



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, FEBRUARY 09, 2021 AT 2.30 P.M.

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with a prayer said by the Speaker
3. **COMMUNICATION FROM THE CHAIR ON COMMENCEMENT OF THE FIFTH SESSION OF THE TWELFTH PARLIAMENT**

The Speaker conveyed the following communication from the Chair-

“Honourable Senators,

It is my pleasure and privilege to welcome you to the Fifth Session of the Senate. In accordance with the Standing Orders of the Senate, this Fifth Session begins today and will run until 2nd December, 2021. It is my hope that after the recess period and festive season, you have had an opportunity to spend time with your families, constituents and friends, and that you are re-energized for the Session that is ahead of us.

Honourable Senators,

I wish to commend you for the prodigious work you did in the Fourth Session in spite of the unforgiving effects and impact of the prevailing COVID-19 pandemic. Additionally, you may recall the gains that we had, most notable being the High Court ruling on Constitutional Petition No. 284 of 2019 which buttressed the mandate of the Senate and the principle of concurrence enunciated in Article 110(3) of the Constitution and the approval of the Third Basis for Revenue Allocation among the County Governments.

Honourable Senators,

You may recall that prior to the High Court ruling, the Senate had published and introduced a total of ninety-four (94) Bills, of which fifteen (15) had been considered by the two Houses and assented to. The other 79 Bills were at various stages of consideration with thirty-three (33) Bills referred to the National Assembly, thirty-five (35) Bills pending conclusion in the Senate, two (2) Bills at Mediation, one (1) Bill negatived and four (4) Bills withdrawn. Four (4) more Bills were awaiting First Reading.

The High Court Judgment in Constitutional Petition No. 284 of 2019, had a major impact on the legislative business of the Senate. You will recall that among the orders given by the High Court was the immediate cessation of Bills pending before either House, where the joint resolution process by the Speakers of both Houses had not been demonstrated. Both Houses of Parliament were required to refer such Bills to the joint resolution process under Article 110 (3) of the Constitution before going through the legislative process. This had a direct bearing on the legislative work of the Senate then and for all future legislative proposals between the two Houses.

Tremendous strides have been made to regularize all Bills. To date, a total of nineteen (19) Bills have been republished. I have approved a further ten (10) Bills for republication, and which will thereafter be subjected to the resolution process under Article 110 (3) of the Constitution.

Honourable Senators,

In spite of the difficult circumstances that we worked under, other business included consideration of two (2) Motions for the removal from Office, by impeachment of the Governor of Kirinyaga County and the then Governor of Nairobi City County pursuant to Section 33 of the County Governments Act, twenty-eight (28) Petitions and reports thereon pursuant to Standing Order 232 of the Standing Orders and 274 Statements pursuant to Standing Order 47 and 48. However, there are 46 Petitions which are yet to be reported on by respective Standing Committees while Statements referred to respective Committees require to be addressed pursuant to the Standing Orders. We are therefore opening the Session with our plates already full to some extent.

Honourable Senators,

One of the key highlights at the commencement of the session is the budget process. Like in every other Session, and in accordance with Section 25 of the Public Finance Management Act, we will shortly receive and consider the Budget Policy Statement and later the Division of Revenue Bill and the County Allocation of Revenue Bill. The budget is key to delivering the promises on devolution espoused in the Constitution of Kenya. We each have a duty to oversight the budget process and ensure that there is prudent public finance management in the country.

I urge all Honourable Senators to be available to consider the aforesaid budget documents in order to approve this particular business within the required timelines for our counties to receive the necessary funding for critical projects and programmes.

Honourable Senators,

We are also coming back at a period when there is call for a constitutional review. As the Senate, our sacrosanct duty is to protect counties and their interests. Therefore, we must be the ones to influence the discourse that pertains to devolution in this process. We must consistently push for the strengthening of devolution institutions, strengthening of oversight institutions, amongst others. Above all, we must strive to safeguard democracy and socio-economic rights and promote processes that continue to facilitate an Open Parliament. A Senate that is easily accessible, facilitates ease of interaction with the public, and protects their interests, is a Senate that has its public's trust.

Honourable Senators,

As you are aware, at the beginning of each new session, in addition to the re-constitution of the Senate Business Committee, the Sessional Committees on County Public Accounts and Investments (CPAIC) and on Delegated Legislation are similarly re-constituted. Consultations on this matter are ongoing with the Majority and Minority Parties, after which, the Senate Business Committee, will present the names to the House for approval.

