senator informed the House that Mau forest in Kenya is one of the most important water catchment areas in the Rift Valley and Western Kenya, and a source of at least 12 rivers that feed into 3 lakes; Lake Victoria, the world's second largest freshwater lake as well as Lake Nakuru, and Lake Naivasha which support millions of human and wildlife in Kenya and beyond.

The Senator stated, while the forest conservation goals are laudable, the way Kenya Forest Service (KFS) is carrying out the evictions while we are in the midst of fighting the Covid-19 global pandemic, raising serious concerns on the inhumane treatment and the use of excessive force to

evict the communities that authorities say have encroached the forest land.

The Senator appealed the Speaker to consider tasking the Standing Committee on Land, Environment and Natural Resources to intervene in this matter, urging that the Committee first seek to stop the ongoing evictions until the Kenya Forest Service (KFS) has defined and demarcated the forest boundaries and also shown the residents clearly where the cutline lies between the forest and the human settlements, while ensuring that no one is left homeless and adequate consultation with affected stakeholders is conducted.

Thereupon, the Deputy Speaker referred the statement to the Standing Committee of Land, Environment and Natural Resources, pursuant to Standing Order 47(3).

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

The Senator for Kakamega County (Sen. Cleophas Malalah, MP) sought a Statement from the Ad-hoc Committee on the Covid-19 Situation in Kenya concerning the role of the National Hospital Insurance Fund (NHIF) in Covid-19 testing for hotel and restaurant staff in the Country.

(iii) **Pursuant to Standing Order 52(1)**

The Deputy Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 21st July, 2020.

7. **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.

(Resumption of debate interrupted on Thursday, 12th March, 2020)
(Division)

Order deferred.

8. **MOTION – EXTENSION OF TIME FOR THE AD-HOC COMMITTEE TO INVESTIGATE THE MANAGED MEDICAL EQUIPMENT SERVICE**

Order read;

Motion made and Question proposed;

THAT, AWARE that the Senate resolved to establish a select Committee comprising nine (9) Senators to investigate and establish the facts surrounding the leasing of the Medical Equipment, in the now 119 beneficiary hospitals country wide;

APPRECIATING, that the mandate of the Select Committee lapsed on 4th April, 2020;

REGRETTING, that due to the COVID-19 pandemic and in view of the World Health Organization and the Ministry of Health guidelines on social distancing and staying safe, the Committee has been unable to meet with key witnesses who would provide crucial information that would inform the Committees recommendations, thus the Committee requires more time to include its inquiry into the matter;

NOW THEREFORE, the Senate resolves to renew the mandate of the Committee by a further period of twenty-three (23) days to enable the Ad hoc Committee to conclude its work and table its report in the House on or before 4th August, 2020.

(Chairperson, Ad Hoc Committee to investigate the Managed Medical Equipment Service)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

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

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, AWARE that the Senate resolved to establish a select Committee comprising nine (9) Senators to investigate and establish the facts surrounding the leasing of the Medical Equipment, in the now 119 beneficiary hospitals country wide;

APPRECIATING, that the mandate of the Select Committee lapsed on 4th April, 2020;

REGRETING, that due to the COVID-19 pandemic and in view of the World Health Organization and the Ministry of Health guidelines on social distancing and staying safe, the Committee has been unable to meet with key witnesses who would provide crucial information that would inform the Committees recommendations, thus the Committee requires more time to include its inquiry into the matter;

NOW THEREFORE, the Senate resolves to renew the mandate of the Committee by a further period of twenty-three (23) days to enable the Ad hoc Committee to conclude its work and table its report in the House on or before 4th August, 2020.

9. **MOTION – ADOPTION OF THE SEVENTH AND EIGHT PROGRESS REPORTS OF THE AD-HOC COMMITTEE ON COVID-19 SITUATION IN KENYA**

Order read;

Motion made and Question proposed in amended form;

THAT, the Senate **adopts** the Seventh and Eighth Progress Reports of the Ad-hoc Committee on COVID –19 Situation in Kenya, laid on the Table of the Senate on Tuesday, 16th June, 2020, and on Tuesday, 7th July, 2020, respectively.

(Chairperson, Ad-hoc Committee on COVID-19 Situation in Kenya –
07.07.2020)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

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

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate **adopts** the Seventh and Eighth Progress Reports of the Ad-hoc Committee on COVID –19 Situation in Kenya, laid on the Table of the Senate on Tuesday, 16th June, 2020, and on Tuesday, 7th July, 2020, respectively.

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

10. **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
Tuesday, July 21, 2020 at 2:30 p.m.*

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