

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 2nd December, 2021

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Temporary Speaker (Sen. Kinyua) in the Chair]

PRAYER

PETITIONS

The Temporary Speaker (Sen. Kinyua): Let us have the Petition by Sen. (Dr.) Ochillo-Ayacko. He is not here, so the Petition is deferred.

IMPLEMENTATION OF LOWER KUJA IRRIGATION DEVELOPMENT PROJECT IN MIGORI COUNTY

(Petition deferred)

Let us have the Chairperson, Standing Committee on Labour and Social Welfare. He is not here; the Petitions are deferred.

REPORT ON PETITION: PLIGHT OF FORMER EMPLOYEES OF KUSCO FOLLOWING TERMINATION OF THEIR EMPLOYMENT

REPORT ON PETITION: FAILURE BY KISII COUNTY TO PAY SALARY TO ISAAC SIKO NYAKERIGA

REPORT ON PETITION: UNFAIR DISMISSAL AND LACK OF COMPENSATION BY BROADWAY BAKERY LIMITED

(Reports on Petitions deferred)

Proceed, Chairman Committee on Energy.

REPORT ON PETITION: COMPENSATION FOR PERSONS
AFFECTED BY OIL SPILLAGE AT THANGE RIVER

Sen. (Eng.) Maina: Thank you, Mr. Temporary Speaker, Sir. I wish to lay a Report on Petition on Oil Spillage at Kiboko Area in Makueni County, Thange River, that happened some years back and a petitioner raised the matter.

On 6th August, 2018 Mr. John Kimeu Mukai petitioned the Senate on the appropriate remediation, restoration and reinstatement of the residents of Thange River Basin, their children, livestock, crops and environment following the underground oil spillage dated 12th May, 2015 by the Kenya Pipeline Company (KPC).

This matter was committed to the Standing Committee on Lands, Environment and Natural Resources. However, the Chairperson of the Committee *vide* a letter dated 25th June, 2019 requested your office to re-consider submitting the matter to the Standing Committee on Energy. Subsequently, the matter was committed to the Standing Committee on Energy on 2nd July, 2019.

The incident of oil spillage was investigated by the Sectoral Committee on Water, Irrigation, & Environment of the County Assembly of Makueni, the Senate Standing Committee on Energy of the 11th Parliament, the National Environment Management Authority (NEMA), the Water Resources Management Authority (WARMA), SGS Kenya Laboratories, a multi-sectorial expert team led by NEMA, and Panafcon Limited Development consultant.

The Committee noted that most of the prayers and recommendations were implemented by the KPC and recommended that the following outstanding issues be addressed-

(1) The County Government of Makueni should step in and provide leadership and coordinate with the Ministry of Petroleum and Mining, Kenya Pipeline Company and Thange River Basin Community on the ideal locations for sinking of the boreholes within three months.

Money had been allocated and had been pending. This matter should have been concluded and can only be concluded in liaison with the community through their leadership.

(2) The County Government of Makueni should assist the residents of Thange River Basin in seeking for compensation for the outstanding medical claims, loss of livelihood that are yet to be honored by the CIC Insurance within a period of six months.

Once again, the people are entitled to compensation by the insurance. The community should be guided, led and assisted by their local county government to ensure that CIC Insurance resettles the claims within six months, failure to which we recommend that legal action be taken against the company.

(3) The County Government of Makueni and Kenya Pipeline Company should work together to ensure that all the implemented recommendations are shared with the residents of Thange River Basin Community immediately.

Mr. Temporary Speaker, Sir that ends the Statement. However, I must add that it is very important that the county government should come forward on this matter and actually take keen interest in ensuring that the residents get their dues and justice. We have given the guided timelines, which should be obeyed.

I, therefore, end there and table the Report. Thank you.

(Sen. (Eng) Maina laid the document on the Table)

The Temporary Speaker (Sen. Kinyua): Chairperson, Standing Committee on Labour and Social Welfare, proceed.

Sen. Sakaja: Thank you, Mr. Temporary Speaker, Sir. I beg to lay the following Petition Reports on the Table of the Senate today, Thursday, 2nd December, 2021. I have three Reports to issue. I will just give a brief summary.

REPORT ON PETITION: UNFAIR DISMISSAL AND LACK
OF COMPENSATION BY BROADWAY BAKERY LIMITED

Sen. Sakaja: The first is a Petition by Mr. Daniel Matendechere concerning unfair dismissal and lack of compensation by Broadway Bakery Limited. The Petition concerning this unfair dismissal was presented to the Senate on 16th September, 2021 by Sen. (Dr.) Musuruve, who is passing in front of me.

The concerns raised in the Petition were that Mr. Matendechere, while on duty on Thursday, 26th April, 2018 was involved in an accident that left him with a physical disability that affected his mobility and required him to use an artificial leg.

On 1st October, 2019, his employer, Broadway Company Limited, deployed him from the transport section to the wrapping section, which involved a lot of standing, inflicting a lot of pain on the gentleman.

On 16th November, 2020, he received a notice of termination of employment and was sacked 14 days later on the 30th, November, 2020, without compensation. Upon his dismissal, he has tirelessly made an effort to seek justice, but his efforts have not borne any fruits.

In considering this Petition, the Committee took into consideration the submissions and supporting documents by the Petitioner and the reports from Broadway Bakery Limited. Following our engagement as a Committee with the petitioner and the Managing Director of Broadway Limited, together with the insurance broker, regarding this and subsequent deliberations, the Committee observed the following-

(1) The company acted within the law in facilitating the petitioner access his work injury benefits and regain his overall wellbeing.

(2) The petitioner had not complied with the Work Injury Benefits Act requirements.

(3) The petitioner had filed a case in Baricho Law Courts against Broadways Bakery Limited; Case No.38 of 2021, Daniel Matendechere *versus* Broadways Bakery Limited and James Ndura. This matter is still awaiting the court's determination.

In this regard, we noted Standing Order No.98 and also the various rulings by the Speaker on the same and the precedent set on 2nd August, 2018 by the Speaker of the Senate on the Solai Dam matter.

The ruling implied that even if the elements of active proceedings are active and prejudice has been made, the Speaker still has discretion to decide whether a matter should proceed or not due to the following reasons-

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

If a matter is of great public interest or about human rights: The present matter concerns human rights and as such, should not be curtailed by an existing court case.

I am glad that Sen. (Dr.) Musuruve is listening. Based on these observations, the Committee, therefore, recommends that in order to access his benefits, the Petitioner complies with the law; the Work Injury Benefits Act (WIBA), as provided under Section 16 and 23 as follows-

(1) The petitioner has a discretion to withdraw his case at Baricho Law Courts.

(2) The petitioner will continue with adjudication of this matter by the Director of Occupational and Safety Health and the company has expressed willingness to actually get that sorted.

(3) The petitioner must seek second medical opinion as advised by the Directorate of Occupational Safety and Health Services (DOSHS), which the petitioner had actually failed and he admitted that he had not gone to seek the second opinion.

(4) They should adjudicate this matter within one month of tabling of this report once the petitioner has gotten the second opinion for his benefits to be processed.

(5) Upon his compliance with the Work Injury Benefits Act (WIBA), the company shall within one month, and that is the maximum, initiate and conclude the process of paying the petitioner all of his work injury benefits as per the law.

(6) The company shall file a progress report to the Committee monthly until the matter is completely brought to conclusion upon tabling of this Report.

(7) The petitioner shall be at liberty to file this matter in a court of law if he is thereafter dissatisfied with the determination by the DOSHS.

Mr. Speaker, Sir, I beg to lay the Report of the Standing Committee on the Petition.

(Sen. Sakaja laid the document on the Table)

REPORT ON PETITION: PLIGHT OF FORMER EMPLOYEES OF
KUSCO FOLLOWING TERMINATION OF THEIR EMPLOYMENT

Sen. Sakaja: Mr. Speaker, Sir, the second Petition is regarding the plight of former workers, former employees of the Kenya United Steel Company (KUSCO) Limited. It was presented to the Senate by Sen. Faki of Mombasa County on 7th July, 2021, pursuant to Standing Order No.230. The Petition was referred to the Committee on Labour and Social Welfare pursuant to Standing Orders 232(1).

The Committee held five sittings and engaged the following stakeholders-

(i)The petitioners.

(ii)The former Director of KUSCO LTD.

(iii)PricewaterhouseCoopers; the Receiving Managers.

(iv)The Kenya Commercial Bank, which was the Receiving Bank.

Mr. Speaker, Sir, the Committee made the following observations-

(1) KUSCO was registered on 12th July, 1965 as a private company.

(2) There is evidence that KUSCO obtained a loan from KCB Limited *vide* a Debenture dated 9th March, 1998.

(3) KUSCO was unable to pay the loan and its land and other assets were sold to another company called S.R.M Limited (KUSCO (2006) Limited) in the year 2005.

(4) That KUSCO was placed under receivership on 18th September, 2003 as it was indebted to the Kenya Commercial Bank (KCB) hence the appointment of the receiver managers, PWC Limited.

(5) The dispute was initiated under the then Trade Disputes Act, Cap.234, Laws of Kenya, and is therefore not time barred.

(6) KUSCO (2006) Limited, which is different from KUSCO Limited - S.R.M Limited, changed their name in 2006 to KUSCO Limited because of market share - is a *bona fide* purchaser for value without notice.

(7) The claim against the receiver manager (PricewaterhouseCoopers) was dismissed and the ruling was not challenged on appeal.

(8) Some employees who previously worked for KUSCO were absorbed into the new company, KUSCO (2006) Limited. Those employed, worked under KUSCO (2006) Limited from around 2007 to 2012 when their contracts were terminated by KUSCO (2006) Limited. Those employed by KUSCO (2006) Limited, did not raise issues of any obligations owed to them by KUSCO (2006) Limited, at the time they executed the contracts of employment in 2007.

(9) With the sanction of a special resolution, S.R.M Limited changed its name to Kenya United Steel Company (2006) Limited. The adoption of a name similar to the collapsed business was to retain the market share enjoyed by the collapsed KUSCO business.

(10) The former employees of KUSCO sued KUSCO (2006) Limited instead of KUSCO.

(11) The applicable labour and company laws to this matter were reviewed in 2007 and 2015 respectively.

(12) The sale agreement of 1st December, 2005 was challenged in court and the challenge was rejected.

(13) The Ministry of Labour and Human Resources Development in 2009 was the arbitrator in the trade dispute between the Kenya United Steel Company (KUSCO) under receivership and the Kenya Engineering Workers Union (KEWU); with the issues under dispute pertaining to failure by PriceWaterHouseCoopers (PWC) to pay 153 former employees of their four months salaries and gratuity benefits, as per their collective bargaining agreements that had been entered into.

(14) The Ministry of Labour noted in 2009 that KEWU failed to register the debts owed by KUSCO together with other debtors like the Kenya Commercial Bank (KCB) who had by then proceeded to court.

(15) The Ministry of Labour had in 2014 recommended that the matter be put to rest.

(16) Upon the sale of the assets, KUSCO was declared insolvent and as such, the credit due to KCB could not be 100 percent secured.

Mr. Temporary Speaker Sir, with the foregoing, taking into consideration the Petitioners' prayers to the Senate, the Committee is of the view that the former employees of KUSCO have a constitutional right to petition the Senate to look into their plight, including issues dating back to 2003.

In that regard, the Committee recommends that this matter be put to rest for the following reasons-

(1) The matters canvassed in the Petition have been extensively addressed by various institutions. For instance, the Ministry of Labour dating back to 2009 and the courts from 2012 to 2018. They all have had unfavourable outcomes.

(2) KUSCO as an entity, upon undergoing receivership and subsequently following the sale of its assets, KCB as a major creditor failed to secure its loan.

(3) Recognising the court's ruling that the claimants sued the wrong entity, KUSCO (2006) instead of KUSCO Limited, which is a different entity all together.

Mr. Temporary Speaker Sir, given the foregoing, there is nothing further that can be done on that matter. We beg to lay the Report of the Committee on the Petition regarding the plight of the former employees of KUSCO.

(Sen. Sakaja laid the document on the Table)

REPORT ON PETITION: FAILURE BY KISII COUNTY
TO PAY SALARY TO ISAAC SIKO NYAKERIGA

Mr. Temporary Speaker Sir, the final Report on Petition is from a Petition from Kisii County, concerning non-payment and failure to be confirmed by Kisii County Government of Mr. Isaac Siko Nyakeriga.

This Petition was presented on the 7th October, 2021 by the Speaker of the Senate. The concerns raised are as follows-

(1) That Mr. Nyakeriga was employed by the Kisii County Government on 19th January, 2017 as a clerical officer in the letter reference No.KCPSPAP3101/2017 after successfully attending an interview and was deployed to Nyaribari Masaba sub-county on 20th March, 2017.

(2) That he reported to the Nyaribari Masaba sub-county office on 27th March, 2017. Thereafter, he was deployed to Nyamasiba Ward office as a clerical officer.

(3) That he has allegedly never been paid any salary to date and has never received his personal number, despite having been approved by the Kisii County Public Service Board (CPSB) on 20th July, 2017 to be included in the payroll.

(4) Further, the county government has never confirmed his offer of appointment, after his successful completion of the probation period as stipulated by the Kenya labour laws.

(5) That the Kisii County Government has violated his rights as enshrined in the Constitution, which has caused him inconveniences and much trauma in his daily undertakings.

(6) That he has made all efforts to have the matter addressed by the relevant bodies, upon which they have raised directives to the Kisii County Government on the non-payment of his salary and the confirmation of his employment, but the directive has not been implemented.

Mr. Temporary Speaker Sir, the Petitioner humbly prayed that the Senate investigates into these issues and-

(a) Find out why his personal number is missing and why it was not processed by the county government.

(b) Find out why his salary is not remitted by the county government yet he was assigned duties.

(c) Make appropriate recommendations for his confirmation of his employment and compensation during the period.

Mr. Temporary Speaker, Sir, the Committee invited the Petitioner, the Kisii County Secretary and the Chairperson of the Kisii CPSB to a meeting on 10th November, 2021. They were invited to elaborate further on the issues raised in the Petition and to supply supporting evidence on the same as well as the requested written responses on the said matter.

Following the Committee's engagement with the Petitioner and the Kisii CPSB regarding the Petition and subsequent deliberations, the Committee made the following observations-

(1) The Petitioner failed to submit support documents as requested. These documents include the interview schedule, proof of invitation for interview, proof of delegation of duties by supervisors and proof of service delivered for three years.

(2) The Petitioner presented stamped documentation that include the offer of appointment, recall or redeployment letter, leave application form and transfer letters. However, the authenticity of these documents could not be ascertained.

(3) That the recruitment process that the Petitioner claimed led to his appointment was nullified by a court of law.

(4) The Kisii CPSB is the body responsible for competitively sourcing and recommending employees for employment and further ensuring appropriate remuneration.

(5) A CPSB is expected to, for a specified period, maintain a record of all applications received in response to advertisements, inviting applications and such records may be inspected by any person.

(6) That Section 75 of the County Governments Act, 2012 provides that if it comes to the attention of the CPSB that there is reason to believe that any process or decision under county public service may have occurred in an irregular or fraudulent manner, the CPSB shall investigate the matter. If satisfied that the irregularity or fraud has occurred, CPSB may –

(a) Revoke the decision.

(b) Direct the concerned head of department or lawful authority to commence the process afresh.

(c) Take any corrective action including disciplinary action.

Mr. Temporary Speaker Sir, the Committee recommends the following after it observed that-

(1) Mr. Isaac Siko Nyakeriga was properly dismissed by the Kisii CPSB.

(2) The Kisii CPSB, going forward, must comply with the rules on recruitment and employment as prescribed in the County Governments Act, 2012.

(3) The county public service boards, which fail to comply with the law and persons engaging in illegal recruitment processes, must take personal culpability in accordance with the law.

This case was extremely unique and very difficult for us. The CPSB and the County Secretary alleged that the previous CPSB would schedule recruitment for maybe 15 positions. Once the shortlisting is done the person in charge would send 20 letters, for instance, and would irregularly employ additional people.

This is a matter that went to court and the Kisii CPSB leadership at that time was dismissed. There are many and not just Mr. Nyakeriga, who had been irregularly employed or recruited had their requirements nullified.

Mr. Temporary Speaker Sir, we have given a warning to county public service boards, which fail to comply, that they will take personal culpability in accordance with the law. We also know how the wage bill is in illegal recruitment processes, especially those with a political angle.

It is now my pleasant duty to table the Reports of the three Petitions.

(Sen. Sakaja laid the documents on the Table)

Mr. Temporary Speaker Sir (Sen. Kinyua): Thank you, Chairperson of the Committee on Labour and Social Welfare.

Sen. (Dr.) Musuruve, proceed. Please, take three minutes in the interest of time.

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. I also thank Sen. Sakaja for the reports to the petitions that he has presented.

I would like to bring to the Floor of this House that Sen. Sakaja has talked about the Matendechere issue. Mr. Matendechere is helpless and needs somebody, like the Senate, to hold his hand. The case that Sen. Sakaja has mentioned is in court, is actually not in court.

I spoke to him and he mentioned that he has never been summoned, given a notice, nobody has called him and he is just wallowing in Lugari and he does not know how he will sort out his issue. There is need for the Senate to investigate.

If Matendechere's case is in court, let the Senate come out clearly and say who is representing Matendechere in court. What is the case number? What is the file number? The reports that come on the Floor of this House should be true reports that are going to help Kenyans.

There is *pro bono*, yes. Was Matendechere given *pro bono* service? He was not given. So, I say as a Senator representing Persons with Disabilities (PwDs), I will not allow false information to come to this House on issues of disabilities. Matendechere must get his legal right. When it comes to rights, he should not be delayed. There is need to investigate his issue because of the disability that Broadway caused him. He needs to be compensated. I will not joke or entertain when PwDs are marginalized, downtrodden and the Senate is not supporting them. The issue of Matendechere must be followed by this Senate. He needs to get his compensation.

Thank you.

The Temporary Speaker (Sen. Kinyua): What is it, Sen. Sakaja?

Sen. Sakaja: Mr. Temporary Speaker Sir, we feel that passion as well.

The Temporary Speaker (Sen. Kinyua): Sen. Sakaja, I have given you five minutes.

Sen. Sakaja: Even five minutes are a lot.

The Temporary Speaker (Sen. Kinyua): That is okay.

Sen. Sakaja: I wish Se. (Dr.) Musuruve listened carefully to what I said. The case which she says was not filed is CMCC No. 38 of 2021, Daniel Matendechere Aura Vs Broadway Bakery Limited & James Ndura.

This gentleman came before the Committee on Labor and Social Welfare. We listened to the gentleman. He even had his pastor with him and a few other members of his family. We deeply empathize with his situation, but there is a process of the law that we recommended here.

There was a second opinion that was to be sought medically under the Work Injury Benefits Act (WIBA) and we said even if it means to be facilitated, because he said could not get it, because he could not access to transport. In that meeting, we told Broadway Limited that they must facilitate this gentleman to get the second opinion.

There is something called Director of Occupational Safety Health (DOSH). We said that upon compliance with that; just to get a second opinion--- In fact, Sen. (Dr.) Musuruve, with that passion, you can also pay for him. Take him to get that second opinion.

Once he gets it, I have given a timeline within less than 30 days, he must be given his benefits. Senators Kwamboka and Shiyonga are all members of my Committee. You all were there.

There is no way outside the law you can process those benefits. So, we have said that within one month - If you need Sen. (Dr.) Musuruve, I can even accompany you to take him. I am willing to do that because I empathize with his condition. After that, I have said that this company will file monthly progress reports until the finalization of those claims. There is nothing beyond that or outside the law that we can do.

This gentleman worked for that company for long. It is unfortunate but I think, as Members and Senators, as we help our people, let us advise them properly to seek that help or do things according to the law.

Finally, I think it is improper for a Member to impute improper motives on a committee and to say that we are bringing lies. We have gone through this professionally with our teams and a Secretariat that is very professional.

If there is any additional thing that the Senator would advise us to do in addition to this, we will be very happy to do that, but shouting at us will not solve Mr. Matendechere's issue. Just get the second opinion. Once you have it by DOSH, we shall make sure that he has fully been compensated in accordance with the law.

The Temporary Speaker (Sen. Kinyua): Proceed, Sen. Wambua.

Sen. Wambua: Mr. Temporary Speaker, Sir, I stand because Sen. Sakaja was on the Floor and he was giving a report on the Committee. I agree with him that his Committee has continued to do a good job of taking care of the interests of workers who have been mistreated by employers for a long time. However, there is a matter that I brought to his Committee and he is aware of it; the matter of a member of my society who was working for Kenyatta National Hospital. He was fired irregularly. Even with the advice from the Principal Secretary (PS) in the Ministry that he should have been reinstated to full employment benefits, but KNH has refused to do that. The Committee

was handling that matter. I would be happy to receive some updates on what has happened with that case because the man is still on my back.

The Temporary Speaker (Sen. Kinyua): Yes, Sen. (Eng.) Hargura.

Sen. (Eng.) Hargura: Mr. Temporary Speaker, Sir, I would like to thank Sen. Sakaja and the Labor and Social Welfare Committee for being prompt and following up these issues. These are individuals who have exhausted the means that they could address the issues. That is why they brought these issues to the Senate.

If it reaches a point where now the individual is called, the employer is contacted and issues are raised and are sorted out, Kenyans have hope that the Senate as it were has at least given them another chance and it goes out to the employers because we know of cases we are still following at a personal level.

As leaders, employees come to us when they have problems with their employers. Sometimes you will find somebody is being penalized for mistakes that do not warrant that kind of penalization, but because they think this person once penalized cannot go anywhere, then they take those kinds of actions.

It is clear to employers that when they mistreat Kenyans, they have other points of call and the Senate is one of them. I thank the Committee on Labor and Social Welfare for the way it has expeditiously carried out these petitions. It goes to all of us because other committees are also handling petitions which are not doing as well. Some committees we belong to, we are all guilty of that crime. Let us work hard and make sure that we address the plight of Kenyans to conclusion within the required time.

The Temporary speaker Sen. Kinyua: (Sen. Kinyua): Yes, Sen. Cherargei.

Sen. Cherargei: Mr. Temporary Speaker, Sir, I want to commend the Committee on Labor and Social Welfare led by Sen Sakaja. One of the biggest threats to the functionality of devolved units is how to handle the staff. I remember the County Government of Nandi yesterday met the Nandi workforce and, therefore, the argument is as has been used to contract.

I know the Committee on Labor and Social Welfare should advise the Senate and county governments on how they can manage the issue of workforce. As we talk, most of the workforce across the counties including mine is beyond the 35 percent that is recommended under the Public Finance Management Act and other related legislation.

Many of us who would want to be governors in future, including the Chairperson of the Committee on Labor and Social Welfare, Sen. Sakaja. However, in the counties we should be very keen because what is eating resources is the recurrent expenditure that is paid through the workforce. We also have Sen. Kihika who wants to be the governor of Nakuru City County.

When you see Nandi County Government's decision to extend by one year so that they insulate themselves from nomination that is coming up and general election that is coming up, we cannot use a stick and carrot in terms of running resources of the county.

In the future, the Committee on Labour and Social Welfare must advise us on how to handle staff because most of the staff are either on contractual terms while others have not been paid. County governments even take three to six months without payments. For example, the Early Childhood Development Education (ECDE) teachers are paid Kshs10,000 yet they are on permanent and pensionable terms. What can you do with Kshs10,000 in this economy? I congratulate the Committee and wish them well.

The Temporary Speaker (Sen. Kinyua): Proceed Sen. Shiyonga.

