



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FIFTH SESSION)

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 19, 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. **COMMUNICATIONS FROM THE CHAIR**

The Speaker of the Senate conveyed the following Communications from the Chair-

(i) Welcoming Members and staff of Parliament of Zimbabwe on a benchmarking visit to the Senate

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, Members from the Parliament of Zimbabwe from the portfolio Committee on Local Government, Public Works, National Housing and Social Amenities and a staffer who are currently on a benchmarking visit at the Senate for one week commencing, 17th to 23rd October, 2021. They are accompanied by officers from the High Commission of Zimbabwe in Kenya.

I request each to stand when called out so that they may be acknowledged in the Senate tradition.

1. Hon. Miriam Chikukwa - Chairperson/Leader of Delegation
2. Hon. Marko Raidza – Member of Committee
3. Hon. Omega Sibanda – Member of Committee
4. Hon. James Chidakwa – Member of Committee
5. Hon. Allan Markham – Member of Committee
6. Ms. Sithabisiwe Macheza – Committee Clerk
7. Ms. Esline Ganda – Minister Counsellor from the Embassy

8. Ms. Edith Muteema - Counsellor from the Embassy

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you”.

(ii) Disposal of Legislative Business scheduled for Division

“Honourable Senators,

As you may be aware, the Senate is scheduled to proceed for a short recess at the Rise of the House, on Thursday, 21st October, 2021, pursuant to the Senate Calendar.

At its meeting held today, Tuesday, 19th October, 2021, the Senate Business Committee noted with concern, the high number of Bills pending at Second Reading division stage, occasioned by an increasingly receding number of Senators – physically and virtually – to vote during Plenary Sittings.

Honourable Senators,

This situation is stalling the legislative business of the Senate. I therefore direct the Senate Majority Leader, the Senate Minority Leader, the Senate Majority Whip and the Senate Minority Whip to make every possible effort and to use all available means, to ensure that the requisite number of Senators is present to vote during the said divisions.

At the appropriate time, I will interrupt proceedings so that a division can be taken, for the Bills to proceed to the next stage.

I thank you!”

4. **PETITION**

Pursuant to Standing Order 232(2), the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights tabled the report of the Standing Committee on a Petition to the Senate by residents of Murang’a County and families of victims of the Ethiopian Air Crash regarding alleged lack of support to family members of victims of the Ethiopian Airlines Flight 302 air crash.

Pursuant to Standing Order 232(2), the Speaker allowed comments and observations in relation to the Petition.

5. **PAPERS**

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

- i) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition by Residents of Murang'a County and families of victims of the Ethiopian Air Crash regarding alleged lack of support to family members of victims of the Ethiopian Airlines Flight 302 air crash.
- ii) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Inquiry into Extrajudicial Killings and Enforced Disappearances in Kenya.
- iii) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Law of Succession (Amendment) Bill, (Senate Bills No. 15 of 2021).
- iv) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a statement sought by Sen. Mutula Kilonzo Jr. MP, regarding delays in the appointment of Judges of the High Court and the Court of Appeal.
- v) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the County Boundaries Bill (Senate Bills No. 20 of 2021).
- vi) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No. 33 of 2020).

(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights.)

6. **NOTICE OF MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS ON THE INQUIRY INTO EXTRAJUDICIAL KILLINGS AND ENFORCED DISAPPEARANCES IN KENYA.**

(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

THAT, the Senate adopts the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Inquiry into Extrajudicial Killings and Enforced Disappearances in Kenya laid on the Table of the Senate on Tuesday, 19th October, 2021.

7. **NOTICE OF MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON JUSTICE AND, LEGAL AFFAIRS AND HUMAN RIGHTS ON A STATEMENT SOUGHT BY SEN. MUTULA KILONZO JR. MP, REGARDING DELAYS IN THE APPOINTMENT OF JUDGES OF THE HIGH COURT AND THE COURT OF APPEAL.**

(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

THAT, the Senate adopts the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a statement sought by Sen. Mutula Kilonzo Jr. MP, regarding delays in the appointment of Judges of the High Court and the Court of Appeal laid on the Table of the Senate on Tuesday, 19th October, 2021.

8. **STATEMENTS**

a) Pursuant to Standing Order 47 (1)

The Senator for Nandi County (Sen. Samson Cherarkey, MP) made a statement concerning the brutal murder of athlete Agnes Jebet Tirop.

Thereupon he informed the Senate that Agnes Tirop was born in October 23rd 1995 at Kapnyemisa Lelmokwo Ngechek ward in Nandi County. Her life was brutally cut short barely a week to her 26th birthday. The Senator stated that Ms. Tirop's first taste of international success saw her win the world junior 5,000m bronze in 2012 and 2014, as well as the world junior cross-country silver in 2013. Two years later, during a rapid ascent, she won the senior World Cross Country championships in China at the age of 19, becoming the second-youngest woman to do so after Zola Budd of 1985 to claim gold.

The Senator reminded the Senate that during the month of September 2021, the late Tirop broke the women 10km world record, and had also competed for Kenya in the just concluded Tokyo Olympics, placing fourth in the 5,000 metres.

The Senator expressed concern that Kenya had lost a young and promising hero who, at the age of 25 years, had brought so much glory to her country, and called upon Athletics Kenya and the Ministry of Sports to set up a fully functional department of guidance and counselling to ensure athletes mental wellness is kept and checked at all times.

In conclusion, the Senator condemned the brutal act meted on the young athlete with the strongest terms possible, and urged all the relevant authorities to complete the investigation and bring the

perpetrators to book as soon as possible to ensure justice is served to the family of Agnes Tirop.

b) Pursuant to Standing Order 48 (1)

- i) Nominated Senator (Sen. Petronila Were Lokorio, MP) sought a statement from the Standing Committee on Health concerning the efficacy of COVID – 19 vaccines.
- ii) Nominated Senator (Sen. (Dr.) Alice Milgo on behalf of Sen. Judith Pareno, MP) sought a Statement from the Standing Committee on Education concerning the decision to declassify Kajiado East, Kajiado Central and parts of Kajiado South as Arid and Semi-Arid Land (ASAL) areas by the Teachers Service Commission (TSC).

9. **THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 14 OF 2021)**

(Sen. Mutula Kilonzo Jr., MP and Sen. Sakaja Johnson, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 29th September, 2021)
(Division)

Order read and deferred.

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

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

(Second Reading)

(Resumption of debate interrupted on Thursday, 30th September, 2021)
(Division)

Order deferred.

11. **THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2021)**

(Sen. Abshiro Halake, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 5th October, 2021)
(Division)

Order deferred.

12. **THE PUBLIC PRIVATE PARTNERSHIPS BILL (NATIONAL ASSEMBLY BILLS NO. 6 OF 2021)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 5th October, 2021)
(Division)

Order deferred.

13. **THE HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 26 OF 2020)**

(Sen. (Dr.) Abdullahi Ali, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 12th October, 2021)
(Division)

Order deferred.

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

(Sen. Mutula Kilonzo Jr, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 13th October, 2021)
(Division)

Order deferred.

15. **THE LIFESTYLE AUDIT BILL (SENATE BILLS NO. 36 OF 2021)**

(Sen.(CPA) Farhiya Ali Haji, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 14th October, 2021)
(Division)

Order deferred.

16. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE STATUS OF KENYA'S STOCK OF PUBLIC DEBT**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Status of Kenya's Stock of Public Debt, laid on the Table of the Senate on Thursday, 14th October, 2021.

(The Chairperson, Standing Committee on Finance and Budget)

Debate arising;

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

17. **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
Thursday, October 21, 2021 at 2.30 p.m.*

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