



REPUBLIC OF KENYA

THE SENATE

TWELFTH PARLIAMENT – FIFTH SESSION

VOTES AND PROCEEDINGS

TUESDAY, MAY 25, 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 LAID**

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

- i) Report of the Auditor General on the Financial Statements of the County Assembly of Kajiado for the year ended 30th June, 2019.
- ii) Report of the Auditor General on the Financial Statements of the County Executive of Kajiado for the year ended 30th June, 2019.

(The Senate Majority Leader)

- iii) Report of the Standing Committee on Devolution and Intergovernmental Relations on the conferment of City status to Nakuru Municipality.

(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

4. **NOTICE OF MOTION - ALTERATION OF THE SENATE CALENDAR FOR THE FIFTH SESSION**

(The Senate Majority Leader)

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2021 (approval of the Senate Calendar), 24th March, 2021 and 30th March, 2021 (alteration of the Senate Calendar); pursuant to Standing Orders 29(4) and 31(3)(c), the Senate resolves to further alter its Calendar (Regular Sessions) for the Fifth Session, 2021, in respect of Part III, to hold Sittings on Wednesday, 2nd and Thursday, 3rd June, 2021, between 2.30 pm and 6.30 pm, and that the Senate proceeds on Recess from Friday, 4th June, 2021, and resume its regular sittings on Tuesday, 6th July, 2021, as set out in Part IV of the Senate Calendar and as per Standing Order 31, approved on 16th February, 2021; and that the Senate Calendar (Regular Sessions) for the Fifth Session be altered accordingly.

5. **NOTICE OF MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS, ON THE IMPASSE ON THE BUDGETARY ESTIMATES FOR FINANCIAL YEAR 2020/2021 FOR KIRINYAGA COUNTY BETWEEN THE COUNTY EXECUTIVE AND THE COUNTY ASSEMBLY**

(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on the impasse on the budgetary estimates for financial year 2020/2021 for Kirinyaga County, between the County Executive and the County Assembly, laid on the Table of the Senate on Tuesday, 25th May, 2021.

6. **NOTICE OF MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON THE CONFERMENT THE OF CITY STATUS TO NAKURU MUNICIPALITY**

(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on the conferment of City status to Nakuru Municipality, laid on the Table of the Senate on Tuesday, 25th May, 2021 and, pursuant to Section 8 (6) of the Urban Areas and Cities Act, approves the conferment of City status to Nakuru Municipality.

7. STATEMENTS

i) Pursuant to Standing Order 48 (1)

- a) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Roads and Transportation concerning the tendering and awarding process for the construction of the Lamu-Ijara-Garissa Road, a part of the Lapsset Corridor Project.
- b) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Roads and Transportation concerning a request by Kenya Airways for Kshs. 14 Billion from the National Treasury, to offset refunds for unused tickets following cancellation of flights occasioned by the COVID-19 global pandemic.
- c) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Information, Communication and Technology regarding personal data protection by technology and communication companies in Kenya.

ii) Pursuant to Standing Order 51(1)(a)

The Chairperson of the Standing Committee on Labour and Social Welfare made a statement on the demise of the late Benjamin Ayimba, a celebrated rugby legend in Kenya.

Thereupon, the Senator conveyed his condolences to the family, friends and the entire rugby fraternity for the untimely loss of Benjamin Ayimba. He stated that the late Ayimba was an icon, extraordinaire whose transition on the 21st May having lost the battle to cerebral malaria has left many who knew and admired his sporting talent at a loss. A gap, both the family and the rugby fraternity will struggle to fill for the longest time.

The Chairperson also stated that, the late Ayimba was a prolific, talented rugby player on the pitch and an astute coach, a husband and father. His journey was characterized by persistence, willpower and resilience to succeed against all odds and brought honour to the country with the 2016 win at the Rugby Sevens tournament in Singapore.

The Chairperson further stated that his Committee wished to remember the late Benjamin Ayimba as an outstanding Kenyan whose efforts to grow personal talent, mentor young people and give back to community did well to show patriotism, one of the key pillars of good governance as espoused in Article 10 (2) of the Constitution.

8. **MOTION – ALTERATION OF THE SENATE CALENDAR FOR THE FIFTH SESSION**

Order read;

Motion made and Question proposed;

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2021 (approval of the Senate Calendar), 24th March, 2021 and 30th March, 2021 (alteration of the Senate Calendar); pursuant to Standing Orders 29(4) and 31(3)(c), the Senate resolves to further alter its Calendar (Regular Sessions) for the Fifth Session, 2021, in respect of Part III, to hold Sittings on Wednesday, 2nd and Thursday, 3rd, June, 2021, between 2.30 pm and 6.30 pm, and that the Senate proceeds on Recess from Friday, 4th June, 2021, and resume its regular sittings on Tuesday, 6th July, 2021, as set out in Part IV of the Senate Calendar and as per Standing Order 31, approved on 16th February, 2021; and that the Senate Calendar (Regular Sessions) for the Fifth Session be altered accordingly.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order 79 (1), the Speaker ruled the motion did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2021 (approval of the Senate Calendar), 24th March, 2021 and 30th March, 2021 (alteration of the Senate Calendar); pursuant to Standing Orders 29(4) and 31(3)(c), the Senate resolves to further alter its Calendar (Regular Sessions) for the Fifth Session, 2021, in respect of Part III, to hold Sittings on Wednesday, 2nd and Thursday, 3rd, June, 2021, between 2.30 pm and 6.30 pm, and that the Senate proceeds on Recess from Friday, 4th June, 2021, and resume its regular sittings on Tuesday, 6th July, 2021, as set out in Part IV of the Senate Calendar and as per Standing Order 31, approved on 16th February, 2021; and that the Senate Calendar (Regular Sessions) for the Fifth Session be altered accordingly.

9. **THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 28 OF 2020)**

(Sen. (Arch.) Sylvia Kasanga, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 18th May, 2021 – Afternoon Sitting)

(Division)

Order deferred.

10. **THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 30 OF 2020)**

Order read;

Motion made and Question proposed;

THAT, the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 30 of 2020) be now read a Second Time.

(Sen. Johnes Mwaruma, MP)

Debate arising;

And there being no other Senator wishing to contribute;

Raising a Point of Order, pursuant to Standing Order 105(1), the Mover (Sen. Johnes Mwaruma, MP) claimed to move “*THAT, the debate be now adjourned*”.

And the Temporary Speaker (Sen. Rose Nyamunga, MP), acceding to the claim;

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the debate be now adjourned.

11. **THE COMMUNITY HEALTH SERVICES BILL (SENATE BILLS NO. 34 OF 2020)**

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

(Second Reading)

Order deferred.

12. **THE INVESTMENT PROMOTION (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2021)**

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

(Second Reading)

Order deferred.

13. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON INQUIRY INTO ALLEGATIONS OF IRREGULARITIES BY THE KENYA MEDICAL SUPPLIES AUTHORITY IN PROCUREMENT OF PHARMACEUTICAL EQUIPMENT**

(Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into allegations regarding irregularities in the procurement of various pharmaceutical equipment and products by the Kenya Medical Supplies Authority (KEMSA), laid on the Table of the Senate on Tuesday, 30th March, 2021.

Order deferred.

And there being no other business on the Order Paper, the Temporary Speaker (Sen. Rose Nyamunga, MP) adjourned the Senate without Question put, pursuant to the Standing Orders.

14. **SENATE ROSE** - at forty five minutes past four O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, June 02, 2021 at 2:30 p.m.*

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