Sen. Shiyonga: Mr. Temporary Speaker, Sir, thank you for giving me this opportunity. I commend our Chairperson in the Committee on Labour and Social Welfare for doing a good job. I am a Member of that Committee so I know the good work that we are doing under his leadership. We have worked around the clock to ensure that we accomplish most of the work within the set timelines. It is a yard stick for all of us.

We made a point of meeting all the petitioners and stakeholders as outlined in the reports. We really exhausted all the stakeholders that were needed to handle the matters and it is what we are seeing as the observations that have been read on the Floor of this House and the recommendations done. It is not good for us to lock out people who can add or make contributions to the report.

Every stakeholder engagement is meant to enrich the report and the observations of other members who did not get an opportunity to contribute, this is captured in the HANSARD so that when we are implementing or looking for other opinions, no one is locked out.

I commend the Committee on Labour and Social Welfare because most of these petitions that come before us are either to do with mishandling of workers, lack of compensation or unfair dismissal from the companies. We have done a good job as a Committee so far.

I urge this House to continue doing their best through the committees. Some committees of the Senate such as the Committee on Labour and Social Welfare and the Committee of National Cohesion, Equal Opportunity and Regional Integration are doing very well to ensure that that everything is under control and we have equity and inclusivity in Kenya.

I thank you.

The Temporary Speaker (Sen. Kinyua): Sen. Sakaja, there was an issue that was raised by Sen. Wambua. Do you wish to respond?

Sen. Sakaja: Mr. Temporary Speaker, Sir, Sen. Wambua brought a very important matter. I would like to reiterate to the people of Kitui County, that they have proper representative in the Senate. The former councilors should also know that if it were not for Sen. Wambua and yours truly, their issue of a one off honorarium would not have gotten to where it is. They are going to receive Kshs200,000 each.

On this issue, it is true that there was a matter by Mr. Malumbe, whose phone number ends with 757. I know because I have also been following up with him individually. The Kenyatta National Hospital did a response that they sent to the Ministry of Labour, which was supposed to be finalised this week. They have not yet sent it, but as soon as they do, I will share it with Sen. Wambua. I am following it up with the Cabinet Secretary for Labor and we will be sure to sort that out.

The Temporary Speaker (Sen. Kinyua): Next Order.

PAPERS LAID

The Temporary Speaker (Sen. Kinyua): The Senate Majority Leader is not around to lay the Papers. We shall, therefore, come back to the laying of those papers

later. Chairperson County Public Accounts and Investment Committee (CPAIC), kindly lay the Papers.

REPORT OF THE CPAIC ON CONSIDERATION OF
FINANCIAL STATEMENTS OF VARIOUS COUNTIES
FOR FY2018/2019

Sen. (Eng.) Hargura: Mr. Temporary Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Thursday, 2nd December 2021-

Report of the Sessional Committee on County Public Accounts and Investments on consideration of the Reports by the Auditor- General on the Financial Statements of the following County Executives for the Financial Year 2018/2019-

Embu, Homa-Bay, Kericho, Kilifi, Kirinyaga, Kisii, Kwale, Machakos, Mombasa, Nandi, Baringo, Bomet, Garissa, Kajiado and West Pokot as contained in Volume 1 of the Report and the following County Executives-

Isiolo, Kakamega, Kisumu, Laikipia, Mandera, Marsabit, Nakuru, Narok, Nyandarua, Samburu, Taita/Taveta, Trans-Nzoia, Uasin- Gishu, Vihiga and Wajir, as contained in Volume 2 of the Report

(Sen. (Eng.) Hargura laid the documents on the Table)

The Temporary Speaker (Sen. Kinyua): Proceed, the Senate Majority Leader, Sen. Poghio.

REPORTS ON FINANCIAL STATEMENTS OF VARIOUS
COUNTY EXECUTIVES/ASSEMBLIES/FUNDS

The Senate Majority Leader (Sen. Poghio): Mr. Temporary Speaker Sir, I beg to lay the following Papers on the table of the Senate today, Thursday, 2nd December 2021-

Report of the Auditor-General on the Financial Statements of Siaya County Executive for the year ended 30th June, 2020.

Report of the Auditor-General on the Financial Statements of Siaya County Assembly for the year ended 30th June, 2020.

Report of the Auditor-General on the Financial Statements of Kirinyaga County Executive for the year ended 30th June, 2020.

Report of the Auditor-General on the Financial Statements of Kirinyaga County Assembly for the year ended 30th June, 2020.

Report of the Auditor-General on the Financial Statements of Kericho County Executive for the year ended 30th June, 2020.

Report of the Auditor-General on the Financial Statements of Nyamira County Executive for the year ended 30th June, 2020.

Report of the Auditor-General on the Financial Statements of Nyamira County Assembly for the year ended 30th June, 2020.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Report of the Auditor-General on the Financial Statements of Isiolo County Executive for the year ended 30th June, 2020.

Report of the Auditor-General on the Financial Statements of Isiolo County Assembly for the year ended 30th June, 2020.

Report of the Auditor-General on the Financial Statements of Narok County Executive for the year ended 30th June, 2020.

Report of the Auditor-General on the Financial Statements of Marsabit County Emergency Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the Financial Statements of Meru Water and Sewerage Services Registered Trustees for the year ended 30th June, 2019.

Report of the Auditor-General on the Financial Statements of Malindi Water and Sewerage Company Limited for the year ended 30th June, 2019.

Report of the Auditor-General on the Financial Statements of Kyeni Water and Sewerage Company Limited for the year ended 30th June, 2019.

Report of the Auditor-General on the Financial Statements of Wajir County Executive for the year ended 30th June, 2020.

Report of the Auditor-General on the Financial Statements of Wajir County Assembly for the year ended 30th June, 2020.

Report of the Auditor-General on the Financial Statements of Busia County Assembly for the year ended 30th June, 2020.

Report of the Auditor-General on the Financial Statements of Busia County Executive for the year ended 30th June, 2020.

(Sen. Cherargei crossed the Floor without bowing to the Chair)

The Temporary Speaker (Sen. Kinyua): What is it Sen. Wetangula?

Sen. Wetangula: On a point of Order, Mr. Temporary Speaker, Sir. Did you notice the distinguished Senator for Nandi County walking across the Floor in front of the Mace as if he in a village in Nandi?

(Laughter)

We need to respect the Standing Orders. This is a House where decorum is critical.

The Temporary Speaker (Sen. Kinyua): Sen. Cherargei, please do what is required of the House.

(Sen. Cherargei moved the Bar and bowed to the Chair)

The Senate Majority Leader (Sen. Poghisio): Mr. Temporary Speaker, Sir, he should bow ten times.

Let me proceed.

Report of the Auditor-General on the Financial Statements of Migori County Ward Development Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the Financial Statements of Garissa County Revolving Fund for the year ended 30th June, 2019.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Report of the Auditor-General on the Financial Statements of Kisumu County Trade Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the Financial Statements of Nandi County Executive Car Loan and Mortgage Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the Financial Statements of Siaya County Assembly Car Loan and Mortgage Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the Financial Statements of Kiambu County Emergency Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the Financial Statements of Uasin Gishu County Executive Mortgage and Car Loans Scheme Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the Financial Statements of Bomet Water Company Limited for the year ended 30th June, 2019.

I think that suffices.

*(The Senate Majority Leader (Sen. Poghisio)
laid the documents on the Table)*

Sen. Wambua: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Kinyua): What is it Sen. Wambua?

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir. It is 3.22 p.m. If you remember, you gave an order before we went for the lunch break. You said that when we resume at 2.30 p.m., the Report on the Bill that we were debating before we went for lunch be tabled so that Senators can have an opportunity to interact with it before debate resumes. Your orders must be complied with.

The Temporary Speaker (Sen. Kinyua): That is true, Sen. Wambua. That is what we ordered. It is the next Order. The Chairperson of the Committee on Health is tabling it right away.

Proceed.

STATE OF THE JUDICIARY AND ADMINISTRATION
OF JUSTICE ANNUAL REPORT 2021

The Senate Majority Leader (Sen. Poghisio): Mr. Temporary Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today Thursday, 2nd December, 2021-

State of the Judiciary and Administration of Justice Annual Report 2021 Gazette Notice No. 12385.

Thank you.

*(The Senate Majority Leader (Sen. Poghisio)
laid the document on the Table)*

The Temporary Speaker (Sen. Kinyua): Can we hear from the Chairperson of the Committee on Health.

Sen. (Dr.) Mbito: Mr. Temporary Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Thursday, 2nd December, 2021-

THE FOURTH PROGRESS REPORT ON THE COVID-19 PANDEMIC
SITUATION AND IMPLEMENTATION OF THE NATIONWIDE
COVID-19 VACCINE DEPLOYMENT

The first one is the Fourth Progress Report of the Standing Committee on Health on the COVID-19 pandemic situation and the implementation of the Nationwide COVID-19 vaccine deployment.

REPORT OF THE COMMITTEE ON HEALTH ON THE NHIF
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2021)

The second one is the Report of the Standing Committee on Health on the National Health Insurance Fund (Amendment) Bill (National Assembly Bills No. 21 of 2021).

Thank you.

(Sen. (Dr.) Mbito laid the documents on the Table)

The Temporary Speaker (Sen. Kinyua): Can we hear from the Chairperson of the Committee on Labour and Social Welfare?

REPORT ON CONSTRUCTION OF THE
NEW DANDORA STADIUM

Sen. Sakaja: Thank you, Mr. Temporary Speaker, Sir. I beg to lay the following Paper on the Table of the Senate today, Thursday, 2nd December, 2021-

The Report of the Standing Committee on Labour and Social Welfare on the New Dandora Stadium.

Thank you, for your indulgence, Mr. Temporary Speaker. Allow me to quickly mention the recommendations because this is a matter of great public interest. I can see Sen. Kwamboka is listening. Yesterday, the Committee visited the project that had stalled for more than three years. We have written our report. We listened to the Ethics and Anti-Corruption Commission (EACC), Nairobi City County Government and all the stakeholders and we are recommending the following-

(1) That Nairobi City County Government reviews the terms in accordance with the law and completes the Dandora Stadium Project as soon as possible. This Senate has resolved to give the County Government a go ahead to complete this stadium, which is already 65 per cent done. Only a very small portion is remaining.

(2) Due to public interest, the EACC concludes on its investigation on the matter as the works continues. The EACC told us that they have not stopped this work. There is no reason as to why Dandora Stadium is not being completed.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

(3) Due to the advanced stage of the project, the Senate directs that the County Government of Nairobi City re-engages the contractor to compete this project in the shortest time possible.

(Sen. Sakaja laid the document on the Table)

The Temporary Speaker (Sen. Kinyua): Thank you. Can we hear from the Chairperson of the Standing Committee on Finance and Budget?

REPORT ON THE APPROVAL OF THE SENATE NOMINEE
TO THE EQUALIZATION FUND ADVISORY BOARD

Sen. Omanga: Thank you, Mr. Temporary Speaker, Sir. I beg to lay the following Paper on the Table of the Senate today, Thursday, 2nd December, 2021-

The Report of the Standing Committee on Finance and Budget on the approval of the Senate nominee to the Equalization Fund Advisory Board.

(Sen. Omanga laid the document on the Table)

The Temporary Speaker (Sen. Kinyua): Next order.

NOTICES OF MOTIONS

The Temporary Speaker (Sen. Kinyua): Can we hear from Sen. Omanga?

ADOPTION OF REPORT ON THE APPROVAL OF THE SENATE
NOMINEE TO THE EQUALIZATION FUND ADVISORY BOARD

Sen. Omanga: Mr. Temporary Speaker Sir, I beg to give Notice of the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the approval of the Senate nominee to the Equalization Fund Advisory Board laid on the Table of the Senate today, Thursday, 2nd December, 2021 and pursuant to Standing Order No.72 (c)(iii) of the Senate Standing Orders and paragraph 4(1)(e) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021, approves Mr. Victor Ochieng' Odanga for appointment to the Equalization Fund Advisory Board.

Thank you.

The Temporary Speaker (Sen. Kinyua): Can we hear from the Chairperson of the Committee on Health, Sen. (Dr.) Mbiti?

ADOPTION OF THE FOURTH PROGRESS REPORT ON THE
COVID-19 PANDEMIC SITUATION AND IMPLEMENTATION
OF THE NATIONWIDE COVID-19 VACCINE DEPLOYMENT

Sen. (Dr.) Mbito: Mr. Temporary Speaker, Sir, I beg to give Notice of the following Motion-

THAT, the Senate adopts the Fourth Progress Report of the Standing Committee on Health on the COVID-19 pandemic situation and the implementation of the Nationwide COVID-19 vaccine deployment, laid on the Table of the Senate on Thursday, 2nd December, 2021.

Thank you.

The Temporary Speaker (Sen. Kinyua): Can we hear from the Chairperson of the Committee on County Public Accounts and Investment (CPAIC)?

ADOPTION OF REPORT OF THE CPAIC ON
CONSIDERATION OF FINANCIAL STATEMENTS
OF VARIOUS COUNTIES FOR FY2018/2019

Sen. (Eng.) Hargura: Thank you, Mr. Temporary Speaker, Sir. I beg to give notice of the following Motion-

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on consideration of the Reports by the Auditor-General on the Financial Statements of the following County Executives for the Financial Year 2018/2019- Embu, Homa-Bay, Kericho, Kilifi, Kirinyaga, Kisii, Kwale, Machakos, Mombasa, Nandi, Baringo, Bomet, Garissa, Kajiado, and West Pokot as contained in Volume 1 of the Report and the following County Executives-

Isiolo, Kakamega, Kisumu, Laikipia, Mandera, Marsabit, Nakuru, Narok, Nyandarua, Samburu, Taita/Taveta, Trans-Nzoia, Uasin- Gishu, Vihiga and Wajir as contained in Volume 2 of the Report , laid on the Table of the Senate today, Thursday 2nd December, 2021.

The Temporary Speaker (Sen. Kinyua): Let us move on to the next Order.

STATEMENTS

COMMEMORATION OF THE WORLD AIDS DAY

The Temporary Speaker (Sen.Kinyua): Sen. (Dr.) Mbito has requested that his Statement be deferred

(Statement deferred)

Next Statement.

OPERATIONS OF THE NATIONAL IRRIGATION BOARD

The Temporary Speaker (Sen.Kinyua): The next Statement is by Sen. Mwaruma, but he is not in the Chamber. I, therefore, defer it.

(Statement deferred)

The next Statement is by Sen. Kwamboka.

STATUS OF AN INQUEST INTO THE MURDER
OF MS. AGNES WANJIRU

Sen. Kwamboka: Mr. Temporary Speaker, Sir, I rise, pursuant to Standing Order No.48(1), to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on the status of an inquest into the murder of Ms. Agnes Wanjiru by a British army officer, in Nanyuki, Laikipia County, following her disappearance in March, 2012.

In the Statement, the Committee should-

(1) Explain the reasons why, to date, Kenyan authorities have never finalized the investigations into Ms. Wanjiru's murder, nine years after her body was found in a septic tank following her disappearance.

(2) Explain whether the trial of the suspect, who confessed to committing the crime, will be conducted here in Kenya.

(3) Outline the action(s), if any, that will be taken against Kenyan officers who were/have been handling the investigations for abetting the delay in justice for the deceased and her family.

(4) State the measures the Government will put in place to ensure that justice is served, including compensation to the family and an apology from the British army.

(5) Elucidate on the actions the Ministry intends to take to ensure that relations/cooperations will remain healthy between the two countries.

Mr. Speaker Sir, I have another Statement, should I proceed?

The Temporary Speaker Sen.Kinyua: Yes, proceed.

STATE OF POLICE STATIONS IN THE COUNTRY

Sen. Kwamboka: Mr. Temporary Speaker, Sir, I rise, pursuant to Standing Order No.48 (1), to seek a Statement from the Standing Committee on National Security, Defense and Foreign Relations concerning the state of police stations in the Country. In the Statement, the Committee should-

(1) State the specific locations and number of gazetted police stations in the country.

(2) State the amount of public funds disbursed in the last 24 months for the maintenance of these police stations.

(3) Ascertain the state and level of sanitary conditions in the police stations.

(4) List the type of furniture and office equipment allocated to each of these stations, stating the adequacy of the equipment to facilitate the police officers in undertaking their roles of service provision to Kenyans.

(5) Investigate the state of working conditions in these stations, ascertaining the impact of these conditions in service provision.

(6) Outline measures, if any, that the Ministry of Interior and Coordination of National Government will put in place to improve the status of these facilities in ensuring the Police stations are fully functional.

I thank you.

The Temporary Speaker (Sen. Kinyua): Proceed, Sen. Cherargei.

Sen. Cherargei: Mr. Temporary Speaker, Sir, I thank Sen. Kwamboka for bringing the two Statements.

On the first Statement on the killing of one of your residents from Laikipia County, this is very unfortunate. There has been push and pull since she was killed many years ago. I hope that the national Government through the Director of Criminal Investigations (DCI) and the Embassy of the United Kingdom continue to do something. It looks like the life of our sister, which was brutally taken away, is much less important than the training camp that we have for the British soldiers in Laikipia.

This is abuse of human rights. It is also gender based violence that we are fighting. Our sister was killed under unknown circumstances. The British Government and the DCI must tell the country what they have done. It is unfortunate that the DCI officers have never gone to Britain to arrest the purported suspect who committed the crime many years ago. The family of the victim and the rest of Kenyans are keenly watching to see what the British Government and the Directorate of Criminal Investigations (DCI) in Kenya will do. The Kenya Government should know that each and every life is important.

Finally, on the last Statement on the state of police station; personally, I have been a frequent visitor to police stations. I can confirm that the sanitary conditions of most of our police stations is pathetic. The issue of ablution blocks needs to be looked into especially now that we are fighting COVID-19. We need much more money to maintain those police stations. It is important that the Ministry of Interior and Coordination of National Government provides a regular budget to ensure that the suspects who are arrested daily are well fed.

Finally, we should put more money to expand the police stations considering that some of our police stations were built during colonial or post-colonial period. I thank Sen. Kwamboka for these two important statements and I hope the committees will dispense forthwith.

I thank you.

The Temporary Speaker (Sen. Kinyua): Thank you. I defer the other Statements. We shall come back to them, if time allows.

ACTIVITIES OF THE COMMITTEE ON NATIONAL
SECURITY, DEFENCE AND FOREIGN RELATIONS

ACTIVITIES OF THE COMMITTEE ON TOURISM,
TRADE AND INDUSTRIALIZATION

ACTIVITIES OF THE COMMITTEE ON ROADS
AND TRANSPORTATION

ACTIVITIES OF THE COMMITTEE ON COUNTY
PUBLIC ACCOUNTS AND INVESTMENTS

ACTIVITIES OF THE COMMITTEE ON
DELEGATED LEGISLATION

(Statements deferred)

Let us move to the Statement under Standing Order No.52(2) by the Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 8TH FEBRUARY, 2022

The Senate Majority leader (Sen. Pogishio): Mr. Temporary Speaker Sir, pursuant to Standing Order No.52, I hereby present to the Senate the status of the business of the House.

As you are aware, today is the last sitting day pursuant to the Senate Calendar adopted on Tuesday 16th February, 2021. At the rise of the House today, the Senate will proceed on recess until Tuesday, 8th February, 2022.

Mr. Temporary Speaker, Sir, with respect to business, the Senate in compliance with the judgement of the High Court in Petition No.284 of 2019, issued on 20th October, 2020 has published 73 Bills. Out of these Bills, three have been assented to, 16 are pending consideration by the National Assembly while 23 other Bills are at the Second Reading stage, five of which have been listed in today's Order Paper from Order No. 12 to 16, which are awaiting division.

Ten Bills are scheduled for the Committee of the Whole Stage, six of which have been listed on the Order Paper from Order No.17 to 22 and a further 23 Bills undergoing concurrence processes pursuant to Article 123 of the Constitution. I urge all Senators to avail themselves this afternoon for the Bills at division stage and those that at the Committee of the Whole.

Mr. Temporary Speaker, Sir, I am sure that we all appreciate and recognize the importance of petitions as legislative tools to undertake our mandate of oversight and representation. The public continues to place great importance in this too and as evidenced by the number of petitions that the Senate continues to receive.

I would like to bring to the attention the Senate a total of 138 Petitions have been submitted since the beginning of the parliamentary term out of which 87 reports have been tabled by the respective committees.

Let me take this opportunity to thank the Standing Committees for the tremendous work. I would like to single out the Standing Committee on Labour and Social Welfare who upon tabling the reports on the petitions as indicated in the Order Paper will have no pending petition before it by the close of this Session. I urge the remaining committees to move with speed and conclude all pending petitions and table reports as required by Standing Order No.52 (2) and (3)(ii).

With regard to 59, Statements have been made pursuant to Standing Order No.47. A total of 182 statements have been requested in this session under Standing Order No.48. Hon. Senators, will recall that the Standing Orders were amended in 2018 to streamline the processing of Statements. I take this opportunity to also applaud all the committees that have responded to Statements and tabled reports thereon, some of which have resulted in Motions filed, debated and resolutions made.

Mr. Temporary Speaker, Sir, on Motions before the House, a total of 60 Motions were filed in the 5th Session and out of these, the Senators debated and concluded on 45 of them while 15 of them are pending debate and determination by way of resolution. It is important for Senators to note that at the close of this Session un-concluded Motions will lapse and respective sponsors will be required to refile them afresh in the next session.

All Senators who have not had their Motions debated are, therefore, urged to indicate to the office of the Clerk so that they are refiled upon resumption of the sittings in February, 2022.

Mr. Temporary Speaker, Sir, as you may be aware, the Budget Policy Statement (BPS), the Draft Division of Revenue Bill and the Draft County Allocation Revenue Bill for the next financial year were tabled before the Senate yesterday, Wednesday 1st December, 2021.

I would like to reiterate the directions issued by the Speaker in the Communication to the Senate on the need by Standing Committees to critically consider the BPS and submit their recommendations to the Standing Committee on Finance and Budget, so as to facilitate the Standing Committee to table its report on or before Monday 13th of December, 2021.

Considering that the Senate will proceed on recess at the rise of the House today at the appropriate time, I will make a request to the Speaker for convening of a Special Sitting to consider the BPS in accordance with Standing Order No.180.

Mr. Temporary Speaker, Sir, I take this opportunity to thank all the Senators for the dedication and commitment they have demonstrated in their work and service to the people of Kenya. As we proceed on recess, it is my hope that you will use the available opportunity to meet with constituents, spend some time with your families and friends and rest in preparation for the coming year, 2022.

I hasten to state that the COVID-19 global pandemic has continued to persist with the latest variant Omicron. It is, therefore, paramount that we all continue to keep safe while adhering to all protocols put in place in order to minimise spread and risk of infection.

In conclusion, this being the first time of the year that is associated with three important holidays in Kenya, allow me to end by wishing all hon. Senators a happy Jamhuri day, a Merry Christmas and a prosperous year 2022.

Mr. Temporary Speaker Sir, I thank you and hereby lay the statement on the table of the Senate.

*(The Senate Majority Leader (Sen. Poghio)
laid the document on the Table)*

The Temporary Speaker Sir (Sen. Kinyua): Thank you, Senate Majority Leader.
Next Order.

BILL

First Reading

THE COUNTY E-HEALTH BILL (SENATE
BILLS NO.39 OF 2021)

*(Order for First Reading read -Read the First Time
and ordered to be referred to the relevant Senate Committee)*

The Temporary Speaker Sir (Sen. Kinyua): Next Order.

BILL

First Reading

THE EMPLOYMENT (AMENDMENT) BILL
(SENATE BILLS NO. 54 OF 2021)

*(Order for First Reading read -Read the First Time
and ordered to be referred to the relevant Senate Committee)*

The Temporary Speaker Sir (Sen. Kinyua): Next Order.

