



REPUBLIC OF KENYA

THE SENATE

TWELFTH PARLIAMENT – FIFTH SESSION

VOTES AND PROCEEDINGS

TUESDAY, JULY 06, 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 Temporary Speaker (Sen. Rose Nyamunga, MP).
3. **COMMUNICATION FROM THE CHAIR ON CONVENING OF PART IV OF THE FIFTH SESSION**

Honorable Senators,

It is my pleasure and privilege to welcome you back from a month long recess. I trust that you are well, rested and have had an opportunity to interact with your constituents, family and friends. In accordance with the Calendar of the Senate, this part of the Session begins today and will run until 5th August, 2021.

Honourable Senators,

During this period, we will pick up from where we left off in the month of June. We had outstanding business across the spectra of legislative business before the Senate. Twenty-two (22) Bills are due for Second Reading stage; and three (3) Bills are due for the Committee of the Whole Stage.

As we resume, nine (9) Bills, as indicated in the Order Paper for today, are scheduled for First Reading. Upon their maturity, this will bring the total number of Bills for Second Reading to thirty one (31). A further twenty-one (21) Bills are undergoing concurrence pursuant to Article 110(3) of the

Constitution and in line with High Court Judgment in Petition NO. 284 of 2019. As soon as this process is concluded, the Bills will be scheduled for First Reading.

In this respect, I would like to inform Honourable Senators that the Senate Business Committee has considered a mechanism for expediting consideration of Bills that were republished pursuant to the High Court Judgment referred to above. With your co-operation, it is envisaged that the Senate will conclude with these Bills by the end of the Session in December, 2021. The Senate will be guided accordingly in the coming sittings so as to facilitate their expeditious consideration.

Honorable Senators,

There are fifty four (54) Petitions that are yet to be reported on by Standing Committees. It is my hope that respective Committees took some time during the June recess to dispense with pending Petitions and reports thereon prepared pursuant to Standing Order 232(2).

Likewise, there are Statements pursuant to Standing Orders 47(1) and 48 (1) referred to Committees that are yet to be concluded. A number of Senators have raised Points of Orders on the floor indicating that a particular Statement has not been addressed. I urge respective Standing Committees to conclude with all pending Statements and where necessary, make reports using available mechanisms in the Standing Orders.

Honorable Senators,

As enumerated above, we begin the Fourth Part of the Session with a heavy workload. I urge you to remain dedicated and focused, and to undertake the business ahead of us with utmost commitment in service to our great country.

Finally Honourable Senators, we all appreciate that the COVID-19 situation in the county and indeed globally, continues to persist. In undertaking our constitutional roles, we must play our part to contain its spread. For avoidance of doubt therefore, I reiterate and direct that the health and social distancing protocols as contained in the Guidelines for Plenary Sittings and Committee Meetings are still in force. All Senators and parliamentary officers are required to strictly adhere to these guidelines.

I thank you and wish you all a fruitful Session.

4. MESSAGES FROM THE NATIONAL ASSEMBLY**i) On the passage of the Land (Amendment) Bill (National Assembly Bills No. 54 of 2019)**

Honourable Senators,

I wish to bring to the attention of the Senate that on Tuesday, 18th June, 2021, pursuant to Standing Order No. 41 (3) and (4), the Clerk delivered to me a Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Land (Amendment) Bill (National Assembly Bills No. 54 of 2019).

The Message which is dated 14th June, 2021, was received while the Senate was on recess and was transmitted to all Senators on 18th June, 2021 pursuant to Standing Order No. 41 (5). Further, pursuant to the said Standing Orders, I now report the Message-

“PURSUANT to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the Land (Amendment) Bill (National Assembly Bill No. 54 of 2019) is a Bill that seeks to amend the Land Act, 2012 so as to provide that where public land has been allocated to a public body or public institution by the National Land Commission for public purposes or where land is set aside by persons or land buying companies for public purposes, the Registrar of Land under the Land Registration Act, 2012 shall issue a certificate of titles in the name of the public body or public institution or relevant ministry as the case may be.

AND WHEREAS, the National Assembly considered the Bill and ***passed*** it on Thursday, 13th May 2021 ***with amendments*** in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby ***convey*** the said decision of the National Assembly to the Senate.”

Honourable Senators,

You will recall that following the High Court ruling on 29th October, 2020, on Constitutional Petition No. 284 of 2019, implementation of the judgment by the Senate commenced. Notably, the High Court ordered that all Bills for which the concurrence process contemplated under Article 110(3) of the Constitution could not be demonstrated be ceased and that the said concurrence process be adhered to before introduction of such Bills in either House of Parliament.

Honourable Senators,

The Land (Amendment) Bill (National Assembly Bills No. 54 of 2019) is one such Bill, for which the concurrence process pursuant to Article 110(3) of the Constitution had not been demonstrated by the time the High Court gave its judgment. As such, the Bill ought to be aligned to Article 110(3) of the Constitution, following which the Bill will be read a First Time in the Senate.

