



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FIFTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, FEBRUARY 18, 2021 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) Report of the Sessional Committee on County Public Accounts and Investments on the consideration of the Audit Reports of the Bomet; Homa Bay; Isiolo; Kakamega; Kiambu; Laikipia; Kisumu; Mandera; Migori; Mombasa; Murang'a; Nandi; Nyeri; Samburu; Siaya; Tana River; Tharaka Nithi; Trans Nzoia; Turkana and Wajir County Executives for the Financial Year 2014/2015 (1st July, 2014 to 30th June, 2015).

(Sen. Fatuma Dullo, MP, on behalf of the Chairperson, Sessional Committee on County Public Accounts and Investments)

- ii) Report of the Mediation Committee on the consideration of the Early Childhood Education Bill (Senate Bills No. 26 of 2018).

(Sen. Eric Okong'o Mogeni, MP)

- iii) Statement on the Business of the Senate for the week commencing Tuesday, 23rd February, 2021.

(The Senate Majority Leader)

4. **NOTICE OF MOTION – ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE CONSIDERATION OF THE EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF 2018)**

(Chairperson, Mediation Committee)

THAT this House adopts the Report of the Mediation Committee on the consideration of the Early Childhood Education Bill (Senate Bills No. 26 of 2018).

5. **STATEMENTS****a) Pursuant to Standing Order 48 (1)**

- i) The Senator for Makueni County, (Sen. Mutula Kilonzo, MP) sought a Statement from the Standing Committee on Roads and Transportation on the refusal by the Kenya Government to approve the application by Emirates Airline to increase passenger flights on the Dubai - Nairobi route despite a bilateral agreement between the governments of the two countries.
- ii) The Senator for Kakamega County, (Sen. Cleophas Malalah, MP) sought a Statement from the Standing Committee on Tourism, Trade and Industrialization concerning alleged multiple tax payment by lorries and trucks transporting building materials across counties in Kenya.

Following deliberations, the Speaker re-directed the Statement to the Standing Committee on Finance and Budget for consideration.

b) Pursuant to Standing Order 52 (1)

The Senate Majority Leader issued a Statement on the Business of the Senate for the week commencing Tuesday, 23rd February, 2021.

c) Papers Laid

The following papers were laid on the Table of the Senate during Statements Hour-

- i) Memorandum of Understanding on Air Services Negotiations Between the United Arab Emirates and the Republic of Kenya dated - 17th September, 2002;
- ii) Letter by Emirates Airline to the Ministry of Transport, Infrastructure, Housing and Urban Development, dated 3rd March, 2019 concerning approval to re-introduce a 3rd daily passenger service on the Dubai-Nairobi route;
- iii) Letter by the Ministry of Transport, Infrastructure, Housing and Urban Development to Emirates Airline dated 14th March, 2019;
- iv) An appeal by Emirates Airline against the Ministry's decision dated 19th September, 2019;
- v) Emirates Airline revised passenger service schedule requesting for two (2) additional frequencies to Nairobi dated 6th January, 2021; and
- vi) The Ministry's rejection of the Emirates Airline revised passenger service schedule dated 29th January 2021.

(Sen. Mutula Kilonzo Junior, MP)

6. **THE COOPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2020)**

(Sen. (Dr.) Agnes Zani, MP)

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 17th February, 2021)
(Division)***

Order deferred.

7. **COMMITTEE OF THE WHOLE
THE MUNG BEANS BILL (SENATE BILLS NO. 9 OF 2020)**

(Sen. Enoch Wambua, MP)

Order deferred.

8. **MOTION - ALLOCATION BY COUNTIES OF AT LEAST 10 PERCENT OF THEIR BUDGET ON EARLY CHILDHOOD DEVELOPMENT EDUCATION (ECDE) TOWARDS VULNERABLE GROUPS IN THE COUNTIES AND DEVELOPMENT OF A POLICY TO INCORPORATE THE NEEDS OF CHILDREN WHO ARE LESS THAN THREE YEARS OF AGE**

Order read;

Motion made and Question proposed-

THAT, AWARE THAT, Constitution of Kenya (Article 53) affirms that children have basic rights, including the right to education, nutrition, shelter, health care and parental care, provisions that are aligned with those cited in both the Convention on the Rights of the Child and the Africa Charter on the Rights and Welfare of the Child, to which Kenya is a signatory;

CONCERNED THAT, the current status of day care facilities in the Country are not child friendly or habitable and there is need to bridge this gap to capture the play group class in the new 2-6-3-3-3 curriculum that is replacing the 32 year old 8-4-4 system;

ACKNOWLEDGING THAT, most working parents lack quality Day care facilities, as the playgroup is a safe place for them to take their children while they are at work;

NOW THEREFORE, the Senate urges that the Council of Governors in conjunction with the Ministry of Education ensure that:

- a) Counties allocate at least 10 percent of their budget on Early Childhood Development Education (ECDE) towards this vulnerable group; and
- b) Policy is developed to incorporate the needs of children who are less than three years of age.

(Sen. (Dr.) Alice Milgo, MP – 17.02.2021)

Debate interrupted on Wednesday, 17th February 2021 resumed;

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. Judith Pareno, MP) ruled that the Question did not affect counties;

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, AWARE THAT, Constitution of Kenya (Article 53) affirms that children have basic rights, including the right to education, nutrition, shelter, health care and parental care, provisions that are aligned with those cited in both the Convention on the Rights of the Child and the Africa Charter on the Rights and Welfare of the Child, to which Kenya is a signatory;

CONCERNED THAT, the current status of day care facilities in the Country are not child friendly or habitable and there is need to bridge this gap to capture the play group class in the new 2-6-3-3-3 curriculum that is replacing the 32 year old 8-4-4 system;

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NOW THEREFORE, the Senate urges that the Council of Governors in conjunction with the Ministry of Education ensure that:

- a) Counties allocate at least 10 percent of their budget on Early Childhood Development Education (ECDE) towards this vulnerable group; and
- b) Policy is developed to incorporate the needs of children who are less than three years of age.

9. **MOTION - ADOPTION OF REPORTS OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON AUDIT REPORTS FOR COUNTY EXECUTIVES FOR FINANCIAL YEARS 2015/2016, 2016/2017, AND 2017/2018 (VOLUMES I, II AND III)**

Order read;

Motion made and Question proposed-

THAT this House adopts the Reports of the Sessional Committee on County Public Accounts and Investments on the consideration of the Audit

Reports of the following County Executives for the Financial Years 2015/2016, 2016/2017, and 2017/2018, laid on the Table of the Senate on Thursday, 11th February, 2021 –

- (i) **Volume I -**
 - a) Baringo
 - b) Elgeyo Marakwet
 - c) Homa Bay
 - d) Kakamega
 - e) Kiambu

- (ii) **Volume II -**
 - a) Kisii
 - b) Mandera
 - c) Mombasa
 - d) Taita Taveta
 - e) Kilifi

- (iii) **Volume III -**
 - a) Garissa
 - b) Wajir
 - c) Narok
 - d) Kericho
 - e) Lamu

(Chairperson, Sessional Committee on County Public Accounts and Investments)

Debate arising;

And the time being thirty minutes past six o'clock, the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP) interrupted the proceedings and 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, February 23, 2021 at 2.30 p.m.*