MOTION

ADOPTION OF REPORT ON THE APPROVAL OF THE SENATE
NOMINEE TO THE EQUALIZATION FUND ADVISORY BOARD

Sen. Farhiya: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to move the Motion on the Adoption of Report on Nominee of the Senate to the Equalization Fund Advisory Board.

The Public Finance Management (Equalization Fund Administration) Regulations, 2021 were published by the Cabinet Secretary for the National Treasury and Planning on 29th April, 2021 via Legal Notice No.54 of 2021, pursuant to Section 205(1)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

of the Public Finance Management Act, 2012. They were approved by Parliament on 12th October, 2021 pursuant to Section 205(4) and (6) of the Public Finance Management Act. The Regulations provide a framework for the administration and management of the Equalization Fund.

Paragraph Four of the Regulations provide for the establishment of the Equalization Fund Advisory Board whose membership comprises of one nominee by the Senate as per (Paragraph 4(1)(e) of the Regulations). Through a letter dated 25th October, 2021, the Cabinet Secretary for the National Treasury and Planning wrote to the Senate to nominate a member to the Equalization Fund Advisory Board in accordance with paragraph 4(1)(e) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021.

Subsequently, the Speaker, *vide* a communication made on Tuesday 2nd November, 2021, informed the Senate of the letter received from the Cabinet Secretary. The Speaker then directed the Clerk to advertise the vacancy and upon close of the application period, to transmit the names and all documents received from interested persons to the Standing Committee on Finance and Budget for short-listing, public participation and vetting pursuant to Standing Order No.72 of the Senate Standing Orders. The Speaker further directed the Committee to table the Report in the Senate by Thursday 2nd December, 2021.

An advertisement calling for applications for a nominee by the Senate to the Equalization Fund Advisory Board was published in the *Daily Nation* and *The Standard* newspapers of Wednesday 3rd November, 2021 and the *Kenya Gazette* No.224. The applications were to be received on or before Wednesday, 17th November, 2021 at 5:00 p.m. (East African Time).

At the close of the application period, a total of 37 applications were received. The Committee collected the applications and established that two applicants had submitted their applications twice (via email and by hand delivery).

Following the long-listing of the applications, the Committee conducted a short-listing exercise. In shortlisting suitable candidates, the Committee gave due regard to the application criteria as set out in the advertisement as follows-

- (a) be a citizen of Kenya;
- (b) hold a degree from a university recognized in Kenya;
- (c) have at least five years' professional experience in a relevant field; and,
- (d) meet the requirements of Chapter Six of the Constitution.

In accordance to the exercise, the Committee was keen to ensure that the recommended candidate met the statutory requirements for appointment and was suitable for appointment to the office. This indeed is expected to promote integrity in the office and uphold good governance.

The requirements of Chapter Six of the Constitution demand that those aspiring to hold public office must be beyond reproach in order to promote the good governance and observance of the rule of law in public institutions.

The Committee, therefore, agreed that current clearances from the Directorate of Criminal Investigations (DCI), the Kenya Revenue Authority (KRA), the Ethics and Anti-Corruption Commission (EACC), the Higher Education Loans Board (HELB), relevant professional bodies and any of the Credit Reference Bureaus (CRB) were an

illustration of the candidate's adherence to the requirements of leadership and integrity as stipulated under Chapter Six of the Constitution.

Mr. Temporary Speaker, Sir, in determining the five years professional experience in a relevant field, the Committee considered the functions of the Advisory Board as stated under Paragraph 8 of the Public Finance Management (Equalization Fund Administration) Regulations, 2021, as this has an implication on the suitability of the nominee to perform their duty. In that regard, the Committee considered experience in the fields of finance, management, economics, governance, project management and community development.

Based on the criteria set and having followed the due processes under the law and the Senate Standing Orders, the Committee shortlisted the following eight candidates for vetting as listed in the Report.

The names of the shortlisted applicants were published in *the Standard* and *Daily Nation* newspapers of 23rd November, 2021 in accordance with Senate Standing Order No.72 (c)(i). Vide the advertisement publishing the names of the shortlisted candidates, members of the public were invited to submit by memoranda any information of interest with respect to the suitability of any of the shortlisted applicants to serve as member of the Equalization Fund Advisory Board in accordance with Senate Standing Order No.72 (c)(ii).

Further, upon shortlisting, the Committee in exercising due diligence wrote to the Kenya Revenue Authority (KRA), the Ethics and Anti-Corruption Commission (EACC), the National Intelligence Service (NIS) and the Directorate of Criminal Intelligence (DCI) seeking references and background checks relating to the suitability of the shortlisted candidates. The Committee also wrote to the universities attended by the eight shortlisted candidates to ascertain the authenticity of their academic certificates.

The Committee thereafter developed and adopted an interview criteria and the interview tool for the position. An interview score sheet was adopted to assess applicants during the vetting process. The vetting of the candidates was successfully conducted on 1st December, 2021, at Parliament buildings.

Mr. Temporary Speaker, Sir, the Committee upon consideration of the results of the vetting recommends that the Senate nominates Mr. Victor Ochieng' Odanga (ID No. 27802734) for appointment as the Senate nominee to the Equalization Fund Advisory Board in accordance with Paragraph 4(1)(e) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021.

The Committee thanks all the 35 applicants who submitted their applications for expressing their interest in serving the country in the Equalization Fund Advisory Board. The Committee further acknowledges the contribution by members of the public who submitted memoranda on the shortlisted candidates.

The Committee appreciates and thanks the following agencies for providing references and background checks relating to the suitability of the shortlisted candidates-

- (1) The Kenya Revenue Authority;
- (2) The Ethics and Anti-Corruption Commission;
- (3) The National Intelligence Service; and,
- (4) The Directorate of Criminal Investigations.

Further, the Committee thanks the offices of the Speaker and Clerk of the Senate for the support extended to the Committee in execution of its mandate.

We acknowledge and appreciate Members of the Committee for their patience, sacrifice and commitment to public service, which enabled the Committee to complete the assigned task within the stipulated time.

I also wish to thank the Secretariat of the Committee on Finance and Budget who have always been committed in terms of their performance, advice and legal know-how that always supports this Committee in terms of the report and its functions.

Mr. Temporary Speaker, Sir, it is now my pleasant duty and privilege, on behalf of the Standing Committee on Finance and Budget, to present to the Senate, the Report of the Committee on the nomination of a member to the Equalization Fund Advisory Board.

I beg to move and ask the Senate Majority Leader, Sen. Poghisio, to second.

The Senate Majority Leader (Sen. Poghisio): Mr. Temporary Speaker, Sir, I beg to second.

This is a straightforward vote for Members because the name has already been approved by the Committee. There are timelines and we have to finish with this. We are almost time out. I want to request the Members to support.

I second.

(Several Senators stood in their places)

The Temporary Speaker (Sen. Kinyua): Order, Members!

(Question Proposed)

Sen. Sakaja: Thank you, Mr. Temporary Speaker, Sir. I seek your direction. This is a noble process in the Senate. For the first time, we are approving a name after configuring ourselves as a recruitment agency. We conducted interviews, a report was prepared by the Committee on Finance and Budget and we are now voting.

The directions I seek from you are as follows: What happens if the plenary disagrees with the name? Does the process start afresh? Can there be an amendment to the Report? It is important for us to know the implications of whatever actions Senators are going to take as we get to the debate. I will appreciate if we can get to know that during the course of this debate before you put the question.

(The Clerk-at-the-Table consulted the Temporary Speaker)

The Temporary Speaker (Sen. Kinyua): Sen. Sakaja, the process is provided for under Standing Order No.72. We will proceed and once we have voted, I will make a decision after that. Can we hear from Sen. Linturi?

Sen. Linturi: Thank you, Mr. Temporary Speaker, Sir. The issue that Sen. Sakaja has raised is very important. I want to persuade you to ensure that this Parliament conducts its constitutional duty with caution and care because Parliament is not a conveyer belt. It is not a rubber stamp.

Mr. Temporary Speaker, Sir, it is so demeaning that a name would be proposed, passed by a Committee and brought here one afternoon. It is then expected that we would just pass the name, without debating or having the opportunity to read the report and understand the basis that informed the Committee in making that recommendation. It is only important that we have time to look at the report and see who the other applicants were and, why in the opinion of the Committee they decided to recommend one particular person.

I cannot understand what the issue is all about. I believe a Motion is always introduced to the House, read and a date allotted for debate. In this sequence, any other Member can do their due diligence. We also have our way of doing our due diligence on individuals that we pass to represent this great country in boards or any commission.

In the absence of a good time for us to do our due diligence and establish the person that is trying to pass, in my view, is taking this Parliament for a ride. With a lot of respect, I do not know the nominee, neither do I have his background information. I have no problem with the nominee, but the manner in which we are being pushed to pass a name on the same afternoon, makes me have a lot of doubt.

Mr. Temporary Speaker, Sir, I urge you to find it necessary for this Parliament to be furnished with the report. We would like to read the report about the nominees, and all the applicants in order to understand that the Committee did good work and was fair to everyone. That way, we will be able to know that the recommendation of the individual brought before this House was merited.

The Temporary Speaker (Sen. Kinyua): Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Poghio): Mr. Temporary Speaker, Sir, if my colleague, Sen. Linturi, was paying attention when the Motion was being moved, he would have realized that the stages were all given step by step, until the one nominee was finally selected.

In addition, this is a Motion. He could just stand up and request to speak on the Motion. It is a debate this afternoon. Nobody has forced anyone to accept that name. It has only been proposed and now, it is ready for debate.

Mr. Temporary Speaker, Sir, I do not think the way of a point of order would help the situation, except that it is time for us to speak and he can speak on it. We will then draw to a place where we come to vote. That was the whole point.

The Temporary Speaker (Sen. Kinyua): What is it Sen. Sakaja?

Sen. Sakaja: On a point of order, Mr. Temporary Speaker, Sir. The first thing on the question that I raised is that Standing Order No.72 – which you have mentioned – only stops at the point of the Clerk notifying the appointing authority of the decision of the Senate within seven days of the decision. However, that does not answer the question I asked because if the decision is no, then what happens? That has still not been answered.

Secondly, the steps might have been followed – I really hate trying to correct my Senate Majority Leader – the report on this appointment has just been tabled. Beyond the copy I am holding, there is no Senator with another copy of this Report. You then expect us to debate the appointment to such an important position, of somebody representing the Senate on the Equalization Fund Advisory Board (EFAB)?

Mr. Temporary Speaker, even you do not have this Report. No one has seen this Report. We do not know the criteria, we do not know who was No.1 or No.2 and what they looked at. I suggest that you defer this debate until Members receive copies of the Report. The difference between this and the other House, is that the Senate is known to consider matters judiciously and meticulously. We do not just rubber stamp. I do not know any of the applicants. However, I would not want to stand representing Nairobians to just say yes, yet I have not even read a Report. I am now being asked for by the Serjeant-At-Arms to go and make copies for Members.

Kindly, for the sake of this House and the quality of our debates, let us have the other matters on the Order Paper. Meanwhile, copies of this Report can be made for us to read and then vote. It is just for good order.

Sen. Linturi: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Kinyua): Sen. Linturi, proceed.

(Loud consultations)

He is on a point of order!

Sen. Linturi: Mr. Temporary Speaker, Sir, I want to be heard in silence. I appreciate the sentiments of my good brother, Sen. Sakaja. With tremendous respect, allow me to share my opinion and why I feel it is getting frustrating to sit in this House and watch this House, through its committees, be led from outside.

This is the problem that we are facing as a House, where we have the Majority led by the Minority. The Leadership of this House has no time to sit in the Senate, consult and listen to what the backbenchers have to say.

With a lot of respect to the Majority Leader, there is no way you can introduce a name into this Chamber this afternoon. You have been in Parliament for the longest time. No Member of this House has the Report and so, we do not understand what informed the recommendation of the person that you want us to pass. Furthermore, we have not done any consultation or due diligence to establish that the Committee did any due diligence on this person.

Mr. Temporary Speaker, please, manage and ensure that we have the right and time of what we are required to do as legislators, for the great benefit of the people that we represent. The Equilization Fund Advisory Board is not a small committee. This Fund has not been operationalized for the longest period of time. Probably, this is the first time. We want good representation. We know our counties for the longest time are supposed to benefit from this Fund and have not.

Please, with a lot of respect to the Senate Majority Leader, wherever you people get instructions from, we want to perform our duty in this Parliament as legislators.

The Temporary Speaker (Sen. Kinyua): Thank you. Sen. Olekina, proceed. If it is the same matter, at least we have heard him. We want to make a decision so that we proceed.

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. With tremendous respect to my good friend, Sen. Linturi, I think the Constitution is very clear. Article 124 of the Constitution talks about the committees and Standing Orders. We perform both our functions.

(Sen. Linturi consulted loudly)

I hope that Sen. Linturi will listen to me because I was listening when he was talking. He needs to listen to other people in silence.

The Temporary Speaker (Sen. Kinyua): Sen. Linturi, you said you want to be listened to in silence. You must listen to other people in silence.

(Laughter)

Sen. Olekina: Mr. Temporary Speaker, Sir, I have a lot of respect for my good friend, Sen. Linturi. I listened to his submission and although I partly agree to what he said, but if we have to reduce ourselves to performing only our role in plenary, then we would not be doing our work.

Sen. Sakaja, the good Chairperson of the Committee on Labour and Social Welfare, performs almost 99 per cent off his functions and all activities of his Committee that are brought into this plenary, in his Committee.

I do not see the reason why my good friend, Sen. Linturi, should say that committees are getting instructions from outside. We always have to respect, and respect is very important. In this case, let me refer Sen. Linturi, who is a good student of law, to Article 124(1) and (4) of the Constitution. It says-

“(1) Each House of Parliament may establish committees, and shall make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees.

(4) When a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament—

(a) the appointment shall be considered by a committee of the relevant House.”

Mr. Temporary Speaker, Sir, with all due respect, the Committee performed its work. I have no problem with us, at least, having an opportunity to go through the Report.

I agree with Sen. Sakaja that all Members should be given opportunity to be able to go through it and to see the criteria which was used to arrive at the decision. That will inform our debate. Pointing out that this Committee is getting instruction from outside is not respectful. I am not supporting anybody, but I am pointing out because this is a House of record.

My point of order was that on Standing Order No.100 on statements of facts, Sen. Linturi must substantiate or withdraw that Statement because he cannot come here and say committees of this House are receiving instructions from outside. We are here to represent our people. With respect we are concerned that people have not been paid from the Equalization Fund for a long time.

Sen. Sakaja is also concerned that his area was left out. I support one hundred percent his request that we all see the report, but we must respect this House.

Thank you.

The Temporary Speaker (Sen. Kinyua): What is it, Sen. Wambua?

Sen. Wambua: Thank you Mr. Speaker, Sir. I think we are getting emotional about this issue and for good reason. This issue of the Equalization Fund has been with the Senate in the last term and is with this Senate now. If there is a matter for which Senators must fully engage, it is on the Equalization Fund. For the last 11 years, counties have been waiting for it to be rolled out.

When it is being rolled out, we must have the final word on who would sit on that Board to represent the interests of counties. I do not know what is happening today. In the morning sitting there was a problem with the tabling of the Report on the NHIF Bill. Now I am being told it is an oversight. That is a very serious oversight. Now we are having another problem with another report on representation in the Equalization Fund Board

Mr. Temporary Speaker, Sir, I invite you to put your foot on the ground and demand that due process be followed. This Report must be tabled and we must be given time to read, understand, internalize and then debate. I do not know why Members have a problem with debate. Members should be able to ventilate, discuss, disagree and agree.

Sen. Farhiya: Mr. Temporary Speaker, Sir, I am concerned that people are imputing ill motives on their colleagues. I can assure you this man who was ranked highly by the Committee and got this job, the one, had no single person lobbying for him, let alone getting instruction from above. Let us respect each other.

This candidate after the ranking of each Member of the Committee scored 63 and the next candidate scored 59. That was each Senator on the score sheet scoring independently. So let us not cast aspersions on colleagues when you do not even know what actually happened.

If you want to read the Report, it is fine, but do not go and tell people that people in a Committee nominated by this House, doing the work of this House, are getting orders from above. We cannot accept that. Sen, Linturi should withdraw that Statement.

The Temporary Speaker (Sen. Kinyua): Proceed, Sen. Cherargei.

Sen. Cherargei: Mr. Temporary Speaker, Sir, I think in the tradition of the House, there have been many reports tabled. Sometimes courtesy of your office, you have even given us an adjournment of even one hour or thirty minutes to read a report.

According to Article 124 of the Constitution on the functionality of Committees and Standing Order No.71 on committing to the Committees, the Report is supposed to be tabled. I appreciate what Sen. Olekina is talking about on whether the Committee does 99 per cent, but when that report comes back, we are not robots.

I have not seen the report. Secondly, Sen. Olekina, you remember, was not in during the State of the Nation Address. The President said Parliament should meet, discuss and debate the NHIF (Amendment) Bill and other health laws. When the President left the National Assembly Chamber, the notice was already out. The committees receive instructions from outside. We cannot lie about that.

The Senator of Narok should stop misleading the House yet it is on HANSARD. You can read the President's speech. He said the Senate and the National Assembly should meet and debate. By the time the President left the Chamber, the Kenya *Gazette* notice was out.

What do you mean? Were those not instructions? Were Speakers consulted? We are not casting aspersions, but stating the facts as they are.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

(Loud consultations)

The Temporary Speaker (Sen. Kinyua): He is on a point of order. Members, we have listened and as a requirement of law, we have a deadline for this Motion, which is tomorrow Friday, 3rd, December, 2021. On that one, I order that the Report be uploaded.

(Loud consultations)

Order, Members. I order that the Report be uploaded so that Members can look at it and make an informed decision when debating. It is, therefore, deferred.

(Debate on Motion deferred)

Next Order.

BILL

Second Reading

THE NATIONAL HEALTH INSURANCE FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2021)

(Sen. Dullo on 2.12.2021 – Morning sitting)

*(Resumption of debate interrupted on
2.12.2021 –Morning sitting)*

The Temporary Speaker (Sen. Kinyua): Sen. (Prof.) Ongeru has a balance of 17 minutes.

Sen. (Prof.) Ongeru: Thank you Mr. Temporary Speaker, Sir. I will be extremely brief. I think the essence of this National Health Insurance Fund (Amendment) Bill of 2021 is to establish the Fund. That is why the title of the Bill is long, but it captures the main elements of this Bill. This is a Bill; an Act of Parliament to provide for the establishment of a National Health Insurance Fund (NHIF).

Secondly it is to establish the NHIF Management Board. Thirdly, to provide for mechanisms of contribution to and payments of benefits out of the Fund and for connected purposes.

During the debate, I have heard some Members making comments as to how we are going to include simple basic people into this contribution. From what I heard from some our colleagues, I think the problem is to provide mechanisms of contributions. The Health Act stipulates how this money is being paid into the Fund. Clause 3 of this Bill proposes a manner in which this money should be paid into the Fund on contribution under Section 15 of the Health Act. If you look into the Health Act, it will show you the

categories of people who must contribute to this Fund. Such monies as must be appropriated by the National Assembly for indigent and vulnerable persons.

I think this message lies that maybe in the process of this Fund, there are people who were affected; who are unable to afford this Fund and cannot be able to afford to pay anything. The national level in their own capacity and motion should be able to pay monies into this Fund by the National Assembly for indigent and vulnerable groups.

These vulnerable groups are the majority of the people who cannot afford any health insurance care, and therefore, that aspect is taken care of.

Mr. Temporary Speaker, Sir, (iii) gives and grants donations. If this Bill becomes law, it is now mandatory that the funds from the national Government and the county governments and their respective entities, all employers for the administration of the employees' benefits will also be factored in. This is captured in (iv). It becomes mandatory now and you cannot run away from it.

There was a contentious issue as indicated in (v). These are funds from the post-retirement funds for provision of medical cover to retired employees where the contributor has elected to do so. This basically is voluntary.

The main question this House should be looking at is how will these funds be managed? It is an important point and how will the governance structures look like. The Bill fully suggests in Clause 4 that the management of the Fund shall vest in a board, which shall consist the number of people illuminated in Clause 9 of this Bill.

I heard some of my colleagues raising an issue on the contribution of the churches. We debated it in detail. However, you cannot expand this board beyond nine members. We must do our best to accommodate everybody within the nine members. Therefore, it is important that the chairperson must be conversant with matters relating to insurance, financial management, economics, health or business administration.

Secondly, the Principal Secretary for Health for the time being responsible for matters relating to health and/or a representative appointed in writing, should be members of this committee, as well as the Ministry for the time being responsible for matters relating to Finance because it is a fund.

Clause 9(h) says two persons who are not public officers will be appointed by the Cabinet Secretary (CS). This is where we thought the churches should be able to fit in. Having been the Minister for Health, I realized that some of our churches provide health cover for many of our services in the country where the Government or the county government has not set up facilities for its citizenry.

Therefore, if we take that into consideration, we can put that in the memorandum. We can say the nomination under (h) should include church members who are in that place.

Mr. Temporary Speaker, Sir, this is a fair thing. You cannot complete everything under one cover. It will be too unwieldy, too expensive, but we must have a start. That start starts now because there are many Kenyans today who are suffering because of health issues and they are meeting enormous costs. Even Members of the Senate and National Assembly are being called upon to contribute every other day towards payment of medical bills or expenses. It is important that we roll out this UHC quickly so that we can bring it into operationalization so that people can access the Fund without much ado.

I beg to support.

The Temporary Speaker (Sen. Kinyua): Thank you. Hon. Members, in the interest of time, I have reduced contribution time to five minutes.

Sen. Cherargei, please proceed.

Sen. Cherargei: Mr. Temporary Speaker, Sir, thank you for this opportunity to contribute on the National Health Insurance Fund (Amendment) Bill, 2021. All of us agree that medical expenses are expensive to most of our people in this country. Most of us in both the National Assembly and the Senate are always participating in harambees to defray medical bills. If there is any strategy to ensure that we do away with medical expenses and ensure that Kenyans are able to pay medical bills, then it is important.

Mr. Temporary Speaker, Sir, there are only two points that I want to mention. One is in Clause 19. It talks about the national Government, the county government and any other employer matching and being liable contributors to the Fund in respect of public officers. This will ensure that we protect and put in place the necessary mechanisms where they can be held accountable. This one is very important because it assists and makes liable contributors to the Fund in respect of public officers.

[The Temporary Speaker (Sen. Kinyua) left the Chair]

[The Speaker (Hon. Lusaka) in the Chair]

Mr. Speaker, Sir, another one is 1(b) which states that the national Government shall be liable as a contributor to the Fund on behalf of the orphans and vulnerable. It is important because now the Government will be able to take care even through the programme of Inua Jamii, orphans and all the vulnerable in the society. Therefore, if this can be achieved, it will be very important and will assist most of our people.

The unfortunate thing is that sometimes you go to the hospital, you lose somebody, people do an harambee to defray medical expenses and then you have funeral expenses.

Another aspect that I want to comment on and the third point is on the issue of formation of the management fund. When you look at (g), it talks about one person not being a governor. It is important that at least two persons are included because health has been a devolved function.

Mr. Speaker, Sir, (h) talks about two persons not being public officers appointed by the CS. The CS already has a representative through the Permanent Secretary (PS). Therefore, this slot should go to the Public Service Commission (PSC).

They have indicated here that the nominating body under the paragraph shall afford equal opportunities to men women, youth and Persons with Disabilities (PwDs), minorities and marginalized groups and ensure regional balance. From where I speak, we must ensure that when the management committee or board is formed, this must be provided for.

In terms of the UHC, a right of access to medical health is provided in Article 43 of the Constitution---

(Loud consultations)

The Speaker (Hon. Lusaka): Order, hon. Senators! Let us consult in low tones.