In view of the foregoing, the Land (Amendment) Bill (National Assembly Bills No. 54 of 2019), as received from the National Assembly vide the Message dated Monday, 14th June, 2021, will not be proceeded with in the Senate.

I thank you!

ii) On the Approval of the County Allocation of Revenue Bill (Senate Bills No. 30 of 2021)

Honourable Senators,

I wish to bring to the attention of the Senate that on Tuesday, 29th June, 2021, pursuant to Standing Order No. 41 (3) and (4), the Clerk delivered to me a Message from the Speaker of the National Assembly regarding the approval by the National Assembly of the County Allocation of Revenue Bill (Senate Bill No. 30 of 2021).

The Message which is dated 17th June, 2021, was received while the Senate was on recess and was transmitted to all Senators on 29th June, 2021 pursuant to Standing Order No. 41 (5). Further, pursuant to the said Standing Orders, I now report the Message-

***“PURSUANT** to the provisions of Standing Orders 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –*

***WHEREAS**, the County Allocation of Revenue Bill (Senate Bill No. 30 of 2021) was published vide Kenya Gazette Supplement No. 77 of 2021 as a special Bill concerning county governments to provide, inter alia, for the equitable allocation of revenue raised nationally among the county governments for the 2021/2022 financial year;*

***WHEREAS**, the said Bill was passed by the Senate on Thursday, 3rd June, 2021 and referred to the National Assembly for consideration in accordance with the provisions of Article 110(4) of the Constitution;*

***AND WHEREAS**, the National Assembly also passed the said Bill on Wednesday, 16th June, 2021 without amendment (in the form passed by the Senate);*

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 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,

I wish to inform you the H. E the President assented to this Bill on Tuesday 29th June, 2021.

I thank you.

5. PAPERS LAID

The following papers were laid on the Table of the Senate –

- i) The East African Community Sexual Reproductive Health Bill.
- ii) Report of the East African Legislative Assembly Committee on Agriculture, Tourism and Natural Resources on the oversight activity on the impact of the COVID-19 pandemic on food security in the East African Community (EAC) adopted at the 5th Meeting of the 4th Session of the 4th Assembly, held between 9th to 29th May, 2021 in Arusha, Tanzania.
- iii) Report of the East African Legislative Assembly Committee on Accounts on the status of implementation of the Assembly's recommendations on the East African Community (EAC) audited accounts for the East African Health Research Commission and the East African Kiswahili Commission for the Financial Year ended 30th June, 2017 and 2018, adopted at the 5th Meeting of the 4th Session of the 4th Assembly, held between 9th to 29th May, 2021 in Arusha, Tanzania.
- iv) The Public Finance Management (Sinking Fund) Guidelines, 2021.
- v) Annual Report of the Salaries and Remuneration Commission (SRC) for financial year 2019/2020.
- vi) The Architects and Quantity Surveyors (Continuing professional Development) By-Laws, 2020.
- vii) The National Government Budget Implementation Review Report, First Nine Months FY2020/21, May, 2021
- viii) Report of the Auditor General on the financial Statements of the County Assembly of Vihiga for the Financial Year Ended 30 June, 2019

- ix) Report of the Auditor General on the Statements of Nairobi City County Executive for the year ended 30 June 2019.
- x) Report of the Auditor General on the Financial Statement of County Assembly of Nairobi City for the year ended 30 June 2019
- xi) Report of the Auditor General on the Statements of the County Assembly of Kericho for the year ended 30 June 2019.
- xii) Report of the Auditor General on the Financial Statement of Kiambu County Assembly for the year ended 30 June 2019
- xiii) Report of the Auditor General on the Financial Statement of Kiambu County Executive for the year ended 30 June, 2019
- xiv) Special Audit Report of the Auditor General on the utilization of Covid-19 Funds by the County Government of Narok.

(The Senate Majority Leader)

6. **STATEMENTS**

i) Pursuant to Standing Order 47 (1)

The Senator for Vihiga County (Sen. George Khaniri, MP) made a statement concerning the third wave of the COVID-19 global pandemic and the COVID vaccine.

Thereupon the Senator informed the Senate that fifteen months since Kenya recorded its first Covid-19 case in March, 2020, the Country has had more than 184,537 confirmed positive, more than 126,594 have recovered and nearly 3,640 people succumbed to the virus.

Further, the Senator stated that at the start of the pandemic the President in conjunction with the Ministry of Health put out strict measures that positively curb the spread of the virus. Political gatherings were banned, major parts of the country's social and economic life were shut down, wearing of masks was made mandatory and social distancing became the order of the day. Kenyans exhibited togetherness, took personal responsibility and were very vigilant in handling themselves during this trying time.

However, almost exactly a year after the first case of COVID-19 was reported in Kenya; a third wave of the virus was officially announced. This came as a shock and caught many off-guard. It was a more aggressive strain and therefore claimed more lives at a faster rate than the first and second waves combined.

