



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (FIFTH SESSION)**

**THE SENATE**

**SPECIAL SITTING**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, DECEMBER 22, 2021 AT 10:00 AM**

1. The Senate assembled at Ten O'clock.
2. The proceedings were opened with Prayer said by the Deputy Speaker.
3. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE 2022 BUDGET POLICY STATEMENT AND THE MEDIUM TERM DEBT MANAGEMENT STRATEGY**  
(The Chairperson, Standing Committee on Finance and Budget)

**THAT**, the Senate adopts the Report of the Standing Committee on Finance and Budget on the 2022 Budget Policy Statement and the Medium Term Debt Management Strategy, laid on the Table of the Senate on Tuesday, 21<sup>st</sup> December, 2021, and pursuant to Section 25 (7) of the Public Finance Management Act and Standing Order 180 (7) of the Senate approves the 2022 Budget Policy Statement.

***(Resumption of debate interrupted on Tuesday, 21<sup>st</sup> December, 2021 –  
Afternoon Sitting)  
(Division)***

Order read;

Order deferred.

4. **COMMITTEE OF THE WHOLE**  
**THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 5 OF 2021)**  
(Sen. (Dr.) Getrude Musuruve, MP and Sen. (Prof.) Margaret Kamar, MP)

Order read;

Order deferred.

- 5. **COMMITTEE OF THE WHOLE**  
**THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 9 OF 2021)**  
 (Sen. Kipchumba Murkomen, MP)

Order read;

Order deferred.

- 6. **COMMITTEE OF THE WHOLE**  
**THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2021)**  
 (Sen. Abshiro Halake, MP)

Order deferred.

- 7. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Chairperson of Committees – in the Chair)

**The County Oversight and Accountability Bill, 2021 (Senate Bills No. 17 of 2021)**

Clauses 3 and 4

Motion Made and Question proposed;

THAT, Clauses 3 and 4 be part of the Bill

*(Sen. Ledama Olekina, MP)*

Clauses 3 and 4 – vote deferred

Clause 5 – Amendment proposed

**THAT** clause 5 of the Bill be amended –

(a) in Subclause (1) by deleting the word “shall” appearing immediately after the words “each county government” and substituting therefor the word “may”;

(b) in Subclause (2) by deleting the word “shall” appearing immediately after the words “A county government” and substituting therefor the word “may”;

*(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

Clause 5 – Vote deferred

Clauses 6 – 16

Motion Made and Question proposed;

THAT, Clauses 6 – 16 be part of the Bill

*(Sen. Ledama Olekina, MP)*

Clauses 6 – 16 – Vote deferred

Clause 17 – Amendment proposed

**THAT** Clause 17 of the Bill be amended by deleting Subclause (1) and substituting therefor the following new Subclause –

(1) A Senator may facilitate public participation through public awareness campaigns in the respective county.

*(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

Clause 17 – Vote deferred

Clause 18

Motion Made and Question proposed;

THAT, Clause 18 be part of the Bill

*(Sen. Ledama Olekina, MP)*

Clause 18 – Vote deferred

Clause 19 – Amendment proposed

**THAT** clause 19 of the Bill be amended in Subclause (2) by deleting the words “County Assembly” appearing immediately after the words “The Clerk of the” and substituting therefor the word “Senate”.

*(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

Clause 19 – Vote deferred

Clause 20

Motion Made and Question proposed;

THAT, Clause 20 be part of the Bill

*(Sen. Ledama Olekina, MP)*

Clause 20 – Vote deferred

Clause 2, the Title and Clause 1

Motion Made and Question proposed;

THAT, Clause 2, the Title and Clause 1 be part of the Bill

*(Sen. Ledama Olekina, MP)*

Clause 2, the Title and Clause – Vote deferred

**Progress report**

Motion made and Question proposed: -

THAT, the Committee of the Whole House do report to the House its consideration of the County Oversight and Accountability Bill (Senate Bills No. 17 of 2021) and seek leave to sit again tomorrow;

*(Sen. Ledama Olekina, MP)*

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

Question put and agreed to.

8. **HOUSE RESUMED** – Deputy Speaker - in the Chair
9. **COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 17 OF 2021)**

**Progress reported;**

Motion made and Question proposed;

THAT, the Senate do agree with the Committee of the Whole in the said report.

*(Sen. (Ledama Olekina, MP)*

And there being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 79, the Deputy Speaker ruled that the Question did not affect counties;

Question put and agreed to.

10. **COMMITTEE OF THE WHOLE**  
**THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 7 OF 2021)**  
(The Chairperson, Standing Committee on Tourism, Trade and Industrialization)

Order read;

Order deferred.

11. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Chairperson of Committees – in the Chair)

**The Heritage and Museums Bill (Senate Bills No. 22 of 2021)**

Clauses 3 to 20

Motion made and Question proposed;

THAT, Clause 3 to 20 be part of the Bill.

*(Sen. (Dr.) Alice Milgo on behalf of Chairperson, Standing Committee on Labour and Social Welfare)*

Clauses 3 to 20 – vote deferred

Clauses 21 to 40

Motion made and Question proposed;

THAT, Clauses 21 to 40 be part of the Bill.

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

Clauses 21 – 40 – vote deferred

Clauses 41 to 60

Motion made and Question proposed;

THAT, Clauses 41 to 60 be part of the Bill.