Sen. Cherargei: Thank you, Mr. Speaker, Sir. As I said, Article 43 of the Constitution talks about the right to health. Therefore, any law that is anchored today to ensure that we access medical care is very important.

Kenyans have lost land, savings and other properties because they have to pay expensive medical expenses. If you go to every village and even where you come from in Bungoma County, each and every family is holding a *harambee*.

With those many remarks that I have put on record, I thank you. We will support the Bill at the voting stage.

The Speaker (Hon. Lusaka): Finally, Sen. Sakaja, proceed.

Sen. Sakaja: Thank you, Mr. Speaker, Sir. Health is the most important devolved function. While I appreciate the rush that seems to be there, I think it is a great disservice to the millions of the people we represent for us not to be allowed to exhaustively discuss this issue. Five minutes to talk about health is not adequate.

I will give you an example of Nairobi City County. The wage bill of the Nairobi Metropolitan Service (NMS), for instance, 58 per cent of it, Kshs6.4 billion, is on healthcare. The total budget of the health sector is Kshs11 billion.

Mr. Speaker Sir, I am sure that every day, Members get requests from members of the public about somebody being unwell. In fact, our offices have almost become like clinics. There is no more important legislation that we will discuss than this health one.

As legislators, our work is to ventilate and be informed on the matters that we discuss. Otherwise, it is a great disservice to the people that we represent. The National Health Insurance Fund (NHIF) is extremely important. Universal Healthcare (UHC) is one of the Big Four Agenda items that we hoped would be implemented.

Today, I am happy to say that in Nairobi City County, the Mathare North Health Center, which had stalled for more than 20 years, has now been completed. That hospital alone is going to reduce the pressure on Mama Lucy Kibaki Hospital for the people of Nairobi.

Mr. Speaker, Sir, the Nairobi Metropolitan Services (NMS) has gone to construct another 20 hospitals. Recently, I raised a question on the fact that we can have the brick and mortar, but what about the doctors, the fees, and the critical care specialists?

As I speak, in Nairobi City County, Mama Lucy Kibaki Hospital has only 13 critical care nurses, and that is just on paper. It has two anesthesiologists and 11 anesthetists. Mbagathi County Hospital has 10 critical care nurses, one anesthesiologist and eight anesthetists. Pumwani Maternity Hospital has 13 critical care nurses, two anesthesiologists and eight anesthetists.

Mr. Speaker, Sir, we must put emphasis on the staffing. A hospital is not just a building, it is more than the building. It is the healthcare providers who are well remunerated. This is a matter that we will follow to the end here in Nairobi. I am glad with the progress that my good friend, Dr. Oluga, has made as the Chief Officer (CO) in Nairobi, but there is more that we must do for our people. I got a message today that someone was asked to go buy a cannula for their child. You go to the hospital and are told to get medicine form elsewhere, yet that is their job.

Mr. Speaker, Sir, of the four critical things in healthcare, health financing is the most critical. That is why we have always wanted to introduce Nairobi Care, just like in

Makueni County. All underprivileged families will be able to get a medical card and free medical healthcare in Nairobi. That is something that we hope to do.

If the good Lord allows that I be elected as Governor, that is the first thing that I will do. If your county is unhealthy--- I know families that have struggled for years. They have built in Utawala, next to Sen. Kwamboka. They have one car, but when one family member gets sick, they are all impoverished.

Mr. Speaker, Sir, this is so critical that it might as well be the most significant legislation that we pass. Looking at the Report of the Committee, the Committee has noted a number of things, and I agree with them. I am grateful that they have even proposed a number of amendments about the scope of services to be provided for by the NHIF.

The scope of services towards preventative and promotive health services is important. However, there are a number of things that definitely must be covered. I am glad that the Committee has proposed amendments.

Number two is to recognize healthcare care providers, the constitution of the board, the issue of the governance structure and the matter of capitation. This is extremely important because that is where the real problem with NHIF has been. There is also the issue of contributions by unemployed persons.

Most of the people in Nairobi City County, whom I represent, are not employed. They do not have a job. We must provide so that those who earn more can cater for the rest. That is what society must be. There are many who have no source of income.

Mr. Speaker, Sir, there are punitive provisions on penalties. I was assisting a gentleman called Tonui. He had a kidney issue and it was marked as urgent. However, because he was not paid, I had to pay more than the amount that was required by the hospital for the one year of NHIF, plus the penalties that go with it.

Therefore, we support this Bill and hope that when we get to the Committee Stage, which I hope is today, we can incorporate these changes. This so that we make sure that we can truly give the truest legacy of this Government, that people get UHC coverage. Since health is devolved, counties should also play their role in making sure that we have the facilities, medicine specialists, doctors and nurses and critical care specialists as required in our counties.

Mr. Speaker, Sir, with those very few remarks, I support, because of the curtailing of debate in a House that is supposed to be a House of parlance. Sen. Olekina should note that Parliament is from the word 'parley'. 'Parley means to talk and debate.

I support.

The Speaker (Hon. Lusaka): Sen. Olekina, what do you want to clarify? You have three minutes. The information on the Motion on Order No.10 has been uploaded. So, you can check it out.

Sen. Olekina: Thank you Mr. Speaker, Sir. As a Member on the Committee on Health, I just wanted to highlight a few things, which I believe are very important to clear any doubt from any Member who did not get a chance to go through the Report, which was an oversight as to the work that the Committee did.

As I rise to support the amendment, the Report on the National Health Insurance Fund Bill, I would like to note the following. As a Committee, we observed various things that were problematic when it comes to the issue of NHIF. The President and this

country in general are seeking for a chance where everyone will be included and covered by NHIF.

Mr. Speaker, Sir, our Committee listened very carefully to several stakeholders, including the Council of Governors (CoG), the Ministry of Health and private individuals. Most of them were seeking clarification on the issue of the board. Who is going to be in the board? What powers will the board have and how effective will the services be rendered to the people?

We spent a lot of time going through the submissions that we received. I am happy to report that some of the areas that we enhanced in the Bill and the amendments that will come during the Committee Stage revolve around accountability.

We do not want a situation where the Cabinet Secretary (CS) is the only one who is informed of all the dealings of NHIF. We have now introduced the provision where any audit report, which is carried out, does not end with the CS. It should come to the Floor of this House.

Mr. Speaker, Sir, some of the other amendments that we brought, which we will discuss, deal with the application of the Health Act. The NHIF is now going to become a big insurance body to incorporate everyone in this country. We did away with the amendments brought by the National Assembly that wanted people who are employed to be contributing. We know very well that people are suffering to put food on the table. We want them to be considered as vulnerable people and be taken care of.

The other issue which I believe Sen. Linturi had concern on was that some people are given healthcare based on their contribution. I want to assure Sen. Linturi that, as a Committee, we considered everyone as uniform. It does not matter how much you contribute.

We have different pools. We have people who work with the public sector, with the county governments and private individuals. One of the most important amendments that we brought in is that if you have employed a house-help today, you must provide that house-help with NHIF. If you do not submit the payments on time, you will be responsible to pay for that employee's medical expenses.

Mr. Speaker, Sir, the work that the Committee did is something that is going to assist this country. For now, when you turn 18 years old, it is mandatory for you to become a member of NHIF.

The other issue that was very important is the issue of prevention. We have been investing a lot on curative measures. The Committee now looked at the clauses that promote preventive healthcare. To ensure that all these health services, which will now be accredited---

(An. hon. Member spoke off record)

Mr. Speaker, Sir, I requested for three minutes, and I think that my three minutes are coming to an end.

I will end by stating as follows. We, the Committee Members, spent a lot of time and considered all the submissions of all the stakeholders. Health is devolved; I want to assure Sen. Linturi that whether or not one is poor, they will be able to get the same services that a rich person will get. I am sure that we will be able to help everyone.

Mr. Speaker, Sir, I support.

The Speaker (Hon. Lusaka): Sen. Linturi, you have three minutes, then I will call the Mover to reply.

Sen. Linturi: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I want to believe first and precisely that with a lot of respect, Sen. Olekina, you cannot guarantee me Universal Health Care until this law is passed. It is on the basis of providing Universal Health Care to all Kenyans that I support this Bill.

Mr. Speaker, Sir, it is on this basis that I am willing and ready, depending on the amounts that will be set by either the Cabinet Secretary or the Board as proposed in the Bill; to contribute to this Fund not because I would have really wanted to, but as a politician and citizen of this county with relatives and friends, the burden of contributing to healthcare or medical bills' harambees will come to an end.

That is why I feel mandated and persuaded to support this particular Bill. Just like Sen. Olekina has said, I would want to have a situation whereby anybody who goes to hospital will get equal treatment, equal accommodation and equal respect regardless of their class or the cover that will be there. Considering that word – universal, it must be available to everyone. Those people that are financially endowed can always buy insurance from private insurance providers.

Mr. Speaker, Sir, I would want to see a situation where public hospitals give the best treatment and care because this is where most of Kenyans go for medical treatment. We go to private hospitals because that is where we think we will get the best.

The beneficiaries of this Fund and money that we contribute mostly goes to private hospitals because that is where most people go. We want to have a paradigm shift in the manner in which our Kenyan people take the National Health Insurance Fund (NHIF). Most of that money should go to the public hospitals so that majority of Kenyans can go to public hospitals, so that we build capacity in our public hospitals where our fellow citizens will get the best.

Mr. Speaker, Sir, on the membership of the proposed board, it will be necessary and important to have people who understand and know what the common man goes through. I am disappointed by the proposers of the Bill. There is no proposed name of persons from the political divide.

The politicians whether as Members of County Assembly (MCAs) or Members of Parliament are the people who are confronted by the public on all problems; whether medical, school fees and other issues. Since medical bills give us the greatest nightmares, we should have had a person to represent in this category that is elected by the people in the board.

Mr. Speaker, Sir, this person would be able to push the agenda of the greatest beneficiaries of the *harambee* funds we are asked to contribute to.

Thank you.

The Speaker (Hon. Lusaka): Thank you, Sen. Linturi. I call upon the Mover to reply.

Sen. Farhiya: Thank you, Mr. Speaker, Sir, for allowing me to reply. I also wish to thank all the Hon. Members of this House who contributed to this debate and gave constructive improvements to the Bill.

I also have a recommendation in terms of the membership of the board. There is only one person recommended from the Council of Governors and they deserve to have two. Therefore---

The Speaker (Hon. Lusaka): They are two. Senator, just check. Reply so as to avoid confusion.

Sen. Farhiya: Mr. Speaker, Sir, I have my comments to bring. In the morning when we were debating about our health systems not matching Cuba, this is a capitalist environment because this is a capitalist country and not a socialist country.

For us to be the same as Cuba, we need our governance structure and our laws around how we govern this country. We pride ourselves to be a democratic country and we have market forces where the private sector is also part of the players in this market. We cannot afford to say that we replicate Cuba in terms of how they run their health system.

Mr. Speaker, Sir, for us to succeed there, we must be able to control the prices of how much we pay our doctors and how much our health facilities charge, including the accrued medicine. If you cannot address that issue and we still enjoy the democratic space that we enjoy; where our President says that he gets abused by people, it is because we are democratic and we can afford that.

I beg to reply and thank all the Members of the Committee on Health. I also thank the secretariat of this Committee for doing a good job. This Bill covers Universal Health Care, which is a game changer for this country and it is also part of the Jubilee administration's flagship project.

I request the majority leader to second. Sorry, Mr. Speaker, Sir, I beg to reply. Thank you.

The Speaker (Hon. Lusaka): Senator, do not allow yourself to be confused.

(The Speaker consulted the Clerks-at-the Table)

Hon. Members, I will defer putting of the question on Order No.11.

(Putting of question on the Bill deferred)

We go back to Order No.10. The question had already been proposed and it has been uploaded so that we conclude to Order No. 11 and others. There is no interest. The Mover, Sen. Sakaja, to reply. Sen. Farhiya kindly hold.

(Resumption of debate on Order No.10)

MOTION

ADOPTION OF REPORT ON THE APPROVAL OF THE SENATE
NOMINEE TO THE EQUALIZATION FUND ADVISORY BOARD

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the approval of the Senate nominee to the Equalization Fund

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Advisory Board laid on the Table of the Senate today, Thursday, 2nd December, 2021 and pursuant to Standing Order No.72 (c)(iii) of the Senate Standing Orders and paragraph 4(1)(e) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021, approves Mr. Victor Ochieng' Odanga for appointment to the Equalization Fund Advisory Board.

Sen. Sakaja: Mr. Speaker, Sir, today the House is extremely efficient. Things are moving very fast. I am grateful that after the request made, the report has now been shared for Members to go through it before we vote.

The reason why there is educational requirements for people to be Senators is for us to read. If there is pressure to pass things without reading, that would be a disservice to the people we represent. We need to read these reports.

Mr. Speaker, Sir, I thank the Committee members for the work they have done led by Sen. Kibiru, Sen. (Dr.) Ochillo-Ayacko, Sen. Wetangula, Sen. Mutula Kilonzo Jr., Sen. Cheruiyot, Sen. Wamatangi, Sen. Nyamunga, Sen. Farhiya and Sen. Omanga.

This is the first time we have gone through this. A lot of things we do for the first time set precedence. If you look at Standing Order No.72 and that is why I asked for a ruling because we do not know how Members will vote.

Mr. Speaker, Sir, I seek your guidance on two things. One, when a Committee such as this sits and brings to the House one name and, unfortunately, that name is voted against, does the process start afresh? According the Act, the Clerk shall notify the appointing authority on the decision of the Senate within seven days. I asked that important question because things need to be made clear. I personally do not know any of the applicants. However, it is important for us to set the precedence of what happens in that case.

Secondly, which provision did the Committee on Finance and Budget use to bring one name before the House? Section 72(c) of the Act states that the Committee shall shortlist candidates that meet the set criteria and then facilitate public participation, conduct the vetting exercise and table its report within 14 days of the receipt of the names.

Mr. Speaker, Sir, ideally, the Committee should give the Senate at least three names from which Members can then make a decision. That notwithstanding, we are setting a precedence. Now that we have done it in this manner, moving forward, it is going always going to be done this way.

I note that the Committee has recommended a Mr. Victor Ochieng Odanga for appointment as a Senate nominee to the Equalization Fund. I do not know the gentleman that has been shortlisted, but looking at his identity card number, which is 27802734, he seems to be a young person. That is a very recent identity card number. I am very young, but my identity card number starts with 23. I am pleased that young people are getting interested in such positions.

This position is extremely important because for so many years, the Equalization Fund has not been actualized because of the regulations that were pending. It is good that we have put in place the regulations.

Many of us had an issue with the marginalization policy and not the Equalization Fund itself. My issue with the marginalization policy still exists and they will continue to exist. I hope that marginalized areas in urban areas, towns and cities will be considered in

the second round. The Equalization Fund talked about sanitation index, but there is no place with worst sanitation than the poorest of the slums in Nairobi City County yet out of the 17 constituencies, 85 wards and hundreds of slums that we have in this city, not even one has been considered marginalized.

The Equalization Fund talks about bringing up to speed areas that have been left behind in infrastructure such as roads, electricity, water and many others. The reason there is a fire incident in Gikomba or Mathare every month is because of the illegal power connections. Those people do not have a social connection of power that they can afford and pay for. Those Nairobians also have rights. However, most times, the wealth and prosperity of the rest of the city make us think that every Nairobian lives in Westlands, Lavington or Karen.

Mr. Speaker, Sir, yesterday, I went to Dandora to visit an upcoming stadium. We took a walk in the surrounding areas and if you saw the living conditions of the people in Mathare you would be left wondering why such people have been left out in a lot of the basic necessities even just a decent place to go to a toilet; that is sanitation.

I still disagree with how the Commission on Revenue Allocation (CRA) came up with the list of marginalized areas. However, that is not debate for today; we are here to debate the Senate nominee to represent the Senate in the Equalization Fund Board. I hope that the next Senator for Nairobi City County will make sure that the urban poor are represented in terms of equalization. The equalization that we are speaking about should not just look at arid areas. I know that arid areas have been left behind in certain aspects. However, there are certain people who live in urban areas who have never had access to water. There are people in urban areas who do not have electricity because they cannot afford it.

I request the appointee, if passed by the House, to serve with diligence and remember that they are serving the Senate. In the past, we have had situations where people who have been appointed to represent Parliament in the Salaries and Remuneration Commission (SRC) and other bodies, end up forgetting who they are supposed to represent.

Mr. Speaker, Sir, I can see that this report has been signed by five Members. I therefore have a lot of confidence and faith in the Members of that Committee.

I beg to support.

The Speaker (Hon. Lusaka): We shall move to divisions shortly. However, before we do so, I would like to state that must have confidence in our committees because they act on behalf of the Senate. When a Committee brings a report before the House, it is important that we respect the outcome because they are our representatives in those committees. I am sure that the Committee has a file of the applicants so that incase the first nominee does not go through; we can move to the next person on their list.

Before we proceed to the divisions of Order No.10 to Order No.16, I ask the Mover to reply.

Sen. Farhiya: Mr. Speaker, Sir, I beg to reply. I am sure that you can understand the urgency of this matter. The Equalization Fund has a lifespan of 20 years. Right now, we only have a balance of nine years. I hope that the Senate that will come in the 13th Parliament will change the Constitution to extend the timelines, if that is possible. Time

is running out on the Equalization Fund and as a result of that, we need to expedite the implementation of this Fund.

I beg fellow Senators to support this Motion. I can assure this House that there was no influence in the appointment of this nominee. It was by pure ranking by the Senators in the Committee of Finance and Budget. We settled on the highest ranking person from the interviews.

Mr. Speaker, Sir, I beg to reply.

The Speaker (Hon. Lusaka): I now Order that the orders be read from Order No.10 to Order No.16.

Hon. Senators, I now order that the bell be rung for five minutes.

(The Division Bell was rung)

I direct that the bell be rung another five minutes.

(The Division Bell was rung)

Hon. Senators, take your seats. Tellers come forward. We are voting for Orders No.10 to 16.

Vote now.

(Hon. Senators proceeded to vote by Roll Call Voting)

Sen. Linturi: I vote 'Yes' on the six Bills.

The Speaker (Hon. Lusaka): What about the Motion?

Sen. Linturi: I have not familiarized myself with it. I do not vote for what I do not know.

The Speaker (Hon. Lusaka): What is your vote on the Motion, so that it is on record? Are you abstaining?

Sen. Linturi: I will abstain.

(Roll Call voting in progress)

MOTION

ADOPTION OF REPORT ON THE APPROVAL OF THE SENATE
NOMINEE TO THE EQUALIZATION FUND ADVISORY BOARD

DIVISION

ROLL CALL VOTING

(Question, that the Senate adopts the Report of the Standing Committee on Finance and Budget on the Nominee of the Senate to the Equalization Fund Advisory Board laid on the Table of the Senate today, Thursday, 2nd December, 2021 and pursuant

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

to Standing Order No.72(c)(iii) of the Senate Standing Orders and paragraph 4(1)(e) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021, approves Mr. Victor Ochieng' Odanga for appointment to the Equalization Fund Advisory Board put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Haji Abdul, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Seneta, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisiu, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wamatangi, Kiambu County.

Teller for Ayes: Sen. Omanga.

NOES: Nil

Teller for Noes: Sen. Kwamboka

ABSENTIONS: Sen. Linturi.

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows-

AYES: 37

NOES: Nil

ABSENTIONS: 1

The "Ayes" have it.

(Question carried by 37 votes to Nil)

BILL

Second Reading

THE NATIONAL HEALTH INSURANCE FUND (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILLS NO.21 OF 2021)

DIVISION

ROLL CALL VOTING

*(Question, that the National Health Insurance Fund
(Amendment) Bill (National Assembly Bills*

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

*No.21 of 2021 be read a Second Time, put and
the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Haji Abdul, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kang'ata, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Seneta, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wamatangi, Kiambu County.

Teller for Ayes: Sen. Omanga.

NOES: Nil

Teller for Noes: Sen. Kwamboka

ABSENTIONS: Nil

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows-

AYES: 36

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 36 votes to Nil)

*(The Bill was read a Second Time and committed to a
Committee of the Whole today by leave of the House)*

BILL

Second Reading

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

DIVISION

ROLL CALL VOTING

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

(Question, that the Heritage and Museums Bill (Senate Bills No. 22 of 2021 be read a Second Time put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Haji Abdul, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kang'ata, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Seneta, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wamatangi, Kiambu County.

Teller for Ayes: Sen. Omanga.

NOES: Nil

Teller for Noes: Sen. Kwamboka

ABSENTIONS: Nil

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows-

AYES: 36

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 36 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)

BILL

Second Reading

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

DIVISION

ROLL CALL VOTING

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

(Question, that the County Oversight and Accountability Bill (Senate Bills No. 17 of 2021) be read a Second Time put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Haji Abdul, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kang'ata, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Seneta, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wamatangi, Kiambu County.

Teller for Ayes: Sen. Omanga

NOES: Nil

Teller for Noes: Sen. Kwamboka.

ABSENTIONS: Nil

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows:

AYES: 36

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 36 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)

BILL

Second Reading

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL
(SENATE BILLS NO.37 OF 2021)

DIVISION

ROLL CALL VOTING

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

*(Question, that the Intergovernmental Relations (Amendment) Bill
(Senate Bills No.37 of 2021) be read a Second Time put and the
Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Haji Abdul, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kang'ata, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Seneta, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wamatangi, Kiambu County.

Teller for Ayes: Sen. Omanga.

NOES: Nil

Teller for Noes: Sen. Kwamboka.

ABSENTIONS: Nil

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows-

AYES: 36

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 36 votes to Nil)

*(The Bill was read a Second Time and committed
to a Committee of the Whole tomorrow)*

BILL

Second Reading

THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILLS NO.38 OF 2021)

DIVISION

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

ROLL CALL VOTING

*(Question, that the County Governments (Amendment) Bill
(Senate Bills No.38 of 2021) be read a Second Time
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Haji Abdul, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kang'ata, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Seneta, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wamatangi, Kiambu County.

Teller for Ayes: Sen. Omanga.

NOES: Nil

Teller for Noes: Sen. Kwamboka

ABSENTIONS: Nil

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows-

AYES: 36

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 36 votes to Nil)

*(The Bill was read a Second Time and committed
to a Committee of the Whole tomorrow)*

BILL*Second Reading*

THE COUNTY HALL OF FAME BILL
(SENATE BILLS NO.9 OF 2021)

DIVISION

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

ROLL CALL VOTING

(Question, that the County Hall of Fame Bill (Senate Bills No.9 of 2021) be read a Second Time put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Haji Abdul, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kang'ata, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Seneta, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wamatangi, Kiambu County.

Teller for Ayes: Sen. Omanga.

NOES: Nil

Teller for Noes: Sen. Kwamboka.

ABSENTIONS: Nil

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows-

AYES: 36

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 36 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)

The Speaker (Hon. Lusaka): Sen. Olekina, proceed.

PROCEDURAL MOTION

EXTENSION OF SITTING TIME

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise to move the following simple Procedural Motion-

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

THAT, pursuant to Standing Order No.1 (3) (1), the Senate resolves to extend its Sitting today, Thursday 2nd December, 2021 until the conclusion of the business appearing in the Order Paper.

I would want to request the Senate Majority Leader to second the Procedural Motion.

The Senate Majority Leader (Sen. Poghiso): Mr. Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Speaker (Hon. Lusaka): What is your point of order, Sen. Murkomen?

Sen. Murkomen: Mr. Speaker, Sir, considering the seriousness of the business on Order No.22 and the numbers required to make sure that we pass that business, I really request that we start with Order No.22 and complete it. I understand that many of the Bills there, including mine, will also require to be passed.