The Senator informed the House that in the third wave, there was a significant increase in the number of patients in the ICU and situations only worsened by day causing hospitals to have a complete lack of capacity and machinery to treat patients. On 3rd March, 2021, the first batch containing one million doses of Astra Zeneca Vaccines arrived in Kenya and a few more have since been introduced to the Kenyan market.

In conclusion, the Senator reminded the Senate that the president in his last state address emphasized the country's COVID-19 measures and he further proposed that new protocols be set ahead of the 2022 campaigns and elections in order to help Kenyans deal with the virus.

ii) Pursuant to Standing Order 48 (1)

- a) Nominated Senator (Sen. Beatrice Kwamboka, MP) sought a statement from the Standing Committee on Roads and Transportation regarding the state of road maintenance in Kenya.
- b) Nominated Senator (Sen. Beatrice Kwamboka, MP) sought a statement from the Standing Committee on Education regarding the death of a Grade 2 pupil at Mama Lucy Kibaki Hospital in Nairobi City County.
- c) The Senator for Marsabit County (Sen. (Eng.) Godana Hargura, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding the registration of Community Lands under the Community Land Act, 2016.
- d) The Senator for Marsabit County (Sen. (Eng.) Godana Hargura, MP) sought a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the establishment of Disease-Free-Zones in arid regions.
- e) The Senator for Marsabit County (Sen. (Eng.) Godana Hargura, MP) sought a statement from the Standing Committee on Energy regarding the establishment of off-grid energy facilities in Marsabit County.
- f) The Senator for Marsabit County (Sen. (Eng.) Godana Hargura, MP) sought a statement from the Standing Committee on Roads and Transportation regarding the improvement of the Laisamis – Maligs road section (D371) to Bitumen standards, under the Low- Volume-Sealed-Roads Programme.
- g) The Senator for Vihiga County (Sen. George Khaniri, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the delayed roll out of new generation motor vehicle number plates.

iii) Pursuant to Standing Order 51(1)(b)

Nominated Senator (Sen. Farhiya Haji, MP) a member of the Standing Committee on Finance and Budget on behalf of the Chairperson, made a statement relating to the activities of the Committee for the period from 1st April to 30th June, 2021.

8. THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 17 OF 2021)

(Sen. Ledama Olekina, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Devolution and Intergovernmental Relations.

9. THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILLS NO. 19 OF 2021)

(Sen. Judith Pareno, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration.

10. THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 20 OF 2021)

(Sen. Mutula Kilonzo Jr, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Justice, Legal Affairs and Human Rights.

11. THE PRESERVATION OF HUMAN DIGNITY AND PROTECTION OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 21 OF 2021)

(Sen. Halake Abshiro, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Justice, Legal Affairs and Human Rights.

12. THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 22 OF 2021)

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

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Labour and Social Welfare.

13. **THE COCONUT INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 24 OF 2021)**

(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Agriculture, Livestock and Fisheries.

14. **THE KENYA CITIZENSHIP AND IMMIGRATION (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2021)**

(Sen. (Dr.) Irungu Kang'ata, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on National Security, Defence and Foreign Relations.

15. **THE ALTERNATIVE DISPUTE RESOLUTION BILL (SENATE BILLS NO. 34 OF 2021)**

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

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Justice, Legal Affairs and Human Rights.

16. **THE COUNTY GOVERNMENTS GRANTS BILL (SENATE BILLS NO. 35 OF 2021)**

(Chairperson, Standing Committee on Finance and Budget)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Finance and Budget.

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

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Community Health Services Bill (Senate Bills No. 34 of 2020) be now read a Second Time.

Sen. (Dr.) Agnes Zani, MP

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order, the Mover (Sen. (Dr.) Agnes Zani, MP) requested that pursuant to Standing Order 61 (3), putting of the Question be deferred to a later date.

And the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP) deferred putting of the Question to a later date.

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

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

Order for Second Reading read;

Order deferred.

19. **THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL (SENATE BILLS NO. 32 OF 2020)**

(Sen. Mercy Chebeni, MP)

Order for Second Reading read;

Order deferred.

20. **THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 31 OF 2020)**

(Chairperson, Standing Committee on Finance and Budget)

Order for Second Reading read;

Order deferred.

21. **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)

Order read;

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.

22. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COVID-19 PANDEMIC SITUATION IN KENYA**

(Chairperson, Standing Committee on Health)

Order read;

THAT, the Senate adopts the First Progress Report of the Standing Committee on Health on the Covid-19 pandemic situation in Kenya, laid on the Table of the Senate on Tuesday, 30th March, 2021.

Order deferred.

23. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS, CONCERNING 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)

Order read;

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.

Order deferred.

And there being no other business, the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP) adjourned the Senate at eighteen minutes past six O'clock, without Question put, pursuant to the Standing Orders.

24. **SENATE ROSE** - at eighteen minutes past six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, July 07, 2021 at 2:30 p.m.*