Honourable Senators,

I take this opportunity to remind each of you that the COVID-19 pandemic is still with us. Therefore, we must exercise caution and strictly adhere to the guidelines for social distancing and keeping safe in our interactions within the precincts of Parliament and our individual day to day engagements. Additionally, Select Committees will continue to be guided and are hereby directed to strictly adhere to the COVID-19 guidelines that I issued on Committee sittings.

Honourable Senators,

As I conclude, I wish to note that we are at the penultimate Session of the 12th Parliament, I thus impress upon each of us to rededicate ourselves to the execution of our constitutional mandate and to undertake the task ahead of us with utmost integrity in service to our great country. Let us think about what we wish for this Senate to be remembered for then set our **TARGETS, FOCUS and ACHIEVE!**

My Office, that of the Senate Leadership, and the Secretariat, are always at your disposal to facilitate you to do your work.

Honourable Senators,

As you have noted, the only Business in today's sitting is the approval of Senators to serve in the Senate Business Committee. If the Motion is approved, then the newly constituted Senate Business Committee will meet at the rise of the House to deliberate and schedule Business for the rest of the week. The meeting will be in the Senate Chamber.

I thank you and wish us all a fruitful Session.

I thank you."

4. **NOTICE OF MOTION** – (The Senate Majority Leader)

THAT, pursuant to Standing Orders 184 and 189(3), the Senate approves the following Senators nominated to serve in the Senate Business Committee, in addition to the Speaker of the Senate, who, pursuant to Standing Order 184(1), shall be the Chairperson of the Committee, the Senate Majority Leader, the Senate Minority Leader, the Senate Majority Whip and the Senate Minority Whip: -

1. Sen. Fatuma Dullo, CBS, MP;
2. Sen. Sakaja Johnson, CBS, MP;
3. Sen. Gideon Moi, CBS, MP;
4. Sen. Charles Kiburu, MP;
5. Sen. Cleophas Malalah, MP ;
6. Sen. Beatrice Kwamboka, MP; and
7. Sen. Ledama Olekina, MP.

5. **MOTION-APPROVAL OF SENATORS TO SERVE IN THE SENATE BUSINESS COMMITTEE**

Order read;

Motion made and Question proposed-

THAT, pursuant to Standing Orders 184 and 189(3), the Senate approves the following Senators nominated to serve in the Senate Business Committee, in addition to the Speaker of the Senate, who, pursuant to Standing Order 184(1), shall be the Chairperson of the Committee, the Senate Majority Leader, the Senate Minority Leader, the Senate Majority Whip and the Senate Minority Whip: -

1. Sen. Fatuma Dullo, CBS, MP;
2. Sen. Sakaja Johnson, CBS, MP;
3. Sen. Gideon Moi, CBS, MP;
4. Sen. Charles Kiburu, MP;
5. Sen. Cleophas Malalah, MP ;

- 6. Sen. Beatrice Kwamboka, MP;and
- 7. Sen. Ledama Olekina, MP.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute; the Deputy Senate Majority Leader replied.

Before the Question was put, and pursuant to Standing Order No. 79 (1), the Speaker informed the House that the Motion did not affect Counties.

Question put and **agreed to**.

RESOLVED ACCORDINGLY:

THAT, pursuant to Standing Orders 184 and 189(3), the Senate approves the following Senators nominated to serve in the Senate Business Committee, in addition to the Speaker of the Senate, who, pursuant to Standing Order 184(1), shall be the Chairperson of the Committee, the Senate Majority Leader, the Senate Minority Leader, the Senate Majority Whip and the Senate Minority Whip: -

- 1. Sen. Fatuma Dullo, CBS, MP;
- 2. Sen. Sakaja Johnson, CBS, MP;
- 3. Sen. Gideon Moi, CBS, MP;
- 4. Sen. Charles Kibiru, MP;
- 5. Sen. Cleophas Malalah, MP ;
- 6. Sen. Beatrice Kwamboka, MP; and
- 7. Sen. Ledama Olekina, MP.

And there being no other business, the Speaker adjourned the Senate at forty five minutes past Four O'clock without Question put, pursuant to the Standing Orders.

- 6. **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, February 10, 2021 at 2.30 p.m.*

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