We can then request the Senate Majority Leader to call us early in January, if this business has to be completed. We can come and complete the others. I am just being practical knowing who we are. By the end of the Committee Stage, we will be unable to have the numbers to pass. I am begging the Senate Majority Leader to convince the House to go that direction.

The Speaker (Hon. Lusaka): Sen. (Dr.) Zani, proceed.

Sen. (Dr.) Zani: Thank you, Mr. Speaker, Sir. We have just passed the Motion to stay until the Orders are finished. Most of these amendments are very brief. In some cases, there are no amendments. I suggest that we just continue and finish. I think we can.

The Speaker (Hon. Lusaka): What is your point of order, Sen. Sakaja?

Sen. Sakaja: Mr. Speaker, Sir, thank you. All the Bills that are scheduled here are important. In fact, I am surprised that of all the people, Sen. Murkomen wants us to skip a Bill for ‘hustlers.’

The Speaker (Hon. Lusaka): Why do you not take your seat?

Sen. Sakaja: Mr. Speaker, Sir, it is a Bill on start-ups and the Prompt Payment Bill to make sure that all the ‘hustlers’ who we are all supporting are paid promptly by the national Government and county governments.

If you look at these Bills - I can see Sen. (Dr.) Zani is very happy - they all have just one or two amendments. They are not many. Let us just do it and push. I urge all Senators wherever they are to just hold.

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Senators! I want to give direction. This is our last day and it is important we have extended time. Let us just sacrifice for the sake of this country to finish this. I direct that we start with Order No.22.

(Sen. Farhiya spoke off record)

The Speaker (Hon. Lusaka): Sen. Farhiya, I have given direction.

COMMITTEE OF THE WHOLE

(Order for Committee read)

[The Speaker (Hon. Lusaka) left the Chair]

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Kinyua) in the Chair]

**THE NATIONAL HEALTH INSURANCE FUND (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS No.21 OF 2021)**

The Temporary Chairperson (Sen. Kinyua): Hon. Members, we are starting with The National Health Insurance Fund (Amendment) Bill (National Assembly Bills No.21 of 2021).

Clauses 2-6

*(Question, that Clauses 2-6
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 7

Sen. (Dr.) Mbiti: Mr. Temporary Chairman. Sir, I beg to move-
THAT Clause 7 of the Bill be amended-

(a) in paragraph (d) by deleting the proposed new definition of the word “employer” and substituting therefor the following new definition-
“employer” means a person, national government or national government entity, county government or county government entity, firm, corporation or company who or which has entered into a contract of service with an individual.

(b) in paragraph (k) in the proposed new definition of the word “accreditation” by deleting the words “relevant body” appearing immediately after the words “provider by the” and substituting therefor the word “Board”; and

(c) in the proposed new definition of the word “health care provider” by inserting the word “promotive” immediately after the words “palliative, convalescent, preventative”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Clause 8

- Sen. (Dr.) Mbiti:** Mr. Temporary Chairman. Sir, I beg to move-
THAT Clause 8 of the Bill be amended-
- (a) in paragraph (b) in the proposed new paragraph (a) –
 - (i) by deleting subparagraph (iv) and substituting therefor the following new subparagraph-
 - (iv) funds from the national government, county governments and their respective entities for the administration of the compulsory public service employee’s insurance benefit scheme or an employer who is not a national government, a county government or their respective entities, for the administration of employee benefits;
 - (ii) in subparagraph (v) by deleting the word “funds” appearing immediately before the words “from post retirement funds” and substituting therefor the word “contributions.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 9

- Sen. (Dr.) Mbiti:** Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 9 of the Bill be amended-
- (a) in the proposed new subsection (1) by-
 - (i) deleting paragraph (d) and substituting therefor the following new paragraph –
 - (d) one person nominated by the Kenya Medical Association;
 - (ii) in paragraph (g) by deleting the word “one person” appearing immediately before the words “not being a Governor” and substituting therefor the words “two persons”;
 - (b) in the proposed new subsection (1A) by deleting the words “paragraphs (f) and (g)” appearing immediately after the words “appointed under” and substituting therefor the words “paragraphs (e), (f), (g) and (h)”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 10

- Sen. (Dr.) Mbiti:** Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 10 of the Bill be amended-
- (a) in paragraph (b) in the proposed new paragraph (c) by deleting the words “Cabinet Secretary” appearing immediately after the words “consultation with the” and

substituting therefor the words “respective regulatory bodies specified under Section 60 of the Health Act;

(b) by inserting the following new paragraph immediately after paragraph (d)-

(da) by inserting the following new subsection immediately after subsection (1)-

(2) The Board shall facilitate public participation and stakeholder engagement in the carrying out of its functions under this Act.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clauses 11-13

*(Question, that Clauses 11-13
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 14

Sen. (Dr.) Mbiti: Mr. Temporary Chairman, Sir, I beg to move-

THAT Clause 14 of the Bill be amended in the proposed new section 10 (2) by deleting the word “Bachelor’s” appearing immediately after the words “at least a” and substituting therefor the word “Master’s”.

(Question of the amendment proposed)

Clause 15

Sen. (Dr.) Mbiti: Mr. Temporary Chairman, Sir, I beg to move-

THAT Clause 15 of the Bill be amended in the proposed new section 10A by inserting the following new subsection immediately after subsection (1)-

(1A) A person is qualified for appointment as a corporation secretary under subsection (1) has been a member of the Institute of certified Public Secretaries for at least ten years and the person is in good standing with the Institute.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clauses 16-18

*(Question, that Clauses 16-18
part of the Bill, proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 19

Sen. (Dr.) Mbiti: Mr. Temporary Chairman, Sir, I beg to move:

THAT Clause 19 of the Bill be amended-

(a) in paragraph (c) by deleting subparagraph (ii);

(b) in paragraph (d) by deleting the proposed new paragraph (e) and substituting therefor the following new paragraph- (e) in the case of any other employer under subsection (1A) (c), a matching contribution equal to that which their employee is liable to contribute under subsection (1)(c) subject to section 6(c).

(c) by inserting the following new paragraph immediately after paragraph (d)-

(da) by inserting the following new subsection immediately after subsection (2)-

(2A) An employer other than the national government or county governments or their entities liable to pay a matching contribution under section 15 may be exempted from paying such matching contribution, if that employer has procured a private health insurance cover for its employees and the benefits are equal to or better than the benefits that the employees are entitled to under this Act.

(2B) An employer who intends to be exempted under subsection (2A) shall submit an application to the Board in writing together with a certificate issued by the Insurance Regulatory Authority to that employer-

(a) certifying that the respective employees have been insured by a private health insurer;

(b) specifying the details of the cover and the benefits; and

(c) specifying the validity period of the private health insurance cover.

(2C) The Board-

(a) shall determine an application under subsection (2B) within thirty days of receipt; and

(b) may grant the exemption if the Board is satisfied that the private health insurance is adequate.

(d) in paragraph (i) in the proposed new subsection (6) by deleting the word “may” appearing immediately after the words “Cabinet Secretary” and substituting therefor the word “shall”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 20

Sen. (Dr.) Mbiti: Mr. Temporary Chairman, Sir, I beg to move-

THAT Clause 20 of the Bill be amended in paragraph (f) by deleting the words “one million” appearing immediately after the words “therefor the words” in subparagraph (ii) and substituting therefor the words “five hundred thousand.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 21

Sen. (Dr.) Mbiti: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 21 of the Bill be amended-

(a) in paragraph (b) in the proposed new subsection (1) by deleting the proviso;
(b) in paragraph (c) by inserting the words “that would have been covered by the Fund” immediately after the words “pay the costs”;

(c) by inserting a new paragraph immediately after paragraph (c)-

(d) where an employer is a national government, county government or a national or county government entity, the respective accounting officer shall be personally liable for the costs that would have been covered by the Fund and incurred by the employee when seeking treatment from a contracted health care provider during the period when the contribution is due.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 22

(Question, that Clause 22 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 23

Sen. (Dr.) Mbiti: Mr. Temporary Chairman, Sir, I beg to move-

THAT Clause 23 of the Bill be amended by deleting the words “by the youth” appearing immediately after the words “inserting the words” and substituting therefor the words “by unemployed persons”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clauses 24 and 25

*(Question, that Clauses 24 and 25 be
part of the Bill, proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 26

- Sen. (Dr.) Mbiti:** Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 26 of the Bill be amended in paragraph (c) by-
- (a) deleting the proposed subsection (3) and substituting therefor the following new subsections-
 - (3) The Board shall, in consultation with the Cabinet Secretary, prescribe benefits payable from the Fund including benefits available with respect to emergency treatment for-
 - (a) primary angioplasty;
 - (b) thrombolysis;
 - (c) thrombolysis and rescue angioplasty; or
 - (d) such other treatment as the Board may determine.
 - (3A) The benefits payable from the Fund shall be subject to such limits, and conditions as the Board may prescribe in regulations.
 - (b) deleting the proposed new subsection (3B) and substituting therefor the following new subsections-
 - (3B) The Board shall, every two years, carry out a review of the applicable tariffs payable to the Fund under section 15 and payable out of the Fund to empaneled contracted health care providers.
 - (3C) The Board shall use the approved risk spreading mechanism, approved claims administration services on benefits of outpatient, inpatient and on employees' benefits scheme as provided for under sections 3(iv) and (v), 15, 22 and 43.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 27

- Sen. (Dr.) Mbiti:** Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 27 of the Bill be amended in the proposed new section 23 by-
- (a) renumbering the provision as subsection (1); and
 - (b) inserting the following new subsection immediately after subsection (1)-
 - (2) The Board shall make regulations for the better carrying out of the provisions of this section.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clauses 28-32

(Question, that Clauses 28-32 be part of the Bill, proposed)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 33

Sen. (Dr.) Mbiti: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 33 of the Bill be amended-

(a) paragraph (b) in the proposed new subsection (1) by deleting the words “accreditation bodies” and substituting therefor the words “regulatory bodies specified under section 60 of the Health Act”.

(b) by deleting paragraph (d) and substituting therefor the following paragraph-

(c) deleting subsection (3) and substituting therefor the following new subsections-

(3) The Board may, at any time, revoke any empanelment under this section.

(3A) Where the Board intends to revoke the empanelment of a health provider under subsection (3), the Board shall notify the health care provider of the intended revocation, in writing, setting out the reasons for revocation of empanelment.

(3B) A health provider may, upon receiving a notification under subsection (3A) submit a written response to the notification within seven days.

(c) by deleting paragraph (e) and substituting therefor the following new paragraph-

(e) inserting the following new subsections immediately after subsections (3) –

(4) A healthcare provider whose empanelment has been revoked under this section may apply to the Board for the review of the revocation in the first instance and, if dissatisfied by the decision of the Board upon review, appeal to the High Court against the revocation.

(5) The Board shall cause the name of every healthcare provider whose empanelment is revoked to be published in the Gazette and in at least three newspapers with nationwide circulation.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 34

(Question, that Clause 34 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 35

Sen. (Dr.) Mbiti: Mr. Temporary Chairman, Sir, I beg to move-

THAT Clause 35 of the Bill be amended in paragraph (c) by deleting the words “one million shillings or to imprisonment for a term not exceeding twenty-four months”

appearing immediately after the words “therefor the words” and substituting therefor the words “one hundred thousand shillings or to imprisonment for a term not exceeding six months”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 36

Sen. (Dr.) Mbiti: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 36 of the Bill be amended by-
(a) by inserting the following new paragraph immediately before paragraph (a)-
(Aa) in paragraph (a) by inserting the words “on the advice of the Central Bank of Kenya” immediately after the words “a reputable bank”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clauses 37 and 38

*(Question, that Clauses 37 and 38 be
part of the Bill, proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 39

Sen. (Dr.) Mbiti: Mr. Temporary Chairman, Sir, I beg to move-
THAT the Bill be amended by deleting clause 39 and substituting therefor the following new clause-

Amendment of section 38
of No. 9 of 1998.

39. The principal Act is amended by deleting section 38 and substituting therefor the following new section-
Annual reports.

38. (1) The Board shall, within three months after the end of each financial year, prepare and submit to the Cabinet Secretary a report of the operations of the Board for the immediately preceding year.

(2) The Cabinet Secretary shall, within three months of submission of the report under subsection (1), transmit the report to Parliament.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clauses 40-43

*(Question, that Clauses 40-43
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 44

Sen. (Dr.) Mbiti: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 44 of the Bill be amended by deleting the proposed new section 45A and substituting therefor the following new sections-

Application of Cap
487.

45A. The provisions of the Insurance Act shall apply to the Fund only in respect to risk spreading and claims administration services.

Application of No. 3
of 1997.

45B. The provisions of the Retirement Benefits Act shall apply to Fund only with respect to post-retirement medical contributions.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clauses 45-47

*(Question, that Clauses 45-47
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.
The Chairperson, please, approach the Chair.

*(Sen. (Dr.) Mbiti consulted with the Temporary
Chairperson (Sen. Kinyua))*

New Clause 26A

Sen. (Dr.) Mbiti: Mr. Temporary Chairperson, I beg to move-
THAT the Bill be amended by inserting the following new clause
immediately after Clause 26 –

Insertion of new Section 22A
in No.9 of benefits

26A. The principal Act is amended by inserting the following new
section immediately after section 22.

Non-withdrawal of benefits 22A. (1) The Board shall not withdraw the
benefits of a person undergoing treatment for chronic illness.

(2) The Board shall in making regulations for determining benefits under
the Fund ensure that the Fund shall meet the costs of contributor accessing inpatient
services at any empaneled health care provider.

(Question of the New Clause 26A proposed)

(New Clause 26A read a First Time)

*(Question that New Clause 26A
be read a Second Time proposed)*

*(Question that New Clause 26A
be part of the Bill proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

The Title and Clause 1

*(Question that the Title and Clause 1 be
part of the Bill proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.
Hon. Members, we are going to do schedules for all the other Bills then Division for all of them at a later stage.

COMMITTEE OF THE WHOLE

THE NATURAL RESOURCES (BENEFIT SHARING) BILL
(SENATE BILLS NO. 25 OF 2020)

The Temporary Chairperson (Sen. Kinyua): Members, we are now at The Natural Resources (Benefits Sharing) Bill (Senate Bills No.25 of 2020).
Chairperson, Sen. Mwangi, please, approach the Chair.

*(Sen. Mwangi consulted with the Temporary
Chairperson (Sen. Kinyua))*

Clauses 3-9

*(Question that Clauses 3-9
be part of the Bill proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 10

Sen. Mwangi: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 10 of the Bill be amended-

- (a) by inserting the following new sub clause immediately after sub clause (2)—
(3A) The members of the County Benefit Sharing Committee elected under subsection (2) (d) shall serve for one single term of five years.
- (b) In Sub clause (4) by deleting the expression “(2) (c)” appearing immediately after the words “elected under subsection” and substituting therefor the expression “(2) (d)”.
- (c)

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 11

(Question that Clause 11 be part of the Bill proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 12

Sen. Mwangi: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 12 of the Bill be amended in sub clause (2) by deleting the words “county and local community” appearing immediately after the word “Each”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 13

Sen. Mwangi: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 13 of the Bill be amended-

- (a) in sub clause (1) by inserting the words “two of whom shall be of the opposite gender” immediately after the words “of five persons”; and
- (b) by deleting sub clause (6) and substituting therefor the following new sub clause-

(6) The local community benefit sharing forum shall ensure that the respective local community benefits from the exploitation of natural resources and shall, for this purpose-

- (a) collect and collate the views of the local community and represent the interests of the local community in the negotiations with the respective County Benefit Sharing Committee and in the implementation of a Benefit Sharing Agreement;
- (b) in consultation with the local community, identify local community projects to be supported by money allocated to the local community by the County Benefit Sharing Committee under this Act; and
- (c) oversee the implementation of projects undertaken in the relevant local community using funds devolved under this Act.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 14

(Question, that Clause 14 be part of the Bill proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Clause 15

Sen. Mwangi: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 15 of the Bill be amended by deleting sub clause (2).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clauses 16-19

*(Question, that Clauses 16-19
be part of the Bill proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 2

Sen. Mwangi: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 2 of the Bill be amended in the definition of the word “benefit sharing agreement” by inserting the words “the exploitation of” appearing immediately after the words “revenue accruing from”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

The Title and Clause 1

*(Question that the Title and Clause 1
be part of the Bill proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.
We will now go to The Co-operative Societies (Amendment) Bill (Senate Bills No.11 of 2020).

Sen. Farhiya, Kindly approach the Table.

*(Sen. Farhiya consulted with the
Temporary Chairperson (Sen. Kinyua))*

COMMITTEE OF THE WHOLE

THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL
(SENATE BILLS NO.11 OF 2020)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Clause 3

Sen. Farhiya: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 3 of the Bill be amended in the proposed new section 2A by deleting paragraph (h).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clauses 4 and 5

(Question that Clauses 4 and 5 be part of the Bill proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 6

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-
THAT Clause 6 of the Bill be amended in the proposed new section 6 by –
(a) deleting the marginal note and substituting therefor the following new marginal note – Procedure for registration of a co-operative union or apex society.
(b) deleting subsection (2);
(c) deleting the words-
(i) “or (2)” appearing immediately after the words “under subsection (1) in the introductory clause of subsection (3); and
(ii) “or county executive committee member” appearing immediately after the words “as the Commissioner” in subsection (3) (g);
(d) deleting the words “or county executive committee member” appearing immediately after the words “The Commissioner” in subsection (4);
(e) deleting the words “or the county executive committee member” appearing immediately after the words “Where the Commissioner” in subsection (5).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 7

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-
THAT Clause 7 of the Bill be amended in the proposed new section 6A by –
(a) renumbering the subsection appearing immediately before subsection (2) as subsection (1);

(b) deleting the introductory clause in subsection (1) and substituting therefor the following new introductory clause –

(1) The Commissioner or director may reject an application for registration or pre-registration of a cooperative society where -

(c) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in subsection (2) and substituting therefor the words “director as the case may be.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 8

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT, Clause 8 of the Bill be amended –

(a) in paragraph (a) by deleting the proposed new subsection (1) and substituting therefor the following new subsection –

(1) If the Commissioner or director is not satisfied that an apex society, co-operative union or primary society, as the case may be, has not complied with this Act and is of the opinion that steps may be taken to comply with this Act, the Commissioner may provisionally register the society or union for a period not exceeding one year on such terms and conditions as the Commissioner may specify in writing.

(b) in paragraph (b) by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (2) and substituting therefor the word “director”;

(c) in paragraph (c) by –

(i) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (4) and substituting therefor the word “director”;

(ii) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (4B) and substituting therefor the word “director”; and

(iii) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (4C)(a) and substituting therefor the word “director”; and

(d) in paragraph (d) by deleting the words “or the county executive committee member” appearing in the introductory clause in the proposed new subsection (5) and substituting therefor the word “director.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 9

- Sen. Farhiya:** Mr. Temporary Chairperson, Sir, I beg to move-
THAT, Clause 9 of the Bill be amended in the proposed new section 7A by –
- (a) deleting the words “or the county executive committee member” appearing immediately after the words “the Commissioner” in subsection (1);
 - (b) inserting the following new sub clause immediately after subsection (1) –
(1A) A director may make a recommendation to the Commissioner for the suspension or cancellation of registration of a primary society where the society meets the conditions for suspension or cancellation of registration under subsection (1).
 - (c) deleting the words “or the county executive committee member” appearing immediately after the words “society the Commissioner” in the introductory clause in subsection (2);
 - (d) deleting the introductory clause in subsection (3) and substituting therefor the following new introductory clause-
(2) Where the Commissioner makes an order for the suspension or cancellation of registration of a co-operative society, the Commissioner shall specify-
 - (e) deleting the words “or the county executive committee member” appearing immediately after the words “the Commissioner” in subsection (4).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 10

- Sen. Farhiya:** Mr. Temporary Chairperson, Sir, I beg to move-
THAT, the Bill be amended by deleting clause 10 and substituting therefor the following new clause -
- 10.** Section 8 of the principal Act is amended –
- (a) by deleting subsection (2) and substituting therefor the following new subsection –
(2) A co-operative society which intends to amend its by-laws shall submit to an application to amend the by-laws in the prescribed form together with the proposed amendment, -
Commissioner; or
(b) in the case of an apex society or co-operative union, to the
(b) in the case of a primary society, to the director.
(b) in subsection (3) by inserting the words “or director as the case may be” immediately after the words “If the Commissioner”;
 - (c) by inserting the following new sub clause immediately after sub clause (3) –
(A3) If the director is satisfied that the amendment by a primary society to its by-laws is not contrary to this Act, the director shall register the amendment

and submit information relating to the registration, in the prescribed form, to the Commissioner for purposes of updating the register.

(c) in subsection (3A) by inserting the words “or director” immediately after the words “The Commissioner”; and

(d) in subsection (5) by inserting the words “or director” immediately after the words “the Commissioner”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 11

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-
THAT, Clause 11 of the Bill be amended in the proposed new section 9 by deleting the words “county executive committee member” appearing immediately after the words “decision of the” in the introductory clause in subsection (2) and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 12

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-
THAT, Clause 12 of the Bill be amended by deleting the words “county executive committee member” appearing immediately after the words “inserting the words or” and substituting therefor the words “director’s”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 13

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-
THAT the Bill be amended by deleting clause 13 and substituting the following new clause –

13. Section 11 of the principal Act is amended –

(a) by deleting subsection (1) and substituting therefor the following new subsection -

(1) A certificate of registration or provisional registration signed by the Commissioner or pre-registration signed by the director shall be conclusive evidence that the society is duly registered, provisionally registered or pre-registered.

(b) in subsection (4) by inserting the words “or director” immediately after the words “by the Commissioner”;

(c) in subsection (5) by inserting the words “or director” immediately after the words “by the Commissioner”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 14

(Question, that Clause 14 be part of the Bill proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 15

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-
THAT, Clause 15 of the Bill be amended-

- (a) by inserting the following new paragraph immediately before paragraph (a) -
 - (aa) in subsection (4) by inserting the words “respective directors” immediately after the words “in consultation with the”
- (b) deleting paragraph (a) and substituting therefor the following new paragraph –
 - (a) in subsection (5) by inserting the words “or director as the case may be immediately after the words “appointed the Commissioner”;
- (c) in paragraph (b) by deleting the words “county executive committee member” appearing immediately after the words “society to the” in the proposed new subsection (7)(b) and substituting therefor the word “director”;
- (d) in paragraph (d) in the proposed new subsection (10)(b) by deleting the words “county executive committee member” appearing immediately after the words “society to the” and substituting therefor the word “Director”; and
- (e) by deleting paragraph (e) and substituting therefor the following new paragraph –
 - (e) in subsection (11) by inserting the words “or director as the case may be” immediately after the words “unless the Commissioner”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 16

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT, Clause 16 of the Bill be amended by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 17

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT, Clause 17 of the Bill be amended-

(a) in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “society or the” and substituting therefor the word “director”;

(b) in paragraph (b) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”; and

(c) in paragraph (c) by deleting the proposed new subsection (10) and substituting therefor the following new subsection -

(10) The Commissioner or the director, as the case may be, or a person nominated by the Commissioner or the director, may preside at any meeting convened under subsection (8).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 18

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT, Clause 18 of the Bill be amended

(a) by deleting paragraph (a);

(b) in paragraph (b)-

(i) by deleting the words “county executive committee member” appearing immediately after the words “society or to the” in subparagraph (i) and substituting therefor the word “director”; and

(ii) by deleting the words “county executive committee member” appearing immediately after the words “society or the” in subparagraph (ii) and substituting therefor the word “director” ;

(c) in paragraph (c) by deleting the words “county executive committee member” appearing immediately after the words “society or the” and substituting therefor the word “director”.

(Question of the amendment proposed)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 19

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-
THAT, Clause 19 of the Bill be amended-

(a) in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “the words or the” and substituting therefor the word “director”;

(b) in paragraph (b) by-

(i) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (8A) and substituting therefor the word “director” ;

(ii) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the introductory clause of the proposed new subsection (8C) and substituting therefor the word “director” ;

(iii) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (8D) and substituting therefor the word “director” ; and

(iv) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (8E) and substituting therefor the word “director” ;

(c) in paragraph (d) by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (10) and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 20

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-
THAT, Clause 20 of the Bill be amended-

(a) in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “words or the” in subparagraph (ii) and substituting therefor the word “director”;

(b) in paragraph (c) by-

(i) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (8A) and substituting therefor the word “director”;

(ii) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the introductory clause of the proposed new subsection (8C) and substituting therefor the word “director”;

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

(iii) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (8D) and substituting therefor the word “director”;

(iv) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (8E) and substituting therefor the word “director”;

(c) in paragraph (e) by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (10) and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 21

*(Question, that Clause 21 be part
of the Bill proposed)*

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 22

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT, Clause 22 of the Bill be amended-

(a) in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the words “or the director”;

(b) in paragraph (b) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”;

(c) by deleting paragraph (c) and substituting therefore the following new paragraph-

(d) in subsection (5) by deleting the introductory clause and substituting therefor the following new introductory clause –

(5) Where an agent claims to be or to have become unable to comply with subsection (3) by reason of lack of moneys held by or due from him, he shall give a written notification to the Commissioner or the director stating the reasons for his inability and the Commissioner or the director may —

(d) in paragraph (d) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 23

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT, Clause 23 of the Bill be amended in the proposed new section 51-

(a) by deleting the words “county executive committee member” appearing immediately after the words “register with the” in subsection (2) and substituting therefor the word “director” ; and

(b) by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in subsection (3) and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 24

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT, Clause 24 of the Bill be amended-

(a) in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”;

(b) in paragraph (b) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”; and

(c) in paragraph (c) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 25

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT, Clause 25 of the Bill be amended by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Clause 26

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT, clause 26 of the Bill be amended in the proposed new section 54 by –

(a) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in subsection (1) and substituting therefor the word “director”;

(b) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in subsection (2) and substituting therefor the word “director”; and

(c) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in subsection (3) and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 27

(Question, that Clause 27 be part of the Bill proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 28

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT, Clause 28 of the Bill be amended –

(a) in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (1) and substituting therefor the word “director”;

(b) in paragraph (b) by deleting the words “county executive committee member” appearing immediately after the words “resolution request the” in the proposed new subsection (1B) and substituting therefor the word “director”;

(c) in paragraph (c) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”; and

(d) in paragraph (d) by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new introductory clause to subsection (4) and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 29

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-
THAT, the Bill be amended by deleting Clause 29 and substituting therefor the following new clause-

Amendment of
section 59 of No. 12 of
1997.

29. Section 59 of the principal Act is amended –
in subsection (1) by -

(i) inserting the words “or the director as the case may be” immediately after the words “The Commissioner” in the introductory clause;

(ii) inserting the words “or the Director” immediately after the words “satisfies the Commissioner” in paragraph (a); and

(iii) deleting paragraph (b) and substituting therefor the following new paragraph –

(b) the applicant deposits with the Commissioner or the director such sum as security for the expenses of the inspection as the Commissioner or the director may require.

(b) in subsection (2) by inserting the words “or the director as the case may be” immediately after the words “The Commissioner”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 30

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-
THAT, Clause 30 of the Bill be amended by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new sub clause (1) and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 31

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT, Clause 31 of the Bill be amended by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 32

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT clause 32 of the Bill be amended-

(a) in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the introductory clause of the proposed new sub clause (1) and substituting therefor the word “director”;

(b) in paragraph (d) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”; and

(c) in paragraph (e) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clauses 33-35

*(Question that Clauses 33-35
be part of the Bill proposed)*

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 36

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT, Clause 36 of the Bill be amended in the proposed new section 65 by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 37

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT, Clause 37 of the Bill be amended-

(a) in paragraph (b) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”;

(b) in paragraph (c) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”; and

(c) in paragraph (d) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 38

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT, Clause 38 of the Bill be amended in the proposed new section 67 by

-
(a) deleting subsection (2) and substituting therefor the following new subsection-

(2) The director shall open and administer a co-operative societies liquidation account for primary societies with such bank as the director may determine.

(b) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the introductory clause in subsection (3) and substituting therefor the word “director”;

(c) deleting subsection (3) appearing immediately before subsection (4) and substituting the following new subsection-

(3A) The Commissioner or the director, as the case may be, may utilize the funds in the co-operative societies liquidation account to pay distribution or unpaid claims which have been certified.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 39

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT, Clause 39 of the Bill be amended-

(a) in paragraph (a)-

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

(i) by deleting the proposed new subsection (1) and substituting therefor the following new subsection.

(1) The liquidator shall exercise his powers subject to the guidance and control of the Commissioner or the director, as the case may be, and to any limitations imposed by the Commissioner or the Director.

(ii) in the proposed new subsection (1A) by-

(A) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the introductory clause and substituting therefor the word “Director”;

(B) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in paragraph (e) and substituting therefor the word “Director”;

(b) in paragraph (b) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 40

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT, Clause 40 of the Bill be amended by deleting the words “county executive committee member” appearing immediately after the words “the words the” and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Clause 41

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT, Clause 41 of the Bill be amended in the proposed new subsection 71 by-

(a) deleting the words “county executive committee member as the case may be” appearing immediately after the words “Commissioner or the” in subsection (1) and substituting therefor the word “director”; and

(b) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in subsection (2) and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): The Division will be at the end.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Clause 42

*(Question that Clause 42
be part of the Bill proposed)*

The Temporary Chairperson (Sen. Kinyua): Division at the end.

Clause 43

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I move-
THAT Clause 43 of the Bill be amended-

(a) in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”;

(b) by deleting paragraph (b) and substituting therefor the following new paragraph-

(b) by deleting subsection (2) and substituting therefor the following new subsection –

(2) The Commissioner or the director may, upon inquiry under subsection (1), make an order requiring the person –

(a) to repay the money or restore the property or any part thereof to the co-operative society together with interest as the Commissioner or the director may determine; or

(b) to contribute such sum to the assets of the cooperative society by way of compensation as the Commissioner or the director shall consider just.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division at the end.

Clause 44

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT Clause 44 of the Bill be amended by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division at the end.

Clause 45

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT Clause 45 of the Bill be amended by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division at the end.

Clause 46

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-
THAT Clause 46 of the Bill be amended in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new paragraph (d) and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division at the end.

Clause 47

(Question, that Clause 47 be part of the Bill proposed)

The Temporary Chairperson (Sen. Kinyua): Division at the end.

Clause 48

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-
THAT Clause 48 of the Bill be amended in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “reference by the” in the proposed new subsection (2) and substituting therefor the words “Commissioner, director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division at the end.

Clauses 49-58

*(Question, that Clauses 49-58
be part of the Bill proposed)*

The Temporary Chairperson (Sen. Kinyua): Division at the end.

Clauses 59

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-
THAT Clause 59 of the Bill be amended-

- (a) in paragraph (b)-
 - (i) by deleting the words “county executive committee member” appearing immediately after the words “words or the” in subparagraph (ii) and substituting therefor the word “director”;
 - (ii) by deleting the words “county executive committee member” appearing immediately after the words “words or the” in subparagraph (iii) and substituting therefor the word “director”;
 - (b) in paragraph (c) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division at the end.

Clauses 60 and 61

(Question, that Clauses 60 and 61 be part of the Bill proposed)

The Temporary Chairperson (Sen. Kinyua): Division at the end.

Clause 62

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move:
THAT Clause 62 of the Bill be amended in paragraph (c) by deleting the words “county executive committee member” appearing immediately after the words “The respective” in the proposed new subsection (2) and substituting therefor the word “director”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clauses 63 and 64

*(Question, that Clauses 63 and 64
be part of the Bill proposed)*

The Temporary Chairperson (Sen. Kinyua): Division at the end.

New Clause 4A

The Temporary Chairperson (Sen. Kinyua): Sen. Farhiya approach the Chair.

(Sen. Farhiya approached the Chair)

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-
THAT the Bill be amended by inserting the following new clause
immediately after Clause 4-

Insertion of new section 4A

in No.12 of 1997.

4A. The principal Act is amended by inserting the
following new section immediately after section 3-

County director

of cooperatives.

3A. (1) There shall be an Office of the County
Director of Cooperatives which shall be an office within the county
public service.

(2) The Office shall consist of-

(a) a director who shall be designated by the respective county
executive committee member from amongst the public officers within
the county public service; and

(b) such other county public officers designated by the county
executive committee member as shall be necessary for the effective
performance of the Office.

(3) A county executive committee member shall, in designating a
public officer under subsection (2)(a) ensure that such person has
knowledge and experience in the administration and management of
cooperatives.

(Question of New Clause 4A proposed)

(New Clause 4A read the First Time)

(Question that New Clause 4A be read a Second Time proposed)

(Question that New Clause 4A be part of the Bill proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

New Clause 5A

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-
THAT the Bill be amended by inserting the following new clause immediately
after clause 5-

Insertion of new section 7A

in No. 12 of 1997.

5A. The principal Act is amended by inserting the following new section immediately after section 6-

Registration of a primary society.

6A. (1) An application to register a primary society shall be made to the Director in the prescribed form and signed by at least ten persons qualified to be members of the society under section 14.

(2) An application for registration under subsection (1) shall be submitted together with –

(a) the prescribed fee;

(b) minutes of the meeting of members;

(c) four copies of the proposed by laws of the co-operative society;

(d) information on the names, addresses and signatures of the members of the society;

(e) proof that the members have met the requirements for membership under this Act; and

(f) such other information as the director may require.

(3) The Director shall within twenty-one days of receipt of the application under subsection (1) carry out pre-registration procedures including –

(a) sensitizing applicants on legal requirements for registration;

(b) facilitating applicants to fill in any forms required for registration; and

(c) verifying that the registration documents are conform to any conditions set by this Act or the Commissioner.

(4) The Director shall submit an application under subsection (1) to the Commissioner together with a recommendation-

(a) for the registration of the society; or

(b) for the rejection of the application for registration of the society

(5) Where the Director intends to recommend to the Commissioner that an application for registration not be granted under this section, the Director shall inform the applicant, in writing of the recommendation.

(6) An applicant who is notified of the recommendation of the respective Director under subsection (5) may lodge an objection with the Commissioner within seven days responding to the recommendation against registration.

(6) The Commissioner shall consider the information received under subsection (4) within fourteen days and shall, if satisfied that the society meets the requirements for registration under this Act, register the society.

(Question of New Clause 5A proposed)

(New Clause 5A read the First time)

(Question that New Clause 5A be read a Second Time proposed)

(Question that New Clause 5A be part of the Bill proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

The Schedule

(Question that the Schedule be part of the Bill proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 2

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move-

THAT Clause 2 of the Bill be amended in paragraph (c) by inserting the following new definition immediately after the definition of the word “county executive committee member” –

“director” means the county director of co-operatives appointed under section 3A of this Act.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

The Title and Clause 1

*(Question, that the Title and Clause 1
be part of the Bill proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

COMMITTEE OF THE WHOLE

THE COUNTY VOCATIONAL EDUCATION AND
TRAINING BILL (SENATE BILLS NO.6 OF 2021)

The Temporary Chairperson (Sen. Kinyua): Hon. Senators, we now move to The County Vocational Education and Training Bill (Senate Bills No.6 of 2021). Chairperson of the Committee on Education, kindly, approach the Table.

*(Sen. (Dr.) Milgo consulted with the
Temporary Chairperson (Sen. Kinyua))*

Clause 3

Sen. (Dr.) Milgo: Mr. Temporary Chairman, Sir, I beg to move-

THAT Clause 3 of the Bill be amended in paragraph (b) by deleting the words “special needs” appearing immediately after the words “trainees with” and substituting therefor the word “disability”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 4

Sen. (Dr.) Milgo: Mr. Temporary Chairman, Sir, I beg to move—

THAT Clause 4 of the Bill be amended—

(a) in paragraph (d) by inserting the words “in collaboration with the respective county executive committee members” immediately after the words “training and education”; and

(b) by inserting the following new paragraph immediately after paragraph (m)—

(n) registration and accreditation of private vocational and education training centres in collaboration with the respective county executive committee members.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 5

Sen. (Dr.) Milgo: Mr. Temporary Chairman, Sir, I beg to move—

THAT Clause 5 of the Bill be amended —

(a) in paragraph (a) by deleting the words “procure and” appearing immediately before the words “put in place”;

(b) in paragraph (f) by deleting the words “special needs” appearing immediately after the words “trainees with” and substituting therefor the word “disability”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 6

(Question, that Clause 6 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 7

Sen. (Dr.) Milgo: Mr. Temporary Chairman, Sir, I beg to move—

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

THAT clause 7 of the Bill be amended—

(a) in the marginal note by deleting the words “special needs” and substituting therefor with the word “disability”;

(b) by deleting sub-clause (1) and substituting therefor the following new clause—

(1) Each county executive committee member shall, in consultation with the National Council for Persons with Disabilities established under section 3 of the Persons with Disabilities Act, establish a mechanism for the identification of trainees with disabilities and put in place such measures as may be necessary to ensure access to and provision of vocational education and training to trainees with disabilities.

(c) in sub-clause (2) by –

(i) deleting the words “special needs” appearing immediately after the words “that trainees with” in paragraph (a) and substituting therefor the word “disability”;

(ii) deleting the words “special needs” appearing immediately after the words “for trainees with” in paragraph (b) and substituting therefor the word “disability”;

(iii) deleting the words “special needs” appearing immediately after the words “by persons with” in paragraph (c) and substituting therefor the word “disability”;

(iv) deleting the words “special needs” appearing immediately after the words “to trainees with” in paragraph (d) and substituting therefor the word “disability”;

(v) deleting the words “special needs” appearing immediately after the words “to trainees with” in paragraph (e) and substituting therefor the word “disability”;

(vi) deleting the words “special needs” appearing immediately after the words “for trainees with” in paragraph (f) and substituting therefor the word “disability” and

(d) in sub-clause (3) by deleting the words “special needs” appearing immediately after the words “of trainees with” and substituting therefor the word “disabilities”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 8

(Question, that Clause 8 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 9

Sen. (Dr.) Milgo: Mr. Temporary Chairman, Sir, I beg to move—
 THAT the Bill be amended by deleting clause 9 and substituting therefor the following new clause—

Establishment of public
 county vocational
 education and training
 centres.

9. Each county government shall, in consultation with the relevant stakeholders, establish and maintain such vocational education and training centres as it may consider necessary.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 10

Sen. (Dr.) Milgo: Mr. Temporary Chairman, Sir, I beg to move—
 THAT clause 10 of the Bill be amended by deleting sub-clause (3).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clauses 11-13

*(Question, that Clauses 11-13
 be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 14

Sen. (Dr.) Milgo: Mr. Temporary Chairman, Sir, I beg to move—
 THAT clause 14 of the Bill be amended in paragraph (c) by deleting the words “special needs” appearing immediately after the words “into account the” and substituting therefor the word “disability”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clauses 15-20

*(Question that Clauses 15-20 be
 part of the Bill, proposed)*

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 21

Sen. (Dr.) Milgo: Mr. Temporary Chairman, Sir, I beg to move—
THAT clause 21 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “Governor” appearing immediately after the words “the Board of” and substituting therefor the word “management”;

(b) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

(3) The membership of the Board shall comprise—

(a) six persons elected to represent parents of the trainees in the centre or local community;

(b) one person nominated by the County Education Board;

(c) one representative of the teaching staff elected by centre instructors;

(d) three representatives of the sponsors of the centre;

(e) one person to represent special interest groups in the community; and

(f) one person to represent persons with disability.

(c) in sub-clause (4) by deleting the word “county” appearing immediately after the words “a notice in the”; and

(d) by inserting the following new sub-clause immediately after sub-clause (4)—

(5) The county executive committee member shall, in appointing the members under subsection (3), take into account the need to ensure gender and ethnic representation.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clauses 22-28

*(Question that Clauses 22-28
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 29

Sen. (Dr.) Milgo: Mr. Temporary Chairman, Sir, I beg to move—
THAT clause 29 of the Bill be amended in sub-clause (1) —

(a) by deleting the word “manager” appearing immediately after the words “not employ a” in the introductory clause and substituting therefor the word “principal”;

(b) by inserting the following new paragraphs immediately after paragraph (a)—

(aa) has a degree from a recognized university in Kenya;

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

(ab) has at least seven years' experience as a teacher;
(ac) has at least three years' experience in management or administration in the case of a principal or two years' experience in in the case of an instructor;

(c) by deleting the words "in case of a manager, has at least three years' experience in management or administration;" appearing immediately after the words "least twelve months" in paragraph (d).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clauses 30

(Question, that Clause 30 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 31

Sen. (Dr.) Milgo: Mr. Temporary Chairman, Sir, I beg to move—
THAT clause 31 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

(1) A vocational education and training centre registered under this Act shall offer programmes up to craft level.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clauses 32-38

(Question that Clauses 32-38 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 2

Sen. (Dr.) Milgo: Mr. Temporary Chairman, Sir, I beg to move that—
THAT clause 2 of the Bill be amended—

- (a) by deleting the definition of the word "manager";
- (b) by deleting the definition of the word "special vocational education and training centre";
- (c) by deleting the definition of the word "trainees with special needs"
- (d) by deleting the definition of the word "transition certificate"; and
- (e) by inserting the following new definitions in their proper alphabetical sequence—

“principal” means the administrator of a vocational education and training centre who is responsible for the implementation of policy guidelines and professional practice in a vocational education and training centre;

“trainee with disability” means a trainee whose mental characteristics, sensory abilities, physical characteristics, emotional and social adjustment or communication abilities are under-developed and include trainees who suffer from long-term disabilities that affect the body or emotions to the extent that learning growth and development is affected; and

“transitional certificate” means a certificate issued under section 34(4).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

The Title and Clause 1

*(Question, that the Title and Clause 1
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

COMMITTEE OF THE WHOLE

THE PROMPT PAYMENT BILL (SENATE BILLS NO.16 OF 2021)

The Temporary Chairperson (Sen. Kinyua): Hon. Senators, we are done with that one. Now, we are at the Prompt Payment Bill (Senate Bills No.16 of 2021).

Clause 3

Sen. Farhiya: Mr. Temporary Chairman, Sir, I beg to move-
THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following New Clause-

Application of the Act. No.
33 of 2015.

3. This Act shall apply to payment due for all goods, works, and services procured by private entities, the national government, county governments and any other entity specified as a public entity under section 2 of the Public Procurement and Asset Disposal Act.

(Question of the amendments proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Clause 4

Sen. Farhiya: Mr. Temporary Chairman, Sir, I beg to move:

THAT Clause 4 of the Bill be amended-

(a) in subsection (2) by inserting the words —the full contract price andl immediately after the words —sections 5 and 6, payll;

(b) in subsection (4)-

(i) by inserting the word “full” immediately after the word “the” appearing at the beginning of paragraph (a);

(ii) by inserting the word “full” immediately after the word “the” appearing at the beginning of paragraph (b); and

(iii) by inserting the word “full” immediately after the word “the” appearing at the beginning of paragraph (c).

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 5

(Question, that Clause 5 be part of the Bill proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 6

The Temporary Chairperson (Sen. Kinyua): In Clause 6, I invite Sen. Farhiya in her capacity as Senator and not as the Chairperson, because she has an amendment.

Sen. Farhiya: Mr. Temporary Chairman, Sir, I beg to move-

THAT, Clause 6 of the Bill be amended by deleting sub-clause (2).

(Question of the amendments proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clauses 7-11

*(Question, that Clauses 7-11
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 2, the Title and Clause 1

*(Question, that Clause 2, the Title and Clause 1
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

COMMITTEE OF THEWHOLE

THE START-UP BILL (SENATE BILLS NO.1 OF 2021)

The Temporary Chairperson (Sen. Kinyua): We now move to the Startup Bill (Senate Bills No.1 of 2021).

Clauses 3-7

*(Question, that Clauses 3, 4, 5, 6 and 7
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clause 8

Sen. Farhiya: Mr. Temporary Chairman, Sir, I beg to move-
THAT, Clause 8 of the Bill be amended in sub clause (1)(b) by-
(a) deleting the word “seven” appearing immediately after the words “not more than” in subparagraph (i) and substituting therefor the word “three”; and
(b) deleting the word “ten” appearing immediately after the words “be up to” appearing in subparagraph (ii) and substituting therefor the word “five.”

(Question of the amendments proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

Clauses 9-20

*(Question, that Clauses 9-20
be part of the Bill, proposed)*

The Chairperson (Sen. Kinyua): Division will be at the end.

Clauses 21-31

*(Question that Clauses 21-31
be part of the Bill, proposed)*

The Chairperson (Sen. Kinyua): Division will be at the end.

Clause 2

Sen. Farhiya: Mr. Temporary Chairman, Sir, I beg to move:-
THAT Clause 2 of the Bill be amended-
(a) by deleting the definition of the word “startup incubator”;
(b) in the definition of the word “startup” by deleting the word “an” appearing immediately after the words “startup includes” and substituting therefor the words “a technology-based”; and
(c) by inserting the following new definition immediately after the definition of the word “startup”-

"startup incubator" means a company, partnership, non-governmental organization or limited liability partnership whose principal object is the support of the birth and development of start-ups, innovation and activities related to the transfer of technology, research, and development and innovation processes through the offer of dedicated physical spaces and services advice.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.

The Title and Clause 1

(Question that the Title and Clause 1 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Kinyua): Division will be at the end.
Members, we have finished with the amendments. We will now proceed to Division. We will be voting on the Bills one by one.
I order that the Division Bell be rung for five minutes.

(The Division Bell was rung)

The Temporary Chairperson (Sen. Kinyua): Ring the Division Bell for a further two minutes.

(The Division Bell was rung)

(Several Senators stood in their places)

The Temporary Chairperson (Sen. Kinyua): Order, Senators! We are going to have Division for The Natural Resources (Benefit Sharing) Bill (Senate Bills No. 25 of 2020). I will put the question.

(Loud consultations)

Hon. Members, please, consult in low tones.
Clerk, call their names for voting.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

(Hon. Senators proceeded to vote by Roll Call Voting)

(Roll Call voting in progress)

The Chairperson (Sen. Kinyua): Members, including the ones who are online, do not leave. We have five Divisions.

(Roll Call voting in progress)

The Temporary Chairperson (Sen. Kinyua): Senators, please, do not log out. We have three more Bills to go before we finish.

Hon. Senators, we have finished with the Cooperative Societies (Amendment) Bill and now we will go to The Prompt Payment Bill (Senate Bills No.16 of 2021).

I put the Question that Clauses 3, 4 and 5 be amended as proposed.

(Hon. Senators proceeded to vote by Roll Call Voting)

(Roll Call Voting in progress)

The Temporary Chairperson (Sen. Kinyua): Members, we have finished with that. Now we go to the County Vocational Education and Training Bill (Senate Bills No. 6 of 2021). I put the question, that Clauses 3-9, 21-32 as amended, The Title and Clause 1 be part of the Bill as proposed.

(Roll Call Voting in progress)

The Temporary Chairperson (Sen. Kinyua): Hon. Senators, we are done with that Bill. Now, we go to The Start-Up Bill (Senate Bills No.1 of 2021).

(Roll Call Voting in progress)

Sen. Halake: Mr. Temporary Chairman, Sir, we cannot hear anything. Members may be missing out as you call out the names.

The Temporary Chairperson (Sen. Kinyua): But we can hear you. Sen. Khaniri, please, vote.

Sen. Khaniri: Mr. Temporary Chairman, Sir, we could not hear you for a while.

(Roll Call Voting in progress)

The Temporary Speaker (Sen. Kinyua): Hon. Senators, we have finished with that one. Let us now go to division for the National Health Insurance Fund (Amendment) Bill (National Assembly Bill No.21 of 2021).

(Roll Call voting in progress)

The Temporary Chairperson (Sen. Kinyua): Hon. Members, do not leave. We have the last and the final vote.

(Roll Call voting was concluded)

THE NATURAL RESOURCES (BENEFIT SHARING) BILL
(SENATE BILLS NO. 25 OF 2020)

DIVISION

ROLL CALL VOTING

(Question, that Clauses 10, 12, 13, 15 and Clause 2 be amended as proposed, put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Chebeni, Uasin Gishu County; Sen. Cheruiyot, Kericho County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Haji Abdul, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County; Sen. Linturi, Meru County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Onger, Kisii County; Sen. Orengo, Siaya County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County; Sen. (Dr.) Zani, Kwale County.

Teller for Ayes: Sen. (Dr.) Alice Milgo.

NOES: Nil

The Temporary Chairperson (Sen. Kinyua): Hon. Senators, the results are as follows-

AYES: 31

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 31 votes to Nil)

DIVISION**ROLL CALL VOTING**

(Question, that Clauses 3,4,5,6,7,8,9,10(as amended), 11,12(as amended), 13(as amended), 14,15(as amended), 16,17,18,19, Clause 2(as amended) the Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Chebeni, Uasin Gishu County; Sen. Cheruiyot, Kericho County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Haji Abdul, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County; Sen. Linturi, Meru County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County; Sen. (Dr.) Zani, Kwale County.

Teller for Ayes: Sen. (Dr.) Alice Milgo.

NOES: Nil

The Temporary Chairperson (Sen. Kinyua): Hon. Senators, the results are as follows-

AYES: 31

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 31 votes to Nil)

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

DIVISION**ROLL CALL VOTING**

(Question, that New Clause 4A and 5A be now Read a Second Time put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Haji Abdul, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Chebeni, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. Kihika, Nakuru City County; Sen. Linturi, Meru County; Sen. (Eng.) Maina, Nyeri County; Sen. Malalah, Kakamega County; Sen.(Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen.(Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisi, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County; Sen. Wamatangi, Kiambu County; Sen. (Dr.) Zani, Kwale County.

Teller for Ayes: Sen. (Dr.) Alice Milgo.

NOES: Nil

Teller of the Noes: Sen. Kwamboka.

The Temporary Chairperson (Sen. Kinyua): Hon. Senators, the results are as follows-

AYES: 33

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 33 votes to Nil)

DIVISION

ROLL CALL VOTING

(Question, that Clauses 3, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 22, 23, 23, 25, 26, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 48, 59, 62 and Clause 2 be amended as proposed put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Haji Abdul, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Chebeni, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. Kihika, Nakuru City County; Sen. Linturi, Meru County; Sen. (Eng.) Maina, Nyeri County; Sen. Malalah, Kakamega County; Sen.(Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen.(Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

County; Sen. Outa, Kisumu County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County; Sen. Wamatangi, Kiambu County; Sen. (Dr.) Zani, Kwale County.

Teller for Ayes: Sen. (Dr.) Alice Milgo.

NOES: Nil

Teller of the Noes: Sen. Kwamboka.

The Temporary Chairperson (Sen. Kinyua): Hon. Senators, the results are as follows-

AYES: 33

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 33 votes to Nil)

THE COUNTY VOCATIONAL EDUCATIONAL AND TRAINING BILL
(SENATE BILLS NO. 6 OF 2021)

DIVISION

ROLL CALL VOTING

*(Question, that Clauses 3, 4, 5, 7, 9, 10, 14, 21, 29, 31
and 2 be amended as proposed put and the Senate proceeded to
vote by county delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County; Sen. Kavindu Muthama, Machakos County; Sen. Linturi, Meru County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeri, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County.

Teller for Ayes: Sen. (Dr.) Alice Milgo.

NOES: Nil

Teller of the Noes: Sen. Kwamboka.

The Temporary Chairperson (Sen. Kinyua): Hon. Senators, the results are as follows:

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

AYES: 31
NOES: Nil
ABSENTIONS: Nil
The “Ayes” have it.

(Question carried by 31 votes to Nil)

DIVISION

ROLL CALL VOTING

(Question, that Clauses 3(as amended), 4(as amended), 6, 7(as amended), 8, 9(as amended), 10(as amended), 11, 12, 13, 14(as amended), 15, 16, 17, 28, 19, 20, 21 (as amended), 22, 23, 24, 25, 26, 27, 28, 29 (as amended) 30, 31 (as amended), Clause 2(as amended), the Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County; Sen. Kavindu Muthama, Machakos County; Sen. Linturi, Meru County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County.

Teller for Ayes: Sen. (Dr.) Alice Milgo.

NOES: Nil

Teller of the Noes: Sen. Kwamboka.

The Temporary Chairperson (Sen. Kinyua): Hon. Senators, the results are as follows:

AYES: 31
NOES: Nil
ABSENTIONS: Nil
The “Ayes” have it.

(Question carried by 31 votes to Nil)

THE PROMPT PAYMENT BILL
(SENATE BILLS NO.16 OF 2020)

DIVISION

ROLL CALL VOTING

(Question, that Clauses 3, 4 and 6 be amended as proposed put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Haji Abdul, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County, Sen. Linturi, Meru County, Sen. (Eng.) Maina, Nyeri County; Sen. Malalah, Kakamega County; Sen.(Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mpayeei, Kajiado County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisi, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County; Sen. (Dr.) Zani, Kwale County.

Teller for Ayes: Sen. (Dr.) Alice Milgo.

NOES: Nil

Teller of the Noes: Sen. Kwamboka.

The Temporary Chairperson (Sen. Kinyua): Hon. Senators, the results are as follows:

AYES: 33

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 33 votes to Nil)

DIVISION

ROLL CALL VOTING

(Question, that Clause 3(as amended), clause 4(as amended), clause 5, 6(as amended), clause 7-11, clause 2, the Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County;

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Sen. Haji Abdul, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County, Sen. Linturi, Meru County, Sen. (Eng.) Maina, Nyeri County; Sen. Malalah, Kakamega County; Sen.(Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mpayeei, Kajiado County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisi, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County; Sen. (Dr.) Zani, Kwale County.

Teller for Ayes: Sen. (Dr.) Alice Milgo.

NOES: Nil

Teller of the Noes: Sen. Kwamboka.

The Temporary Chairperson (Sen. Kinyua): Hon. Senators, the results are as follows:

AYES: 33

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 33 votes to Nil)

THE START-UP BILL (SENATE BILLS
No.1 OF 2020)

DIVISION

ROLL CALL VOTING

*(Question, that Clauses 8 and Clause 2 be amended
as proposed put and the Senate proceeded
to vote by county delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Haji Abdul, Garissa County; Sen. Chebeni, Uasin Gishu County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kavindu Muthama, Machakos County; Sen. Kinyua, Laikipia County; Sen. Linturi, Meru County; Sen. (Eng.) Maina, Nyeri County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen.(Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen.(Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisi, West Pokot County; Sen.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wamatangi; Kiambu County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County; and, Sen. (Dr.) Zani, Kwale County.

Teller for Ayes: Sen. (Dr.) Alice Milgo.

NOES: Nil

Teller of the Noes: Sen. Kwamboka.

The Temporary Chairperson (Sen. Kinyua): Hon. Senators, the results are as follows-

AYES: 34

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 34 votes to Nil)

DIVISION

ROLL CALL VOTING

(Question, that Clauses 3-7, Clause 8(as amended), Clauses 9-31, Clause 2(as amended), the Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Haji Abdul, Garissa County; Sen. Chebeni, Uasin Gishu County; Sen. Faki, Mombasa County; Sen Halake, Isiolo County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kavindu Muthama, Machakos County; Sen. Kinyua, Laikipia County; Sen. Linturi, Meru County; Sen. (Eng.) Maina, Nyeri County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen.(Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen.(Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisi, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wamatangi; Kiambu County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County; and, Sen. (Dr.) Zani, Kwale County.

Teller for Ayes: Sen. (Dr.) Alice Milgo.

NOES: Nil

Teller of the Noes: Sen. Kwamboka.

The Temporary Chairperson (Sen. Kinyua): Hon. Senators, the results are as follows-

AYES: 34

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 34 votes to Nil)

THE NATIONAL HEALTH INSURANCE FUND (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS No. 21 OF 2021)

DIVISION

ROLL CALL VOTING

(Question, that Clauses 7, 8, 9, 10, 14, 15, 19, 20, 21, 23, 26, 27, 33, 35, 36, 39, 44 be part of the Bill put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Chebeni, Uasin Gishu County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kavindu Muthama, Machakos County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Maina, Nyeri County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen.(Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisiu, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County; Sen. (Dr.) Zani, Kwale County.

Teller for Ayes: Sen. (Dr.) Alice Milgo.

NOES: Nil

Teller of the Noes: Sen. Kwamboka.

The Temporary Chairperson (Sen. Kinyua): Hon. Senators, the results are as follows-

AYES: 33

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 33 votes to Nil)

DIVISION

ROLL CALL VOTING

(Question, that Clauses 2, 3, 4, 5, 6, 7(as amended), 8(as amended), 9(as amended), 10(as amended), 11, 12, 13, 14(as amended), 15(as amended), 16, 17, 18, 19(as amended), 20(as amended) 21(as amended), 22, 23(as amended), 24, 25, 26(as amended), 27(as amended) 28, 29, 30, 31, 32, 33(as amended), 34, 35(as amended), 36(as amended), 37, 38, 39(as amended), 40, 41, 42, 43, 44, 45, 46, 47, New Clause 26A, the Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Chebeni, Uasin Gishu County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kavindu Muthama, Machakos County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Maina, Nyeri County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen.(Prof.) Onger, Kisii County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County; Sen. (Dr.) Zani, Kwale County.

Teller for Ayes: Sen. (Dr.) Alice Milgo.

NOES: Nil

Teller of the Noes: Sen. Kwamboka.

The Temporary Chairperson (Sen. Kinyua): Hon. Senators, the results are as follows-

AYES: 33

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 33 votes to Nil)

The Temporary Chairperson (Sen. Kinyua): Hon. Members who are online, we have one more vote. Please, do not log out.

Sen. (Dr.) Zani, proceed.

THE NATURAL RESOURCES (BENEFIT SHARING) BILL
(SENATE BILLS NO. 25 OF 2020)

Sen. (Dr.) Zani: Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the Natural Resources (Benefit Sharing) Bill (Senate Bills No. 25 of 2020) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Kinyua): Sen. (Dr.) Zani, proceed.

THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL
(SENATE BILLS NO.11 OF 2020)

Sen. (Dr.) Zani: Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the Co-Operative Societies (Amendment) Bill (Senate Bills No.11 of 2020) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Kinyua): The Chairperson of the Standing Committee on Education, Sen. (Dr.) Milgo, proceed.

THE COUNTY VOCATIONAL EDUCATION AND TRAINING
BILL (SENATE BILLS NO. 6 OF 2021)

Sen. (Dr.) Milgo: Mr. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of the County Vocational Education and Training Bill (Senate Bills No.6 of 2021) and its approval thereof with amendments

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I second.

(Question proposed)

(Question put and agreed to)

THE PROMPT PAYMENT BILL (SENATE BILLS
NO. 16 OF 2021)

The Temporary Chairperson (Sen. Kinyua): We are now on the Prompt Payment Bill (Senate Bills No.16 of 2021). Mover, please proceed.

Sen. Sakaja: Mr. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of the Prompt Payment Bill (Senate Bills No.16 of 2021) and its approval thereof with amendments

Sen. Shiyonga: Mr. Temporary Chairperson, Sir, I second.

(Question proposed)

(Question put and agreed to)

THE START-UP BILL (SENATE BILL
NO.1 OF 2021)

The Temporary Chairperson (Sen. Kinyua): We are now on the Start-Up Bill (Senate Bills No.1 of 2021).

Mover, please proceed.

Sen. Sakaja: Mr. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of the Start-Up Bill (Senate Bills No.1 of 2021) and its approval thereof with amendments.

Sen. Wamatangi: Mr. Temporary Chairperson, Sir, I second.

(Question proposed)

(Question put and agreed to)

THE NATIONAL HEALTH INSURANCE FUND BILL
(NATIONAL ASSEMBLY BILLS NO. 21 OF 2021)

The Temporary Chairperson (Sen. Kinyua): We are now on the National Health Insurance Fund (Amendment) Bill (National Assembly Bills No. 21 of 2021). Mover, please proceed.

Sen. Farhiya: Mr. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of the National Health Insurance Fund (Amendment) Bill (National Assembly Bills No. 21 of 2021) and its approval thereof with amendments.

Sen. Omanga: Mr. Temporary Chairperson, Sir, I second.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Speaker (Hon. Lusaka) in the Chair]

REPORTS AND CONSIDERATION OF REPORTS**THE NATURAL RESOURCES (BENEFIT SHARING) BILL
(SENATE BILLS NO.25 OF 2020)**

The Speaker (Hon. Lusaka): Let us now have the Chairperson of the Committee reporting on The Natural Resources (Benefit Sharing) Bill (Senate Bills No.25 of 2020).

The Temporary Chairperson (Sen. Kinyua): Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered The Natural Resources (Benefit Sharing) Bill (Senate Bills No.25 of 2020) and its approval thereof with amendments.

The Speaker (Hon. Lusaka): I call upon the Mover.

Sen. (Dr.) Zani: Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said Report.

I ask Sen. Wambua to second.

Sen. Wambua: Mr. Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

Sen. (Dr.) Zani: Mr. Speaker, Sir, I beg to move that The Natural Resources (Benefit Sharing) Bill (Senate Bills No.25 of 2020) be now read a Third Time.

I ask Sen. Wambua to second.

Sen. Wambua: Mr. Speaker, Sir, I second.

(Question proposed)

The Speaker (Hon. Lusaka): We will do the Division later.

**THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL
(SENATE BILLS NO.11 OF 2020)**

The Speaker (Hon. Lusaka): We are now reporting on The Co-Operative Societies (Amendment) Bill (Senate Bills No.11 of 2020).

Temporary Chairperson, proceed.

The Sen. Kinyua: Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered the Co-operative Societies (Amendment) Bill (Senate Bills No.11 of 2020) and its approval therefore with amendments, and seeks leave to sit again tomorrow.

The Speaker (Hon. Lusaka): Mover.

Sen.(Dr.) Zani: Mr. Speaker, Sir, I beg to move that the House do agree with the Committee on the said report and request Sen. Wambua to second.

Sen. Olekina: Mr. Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Speaker (Hon. Lusaka): Mover.

Sen.(Dr.) Zani: Mr. Speaker, Sir, I beg to move that the Co-Operative Societies (Amendment) Bill (Senate Bills No.11 of 2020), be now read a Third Time and request Sen. Olekina to second.

Sen. Olekina: Mr. Speaker, Sir, I second.

(Question proposed)

The Speaker (Hon. Lusaka): Division will come later.

THE COUNTY VOCATIONAL EDUCATION AND TRAINING
BILL (SENATE BILLS NO. 6 OF 2021)

Sen Kinyua: Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered The County Vocational Education and Training Bill (Senate Bills No.6 of 2021), and its approval therefore with amendments.

Sen.(Dr.) Milgo: Mr. Speaker, Sir, I beg to move that the House do agree with the Committee on the said report and request Sen. Kwamboka to second.

Sen. Kwamboka: Mr. Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Speaker (Hon. Lusaka): Mover.

Sen.(Dr.) Milgo: Mr. Speaker, Sir, I beg to move that The County Vocational Education and Training Bill (Senate Bills No. 6 of 2021) be now read a Third Time, and ask Sen. Kwamboka to second.

Sen. Kwamboka: Mr. Speaker, Sir, I second.

(Question proposed)

The Speaker (Hon. Lusaka): Division will come later.

THE PROMPT PAYMENT BILL (SENATE
BILLS NO.16 OF 2021)

Sen. Kinyua: Mr. Speaker, Sir, I beg to report that the Committee has considered the Prompt Payment Bill (Senate Bills No.16 of 2021), and its approval therefore with amendments.

Sen. Sakaja: Mr. Speaker, Sir, I beg to move that the House do agree with the Committee on the said report

Sen. Farhiya seconded.

(Question proposed)

(Question put and agreed to)

The Speaker (Hon. Lusaka): Mover.

Sen. Sakaja: Mr. Speaker, Sir, I beg to move that The Prompt Payment Bill (Senate Bills No.16 of 2021) be now read a Third Time. I ask Sen. Farhiya, the Co-Sponsor, to second.

Sen. Farhiya seconded.

(Question proposed)

The Speaker (Hon. Lusaka): The Division will be at the end.

THE START-UP BILL (SENATE BILLS
NO. 1 OF 2021)

Sen. Kinyua: Mr. Speaker, Sir, I beg to move that the Committee of the Whole has considered the Start-up Bill (Senate Bills No.1 of 2021) and its approval thereof with amendments.

The Speaker (Hon. Lusaka): Mover.

Sen. Sakaja: Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said report and ask Sen. Omanga to second.

Sen. Omanga seconded.

(Question proposed)

(Question put and agreed to)

The Speaker (Hon. Lusaka): Mover.

Sen. Sakaja: Mr. Speaker, Sir, I beg to move the Start-Up Bill (Senate Bills No.1 of 2021) be now read a Third Time. I ask Sen. Were to second.

Sen. Were seconded.

(Question proposed)

The Speaker (Hon. Lusaka): The Division will be at the end.

THE NATIONAL HEALTH INSURANCE FUND BILL
(NATIONAL ASSEMBLY BILLS NO. 21 OF 2021)

Sen. Kinyua: Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered the National Health Insurance Fund (Amendment) Bill (National Assembly Bills No. 21 of 2021) and its approval thereof with amendments.

The Speaker (Hon. Lusaka): Mover.

Sen. Farhiya: Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said report and ask Sen. (Dr.) Mbito to second.

Sen. (Dr.) Mbito seconded.

(Question proposed)

(Question put and agreed to)

The Speaker (Hon. Lusaka): Mover.

Sen. Farhiya: Mr. Speaker, Sir, I beg to move that The National Health Insurance Fund (Amendment) Bill (National Assembly Bills No. 21 of 2021) be now read a Third Time.

I ask Sen. Sen. (Dr.) Mbito to second.

Sen. (Dr.) Mbito seconded.

(Question proposed)

The Speaker (Hon. Lusaka): The Division will be at the end.

I now direct that the Bell be rung for five minutes and the Senators online to log in. We are verifying that we have the numbers. You have waited for a whole year. Five minutes is a short period.

(The Division Bell was rung)

We are ready to start. Hon. Senators, I had already put the question. So, we are now voting for all the six. Let us start.

(Hon. Senators proceeded to vote by Roll Call voting)

(Roll call Voting in progress)

THIRD READING

THE NATURAL RESOURCES (BENEFIT SHARING)
BILL (SENATE BILLS NO. 25 OF 2020)

*(Question that the Natural Resources (Benefit Sharing) Bill
(Senate Bills No.25 of 2020) be now read a Third Time put,*

and the Senate proceeded to vote by County Delegations)

DIVISION

ROLL CALL VOTING

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Haji Abdul, Garissa County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen.(Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghiso, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County; and Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil.

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows:

AYES: 33

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 33 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

THIRD READING

THE CO-OPERATIVE SOCIETIES (AMENDMENT)

BILL (SENATE BILLS NO. 11 OF 2020)

*(Question that the Co-operative Societies (Amendment) Bill
(Senate Bills No. 11 of 2020) be now read a Third Time put,
and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Haji Abdul,

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Garissa County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen.(Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghisi, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County; and Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil.

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows:

AYES: 33

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 33 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

THIRD READING

THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL
(SENATE BILLS NO.6 OF 2021)

*(Question that the County Vocational Education and Training Bill
(Senate Bills No.6 of 2021) be now read a Third Time put,
and the Senate proceeded to vote by County Delegations)*

DIVISION

ROLL CALL VOTING

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Haji Abdul, Garissa County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen.(Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County;

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghio, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County; and Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil.

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows:

AYES: 33

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 33 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

THIRD READING

THE PROMPT PAYMENT BILL
(SENATE BILLS NO. 16 OF 2021)

(Question that the Prompt Payment Bill

*(Senate Bills No. 16 of 2021) be now read a Third Time put,
and the Senate proceeded to vote by County Delegations)*

DIVISION

ROLL CALL VOTING

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Haji Abdul, Garissa County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen.(Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghio,

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

West Pokot County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County; and Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil.

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows:

AYES: 33

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 33 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

THIRD READING

THE START-UP BILL (SENATE BILLS
NO. 1 OF 2021)

*(Question that The Start-up Bill
(Senate Bills No. 1 of 2021) be now read a Third Time put,
and the Senate proceeded to vote by County Delegations)*

DIVISION

ROLL CALL VOTING

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Haji Abdul, Garissa County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen.(Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghisi, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County; and Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Farhiya

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

NOES: Nil.

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows:

AYES: 33

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 33 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

THIRD READING

THE NATIONAL HEALTH INSURANCE FUND (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2021)

*(Question that The National Health Insurance Fund
(Amendment) Bill (National Assembly Bills No. 21 of 2021)
be now read a Third Time put, and the Senate proceeded
to vote by County Delegations)*

DIVISION

ROLL CALL VOTING

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Haji Abdul, Garissa County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru City County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen.(Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita/Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghiso, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County; and Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil.

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows:

AYES: 33

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 33 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

MESSAGE FROM THE NATIONAL ASSEMBLY

APPROVAL OF SENATE AMENDMENTS TO THE PUBLIC PRIVATE PARTNERSHIP BILL (NATIONAL ASSEMBLY BILLS NO.6 OF 2021)

The Speaker (Hon. Lusaka): Hon. Senators, we now on Order No.3. I wish to report to the Senate that pursuant to Standing Order No.41(3), I have received the following Message from the Speaker of the National Assembly regarding the approval by the National Assembly of the Senate amendments to the Public Private Partnership Bill (National Assembly Bills No.6 of 2021).

Pursuant to the said Standing Order, I now report the Message.

“Pursuant to the provisions of Standing Order No.41(1) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS the Public Private Partnership Bill (National Assembly Bills No.6 of 2021), having been passed by the National Assembly with amendments on 30th June, 2021 was forwarded to the Senate;

AND WHEREAS the Senate also considered and passed the Bill with amendments on Thursday, 21st October,2021 and sought the National Assembly’s concurrence on the amendment in accordance with the provisions of Article 112(1)(b) of the Constitution.

WHEREAS, the National Assembly, having considered the amendments concurred with the Senate on Tuesday, 23rd November 2021.

NOW THEREFORE, the Bill having concluded the bicameral passage in the House, I will present the Bill to His Excellency the President for assent in accordance with the provisions of Article 112 of the Constitution.

Hon. Senators, as a communicated in the Message, the Speaker of the National Assembly is currently processing the Bill for assent.

I thank you.

I also have a communication.

COMMUNICATION FROM THE CHAIR**NON-APPEARANCE BY CABINET SECRETARIES
BEFORE SENATE COMMITTEES**

The Speaker (Hon. Lusaka): Hon. Senators, you will recall that at the sitting of the Senate on Wednesday 17th November 2021, the Senate Minority Whip, Sen. Mutula Kilonzo Jnr., while contributing to the report of the Standing Committee on Devolution and Intergovernmental Relations on a Petition to the Senate concerning boundary disputes between Kisumu, Siaya and Vihiga counties around Maseno area, brought to the attention of the Senate that the Cabinet Secretary (CS) for Interior and Coordination of National Government and the CS for Lands and Physical Planning were scheduled to hold a meeting with the Standing Committee on Justice, Legal Affairs and Human Rights and the Standing Committee on National Security, Defence and Foreign Relations on another matter.

The Senator informed the House that the said CS did not appear before the Committee and instead sent officers from the Ministries. However, the officers were not given audience by the Committees.

The Senate Minority Whip expressed concern that the work of the Standing Committees was being stifled by concerned CSs who upon being invited to meetings sent junior officers to meetings of committees of the Senate.

The Senate Minority Whip was supported by a point of order raised by the Senate Minority Leader, Sen. Orenge, concerning non-appearance by CSs before Committees of the Senate. In the point of order, the Senate Minority Leader expressed concern about the growing trend of CSs being represented by Chief Administrative Secretaries (CASs) or junior officers from the national Executive.

The Senate Minority Leader argued that the constitutional responsibility for accountability is placed on the CS and not CASs and Principal Secretaries (PSs), and, therefore, only CSs should appear before Committees of the Senate. The point of order by the Senate Minority Leader was supported by Sen. Sakaja, Sen. (Eng.) Maina, Sen. (Eng.) Mahamud, Sen. Wetangula, Sen. Olekina and Sen. Cheruiyot, who in their submissions, expressed the need for the Senate to assert its constitutional authority of oversight.

Hon. Senators, I, therefore, undertook to give a way forward on the matter. In so doing, I took into consideration the views by the Senators and existing constitutional and legal framework. This is obviously a very serious matter that needs to be handled with caution, respecting the complementarity between the different arms of Government.

On 18th March 2019, the Senate Liaison Committee held a meeting with the National Implementation and Coordination Cabinet sub-committee. The meeting was held on the premise that there was need for a monitoring framework for implementation of resolutions of the Senate and Acts of Parliament. At the meeting, it was resolved *inter alia* that whenever a Committee of the Senate requires submissions or appearances from a Ministry, the person to make such submissions or appearances before the Committee would be the CS.

CSs are invited to meetings of parliamentary committees by dint of Article 153 of the Constitution. Article 153(3) provides, and I quote-

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

“A Cabinet Secretary shall attend before a Committee of the National Assembly or the Senate when required by the Committee and answer any question concerning a matter for which the CS is responsible.”

Further, Article 13 (4) requires a CS to, and I quote-

“Act in accordance with the Constitution and provide Parliament with full and regular reports concerning matters under their control.”

Additionally, it is important to note that the power of the Senate and indeed of Parliament to require the attendance of any person is a constitutional requirement. Article 125 (1) of the Constitution gives power to Committees of Parliament to summon any person to appear before it for the purpose of giving evidence or providing information.

Article 125(2) of the Constitution states, and I quote-

“For purposes of clause (1), a House of Parliament and any of its committees has the same powers as the High Court-

(a) to enforce the attendance of witnesses and examine them on oath, affirmation or otherwise’

(b) to compel the production of documents; and,

(c) to issue a commission or request to examine witnesses abroad.

Hon. Senators, Articles 125 and 153 of the Constitution are couched in mandatory terms and vest direct constitutional obligation on a Cabinet Secretary with respect to Parliamentary oversight. Appearance before the Senate and its committees is, therefore, not optional and may not be pegged on fulfillment of any pre-condition set by anyone.

My understanding of this obligation is that a Cabinet Secretary has limited latitude to delegate that responsibility to another officer of the Executive.

Section 18 of the Parliamentary Powers and Privileges Act gives effect to implementation of Article 125 of the Constitution. In the event that summons issued pursuant to these Sections are not honoured, the recourse by Parliament is found under Section 19 of the Act which provides that-

“Where a witness summoned does not appear, or appears by fails to satisfy the relevant House of Parliament or Committee, the relevant House or Committee may impose upon the witness such fine not exceeding Kshs500,000, having regard to the witness, condition in life and all the circumstances of the case. A person may pay the fine under subsection (1) to the Clerk of the relevant House. Parliament or its Committees may order the arrest of a person who fails to honour summons.”

The meeting between the Liaison Committee and the National Implementation Coordination Cabinet Sub-Committee held on 18th March, 2019 was convened to avoid the implementation of the above provisions of Section 19 of Parliamentary Powers and Privileges Act. However, the concerns raised by the Senators in the point of order raised by the Senate Minority Leader gives indication of a departure from the agreements reached at this meeting.

Hon. Senators, in the circumstances and on account of Articles 125 and 153 of the Constitution and Section 18 of the Parliamentary Powers and Privileges Act, the position taken by some Cabinet Secretaries not to appear before the committees of the Senate is ill-advised and contrary to their constitutional requirements for oversight by Parliament.

Consequently, I pronounce that CSs must adhere to Article 153(3) and (4) of the Constitution and must thus appear before committees and provide the necessary documents whenever invited to do so.

I thank you.

(Applause)

Sen. Olekina: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is your point of order, Sen. Olekina?

Sen. Olekina: Mr. Speaker, Sir, I thank you for such a detailed ruling on the matter. For us to be able to ensure that we comply with that, I want to seek indulgence and maybe ask you to direct all Chairpersons, and also the secretariat, that in the event that the CS sends a CAS or a Principal Secretary, that meeting should not even commence.

The biggest problem we have is that some Committee Chairpersons give leeway and say “it is all right, let us listen to them.” I have attended several committees. I have to give credit to some Chairpersons like Sen. Sakaja and Sen. Wamatangi, when he sat in our committees, because they adhered to your ruling. Most of them quote the same Articles 153 and 125.

For us to be serious and stamp authority of this House, I would like you to re-emphasize to the Chairpersons and the clerks not to allow meetings to proceed. Otherwise, your ruling will be rendered useless.

The Speaker (Hon. Lusaka): I have said exactly that. I am sure that the Chairpersons have heard me because I also have a strong voice as well as strong Chairpersons who can implement this directive.

Hon. Senators, I just want to seek your indulgence. There are just two Statements that are quite important and critical. Please keep them brief. There will be no comment or riders.

Sen. Kinyua, proceed.

(Resumption of Statements)

STATEMENTS

INSECURITY IN LAIKIPIA COUNTY

Sen. Kinyua: Mr. Speaker, Sir, thank you. I rise pursuant to Standing Order No. 47 (1) to make a Statement on an issue of countywide concern.

Sen. Sakaja: On a point of order, Mr. Speaker, Sir

The Speaker (Hon. Lusaka): There is a point of order from Sen. Sakaja.

Sen. Sakaja: Mr. Speaker, Sir, will I be out of order if I ask your Chairperson and the Members of the House before Sen. Kinyua finishes his Statement---

(Loud consultations)

The Speaker (Hon. Lusaka): Let us consult in low tones, Sen. Omanga.

Sen. Sakaja: Mr. Speaker, Sir, I want to commend Sen. Kinyua for the work he has done today from 2.30 p.m. up until this moment, of course, under your guidance. He has sat there and helped us finish all of this business on our final day. Sen. Kinyua must be commended for the great work he has done. He is a great addition to the Speaker's Panel as well as Mr. Chania, the Assistant Principal Clerk. They have sat here and helped us deal with all this business.

Now everybody wants to be commended. However, the Whips have done a great job and the secretariat. Honestly, Sen. Kinyua, you have done a remarkable job. Sorry for the interruption, but thank you. The Whips and Sen. Omanga, mama miradi, my assistant has really helped.

The Speaker (Hon. Lusaka): Of course, all of you are being appreciated, but in different stages depending on what exactly you did.

Sen. Kinyua, proceed.

Sen. Kinyua: Mr. Speaker, Sir, thank you. Thank you, Sen. Sakaja. That was not a bad interruption. It made me feel nice.

I rise pursuant to Standing Order No.47(1) to make a Statement on an issue of countywide concern regarding the insecurity in Laikipia County and the need to clear land around the Laikipia Nature Conservancy to aid visibility and enhance security operation in the county.

Mr. Speaker, Sir, for months now, Laikipia County has been embroiled in conflicts caused by clashes between farmers and various pastoralist groups on one hand and attackers by bandits on the other hand. In the past few months and weeks, houses have been torched and lives lost in the Ol-Moran region of Laikipia when bandits attacked the residents.

On 6th September, 2021, I raised a Statement on the incessant banditry attacks on the residents of Laikipia County where bandits had taken over the Ol-Moran area of Laikipia County and were visiting terror on innocent residents with impunity. I also called upon the President and Commander-in-Chief of the Kenya Defence Forces (KDF) to order KDF officers to move in and neutralise the bandits.

Mr. Speaker, Sir, following contribution from Senators and pursuant to Standing Order No.47(3), you referred the matter to the Standing Committee on National Security, Defence and Foreign Relations and directed that the Committee visits Laikipia County and tables a report in the House. The Committee undertook a fact-finding mission to Laikipia County and tabled a report on 6th October, 2021.

The Government initiated a dusk to dawn curfew to facilitate an operation to flush out the bandits who were believed to be hiding in Laikipia Nature Conservancy. These are commendable efforts though the attackers are still far from over as heightened insecurity continues to be felt in Laikipia West and North, and also, in the areas around the conservancy where bandits are operating from.

Mr. Speaker, Sir, most recently, more than five people have been killed and more people displaced with this purported operation taking place. There is need to have more National Police Reservists to assist the officers on the ground as they understand the terrain very well.

As part of peace building efforts, there have been consultations between area residents and owners of Laikipia Nature Conservancy to clear all the trees and bushes at the edge of the conservancy so as to aid visibility in flashing out the bandits.

A clearance of about 500 metres inside the conservancy will also aid in the security operation in the area. The owners have agreed to the task. However, the challenge is that the Ministry of Environment and Forestry has out-lawed the cutting of trees and subsequent charcoal burning in the area.

Mr. Speaker, Sir, I call upon the Ministry to give a special consideration and lift the ban temporarily so as to allow the clearance which will enhance security in the volatile area. I urge that pursuant to Standing Order No.43(3), you refer this matter to the Standing Committee on Lands, Environment and Natural Resources to intervene and get a special consideration from the Ministry to allow residents to clear the bush and burn charcoal to enhance visibility in security operations in the county.

I thank you.

The Speaker (Hon. Lusaka): Proceed, Sen. (Dr.) Musuruve.

INTERNATIONAL DAY OF PERSONS WITH DISABILITIES

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, I thank you for giving me an opportunity to make a Statement on the International Day of Persons with Disabilities.

I rise pursuant to Standing Order pursuant to Standing Order No.47(1) to make a statement on an issue of general topical concern; namely, the International Day of Persons With Disabilities.

Mr. Speaker, Sir, the world marks the International Day of Persons with Disabilities (PwDs) every 3rd of December. The annual observance of this day was proclaimed in 1992 by the United Nations General Assembly Resolution No.47(3) with the aim to increase the awareness of the issue faced by Persons with Disabilities (PwDs) in every aspect of social, economic and cultural life.

This year's theme is leadership and participation of PwDs towards an inclusive, accessible and sustainable post COVID-19 world. In terms of statistics, nearly one billion persons or 15 per cent of the total world population live with some form of disability. About 80 per cent of PwDs live in developing countries while more than 100 million PwDs are children. The PwDs have been affected disproportionately by the health, social and economic consequences of the global issues hence the day is observed to weigh the participation of PwDs in the sustainable development world.

Mr. speaker, Sir, as we celebrate this day, I choose to look at the gains so far that many nations have achieved in the attempt to include and mainstream PwDs in the society. Some decades ago, some PwDs were predominantly viewed from a pity paradigm and medical perception. I appreciate the nations that have adopted the human rights approach basis in integrating PwDs issues.

Kenya is one of the nations that have made great attempt of ensuring that the wellbeing of PwDs is achieved. The introduction of special needs education at the Kenyatta University initiated by the Government of Kenya and DANIDA was a game changer in ensuring that children with disabilities would take the academic path, which

was earlier on restricted by societal negative perception on disability. Key milestones such as the introduction and management of Educational Assessment Research Centres (EARCs), the Kenya Institute of Special Education (KISE), secondary schools, primary schools and Early Childhood Development Education (ECDE) centres across the country that deal with learners with disabilities cannot be wished away.

I urge the Government of Kenya and all governments globally to prioritize the education of learners with disabilities by allowing funds to go to special needs education in order to cater for infrastructure, maintenance, purchase of learning materials for Special Needs Education (SNE) and ensuring 100 per cent transition of those learners to secondary schools, tertiary institutions, TVETS, vocational educational centres and universities. I urge the concerned Ministry to effect cash transfers to deserving PwDs and offer fully fledged scholarships to them at all levels of education.

Mr. Speaker, Sir, Article 98(1)(d) of the Constitution, guarantees two slots for PwDs in the membership of the Senate. In the National Assembly, this guarantee is also envisioned. I appreciate all these attempts, but call upon the Government and political parties to do more in ensuring that no one is left behind. We must all safeguard the gains so far made.

Mr. Speaker, Sir, I urge the Government of Kenya to allocate more and specific funds to the Teachers Service Commission (TSC) to ensure specific attempts are made to employ more special needs teachers and deploy them to SNE schools in order to meet the international standards or teacher-learner ratio.

Mr. Speaker, Sir, the Government needs to deliberately guarantee job opportunities for learners with disabilities who have completed secondary level, TVETs and universities. As we celebrate this day, it must be clear that economic empowerment for PwDs is a sure way of ending the existing socio-economic disparities. I urge political parties to ensure that PwDs are involved in decision making at all levels.

It is notable that in 17 county assemblies, PwDs miss representation. This needs to be addressed by political parties and a matter of urgency. The Independent Electoral and Boundaries Commission (IEBC) needs to sanction political parties that do not adhere to PwDs representation.

Mr. Speaker, Sir, as I conclude, let me make it clear that for effective inclusion and mainstreaming of PwDs, concerted efforts by everyone in the society is key. Every Government organ as well as public and private organisations must endeavour to implement Article 54 of the Constitution, on entitlement of PwDs.

Happy International Day of PwDs, everyone.

The Speaker (Hon. Lusaka): I direct the other question by Sen. Kinyua to the Committee on Lands, Environment and Natural Resources.

(The Statement by Sen. Kinyua was committed to the Committee on Land, Environment and Natural Resources)

Sen. Mwangi, proceed and be brief. Hon. Senators, we are almost there.

RAMPANT DESTRUCTION OF FOOD CROPS
BY ELEPHANTS IN KEREITA WARD

Sen. Mwangi: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.48(1) to seek a Statement from the Committee on Lands, Environment and Natural Resources on the rampant destruction of food crops by elephants in Kereita Ward, Ndaragua Constituency, Nyandarua County.

In the Statement, the Committee should explain why-

(1) The Kenya Wildlife Services (KWS) has not taken any action to deal with the incessant destruction of food crops by elephants in Kereita Ward.

Sen. Wambua: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is your point of order, Sen. Wambua?

Sen. Wambua: Mr. Speaker, Sir, I would be the last person to disrupt my big brother, Sen. Mwangi. However, to the best of my recollection, Sen. Mwangi is the Chairperson of the Committee on Lands, Environment and Natural Resources and he is seeking a Statement from the same Committee. How does that work?

Sen. Mwangi: Mr. Speaker, Sir, most importantly is that I am a representative of a County as a Senator. Before I became Chairperson, I was a Senator. There is no other representative of Nyandarua County in this---

The Speaker (Hon. Lusaka): Okay, proceed. I had actually approved it because I understood those dynamics.

Sen. Mwangi: Thank you, Mr. Speaker, Sir. In the Statement---

Sen. Sakaja: On a point of information, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Do you want to be informed?

Sen. Mwangi: Yes, Mr. Speaker, Sir. Let him give me information.

Sen. Sakaja: Mr. Speaker, Sir, I would just like to inform my dear friend and Senator for Nyandarua County as well as Sen. Wambua, that it is within the right of the Senator to raise the Statement. However, the Secretariat should have guided us on what happens in such a situation. I have had to deal with a similar Statement and that is how I brought the Dandora Stadium issue.

Mr. Speaker, Sir, Standing Order No.51 says-

“(1) A Committee Chairperson-

(a) may make a Statement relating to a matter for which the Committee is responsible.”

You bring your Statement through that and that your Committee will look into those issues. You cannot stand up and ask the Chairperson of the Committee to report to you as the Senator because you are the same person. Nonetheless, it was approved.

Going forward, that was the guidance that the Secretariat should give Senators who are chairpersons of committees. That you still raise issues regarding your Committee under Standing Order No.51, say what the matter is and then say that your Committee does the inquiry on the same issue.

The Speaker (Hon. Lusaka): Okay. Sen. Mwangi, proceed.

Sen. Mwangi: Mr. Speaker, Sir, I thank Sen. Sakaja for that information.

In the Statement, the Committee should-

(1) Explain why the Kenya Wildlife Service (KWS) has not taken any action to deal with the incessant destruction of food crops by elephants in Kireita Ward despite numerous complaints lodged by residents at their offices in Nyahururu.

(2) State when the KWS will undertake an assessment of the lost produce and compensate affected farmers considering that the crops are their only source of livelihood.

(3) State targeted measures by KWS to avert possible human-wildlife conflict in the area.

DELAY IN ISSUANCE OF TITLE DEEDS TO MEMBERS OF
GWA KUNG'U SELF-HELP GROUP, NYANDARUA COUNTY

Sen. Mwangi: Mr. Speaker, Sir, I also rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Lands, Environment and Natural Resources on the delay in issuance of title deeds to the members of Gwa Kung'u Self-help Group in Ndaragwa Constituency, Nyandarua County.

In the Statement the Committee should-

(1) Disclose the status of Gwa Kung'u plot owners' self-help group in terms of registration, membership, subscription, directorship and the acreage of land under the groups' ownership.

(2) Explain what has impeded issuance of title deeds and/or allotment letters to the members given that the self-help group has been in existence since early 1970s. They should also indicate whether the Government has any plans to adjudicate, survey and issue ownership documents to the members of the groups. If so, state when.

I thank you, Mr. Speaker, Sir.

DISCONTINUATION OF THE SCHOOL FEEDING
PROGRAMME IN ISIOLO COUNTY

Sen. Halake: Thank you very much, Mr. Speaker, Sir. I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Education regarding discontinuation of the School Feeding Programme (SFP) in Isiolo County.

In the Statement, the Committee should-

(1) Explain why the SFP for schools in Arid and Semi-Arid (ASAL) areas has been discontinued in most of the schools across Isiolo County.

(2) State measures put in place to ensure continued attendance and retention of children in schools following the discontinuation of the SFP.

(3) Given that this programme was put in place to ensure our children go to school, state the steps being taken to ensure the individuals responsible for the termination of the programme in Isiolo County are held accountable as a way of deterring abrupt discontinuation of school programmes.

(4) Spell out the immediate and long term interventions put in place to mitigate the ravaging effects of drought and hunger currently affecting ASAL areas generally, but specifically also affecting school going children.

Mr. Speaker, Sir, I thank you, for the indulgence as will the children of Isiolo who have been disadvantaged greatly as a result of this.

The Speaker (Hon. Lusaka): I now defer Order No. 23 and 24 and direct that we go to Order No. 25.

MOTION

FAST TRACKING CULTURAL DEVELOPMENTS IN COUNTIES

THAT, WHEREAS Kenya is a multi-ethnic and multi-racial country with rich and diverse cultural resources such as traditional medicine and foods, arts, craft, music, dances, dress among others;

AWARE THAT, the Constitution, in its preamble acknowledges the cultural diversity of the Kenyan people who are determined to live in peace and unity as one indivisible sovereign nation whilst, Article 11 of the Kenyan Constitution recognizes culture as the foundation of the nation;

NOTING that, while the Department of Culture under the Ministry of Sports, Culture and Heritage has been playing some of the key roles in promotion of cultural integration, formulation of policies and standards that will guide the development of culture, little information has been available to the Kenyan public;

ACKNOWLEDGING, that culture performs a significant role in the life of a child, the cultural background in which a child is brought up affects the totality of his or her life's activities;

CONCERNED, that our children are losing their sense of identity due to the negative influences due to inadequate cultural identity catalyzed by globalization which has led to catastrophic consequences to the next generation as experienced in our country where a majority of young people are showing symptoms of feeling suicidal, anxious, feeling of hopelessness, anger, violence, feeling isolated, and paranoia;

NOW THEREFORE, the Senate urges the Cabinet Secretary, Ministry of Sports, Culture and Heritage to –

(a) Formulate cultural development policies and initiatives to inculcate stronger community values, safeguard Kenya's heritage, recognize local heroes and promote socio-cultural opportunities in the counties; and

(b) Formulate strategies to create an enabling environment for protection and promotion of diversity of cultural expressions in all counties.

(Motion deferred)

MOTIONADOPTION OF REPORT ON ETHNIC DIVERSITY AND
INCLUSIVITY AT KMA AND KPA

THAT, the Senate adopts the Report of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on ethnic diversity and inclusivity at the Kenya Maritime Authority (KMA) and Kenya Ports Authority (KPA) laid on the Table of the Senate on Wednesday, 1st December, 2021.

(Motion deferred)

MOTIONADJOURNMENT OF THE SENATE PURSUANT TO THE
APPROVED CALENDAR FOR THE 2021 SESSION

The Senate Majority Leader (Sen. Poghisio): Mr. Speaker, Sir, I beg to move the following Motion:

THAT, pursuant to Standing Orders No.28 and 29, the Senate do adjourn until Tuesday 8th February, 2022.

As I said in my Statement earlier, there is a lot that is ahead of us. For those who are going for sports, they will go to represent us. For those who have trips, they will make them on our behalf. However, mostly, Members will have an opportunity to take a break and prepare for the next Session.

Mr. Speaker, Sir, I want to speak on just one matter. As we go, our people need our services, particularly in terms of making them aware of the dangers of the COVID-19. We continue to appeal to our people that they should continue keeping the Ministry of Health protocols that have been given to us. This is because there is a new strain now and maybe there are other strains. We should be careful, more so, those of us who are on the campaign trails or are gathering people. Let us keep ourselves safe. We need each other back.

I pray that we enjoy the upcoming holidays. Jamhuri Day, Christmas day and the New Year are coming. I wish us all the best.

Mr. Speaker, Sir, let me congratulate Members today. It has really been a marathon. It has been one of those rare moments that Members committed themselves. Those who were here and online deserve congratulations.

I am also happy that Sen. Sakaja has begun a new culture where you appreciate people for performing their duties. It is a new culture. That means that we will be standing here to also congratulate you for the way that you have hosted. I was telling Sen. Kinyua that this is the baptism he will get in his new job as a Member of the Speaker's Panel.

Mr. Speaker, Sir, I want to wish everyone, their families and their business the best. I commit all those who go into their political orientations to God to protect them and bring them back safely.

I beg to move and ask Sen. Wambua to second.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I stand to second the Adjournment Motion as moved by the Senate Majority Leader. As we take this long break and go out there, many of us will be involved in political campaigns.

I wish that all of us, including myself, shall be agents of peace in this country. The stakes are very high. We are facing an election where a sitting President is not going to defend his position. In such a situation, the stakes are very high. However, we must always remember that there is a country to take care of after the elections. I wish my colleagues a Merry Christmas as they unite with their families and constituents. Let us preach peace in all our counties.

Mr. Speaker, Sir, with those few remarks, I second.

(Question proposed)

ADJOURNMENT

The Speaker (Hon. Lusaka): Hon. Senators, there being no other business, it is now time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday 8th February, 2022 at 2.30 p.m.

The Senate rose at 9.50 p.m.