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

Clauses 41 - 60 – vote deferred

Clauses 61 to 80

Motion made and Question proposed;

THAT, Clauses 61 to 80 be part of the Bill.

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

Clauses 61 to 80 – vote deferred

Clauses 81 to 100

Motion made and Question proposed;

THAT, Clauses 81 to 100 be part of the Bill.

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

Clauses 81 to 100 – vote deferred

The First, the Second and the Third Schedules

Motion made and Question proposed;

THAT, the First, the Second and the Third Schedules be part of the Bill.

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

The First, the Second and the Third Schedules – vote deferred

Clause 2, the Title and Clause 1

Motion made and Question proposed;

THAT, Clause 2, the Title and Clause 1 be part of the Bill.

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

Clause 2, the Title and Clause 1 - vote deferred

**Progress report**

Motion made and Question proposed: -

THAT, the Committee of the Whole House do report to the House its consideration of the Heritage and Museums Bill (Senate Bills No. 22 of 2021) and seek leave to sit again tomorrow;

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

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

Question put and agreed to.

12. **HOUSE RESUMED** – Deputy Speaker - in the Chair

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

**Progress reported;**

Motion made and Question proposed;

THAT, the Senate do agree with the Committee of the Whole in the said report.

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

And there being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 79, the Deputy Speaker ruled that the Question did not affect counties;

Question put and agreed to.

14. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Chairperson of Committees – in the Chair)

**The County Governments (Amendment) Bill, 2021 (Senate Bills No. 38 of 2021)**

Clauses 2 and 3

Motion Made and Question proposed;

THAT, Clauses 2 and 3 be part of the Bill

*(Sen. Moses Kajwang’, MP)*

Clauses 2 and 3 – Vote deferred

Clause 4 – Amendment proposed

**THAT** clause 4 of the Bill be amended –

(a) in the proposed new section 91A(1) by deleting paragraph (h); and

(b) in the proposed new section 91B by deleting the word “determine” appearing at the beginning of the paragraph (a) and substituting therefor the words “consult on”.

*(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

Clause 4 – Vote deferred

The Title and Clause 1

Motion Made and Question proposed;

THAT, the Title and Clause 1 be part of the Bill

*(Sen. Moses Kajwang’, MP)*

The Title and Clause – Vote deferred

**Progress report**

Motion made and Question proposed: -

THAT, the Committee of the Whole House do report to the House its consideration of the County Governments (Amendment) Bill, 2021 (Senate Bills No. 38 of 2021) and seek leave to sit again tomorrow;

*(Sen. Moses Kajwang’, MP)*

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

Question put and agreed to.

- 15. **HOUSE RESUMED** – Deputy Speaker – in the Chair
- 16. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL, 2021 (SENATE BILLS NO. 38 OF 2021)**

**Progress reported;**

Motion made and Question proposed;

THAT, the House do agree with the Committee of the Whole in the said report.

*(Sen. Moses Kajwang’, MP)*

There being no Senator wishing to contribute;



Before the Question was put and pursuant to Standing Order 79, the Deputy Speaker ruled that the Question did not affect counties;

Question put and agreed to.

- 17. **COMMITTEE OF THE WHOLE**  
**THE LIFESTYLE AUDIT BILL (SENATE BILLS NO. 36 OF 2021)**  
 (Sen. (CPA.) Farhiya Haji, MP)

Order read;

Order deferred.

- 18. **COMMITTEE OF THE WHOLE**  
**THE KENYA CITIZENSHIP AND IMMIGRATION (AMENDMENT) BILL**  
**(SENATE BILLS NO. 33 OF 2021)**  
 (Sen. (Dr.) Irungu Kang'ata, MP)

Order read;

Order deferred.

- 19. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Chairperson of Committees – in the Chair)

**Intergovernmental Relations (Amendment) Bill (Senate Bills No. 37 of 2021)**

Clauses 2 - amendment proposed

**THAT** clause 2 of the Bill be amended by-

inserting the following new paragraph immediately after the proposed paragraph (n) –

(na) conditions for the termination of the agreement.

*(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

Clause 2 - vote deferred

Clauses 3 - amendment proposed

**THAT** clause 3 of the Bill be amended-

by inserting the following new section immediately after the proposed section 26F

–

Role of Technical Committee in transfer or delegation of powers, functions and competencies.	<b>26G.</b> The Technical Committee shall, in undertaking duties under this Part – <ul style="list-style-type: none"> <li>(a) witness the execution of a transfer or delegation of a power, function or competency;</li> <li>(b) provide administrative support to the parties to the transfer agreement during the transfer process; and</li> <li>(c) prepare and maintain an inventory of assets and liabilities of the transferred functions.</li> </ul>
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*(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

Clause 3 – vote deferred

The Title and Clause 1

Motion made and Question proposed;

THAT, the Title and Clause 1 be part of the Bill.

*(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

The Title and Clause 1 - vote deferred

**Progress report**

Motion made and Question proposed: -

THAT, the Committee of the Whole House do report to the House its consideration of the Intergovernmental Relations (Amendment) Bill, 2021 (Senate Bills No. 37 of 2021) and seek leave to sit again tomorrow;

*(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

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

Question put and agreed to.

20. **HOUSE RESUMED** – Deputy Speaker – in the Chair

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

**Progress reported;**

Motion made and Question proposed;

THAT, the House do agree with the Committee of the Whole in the said report.

*(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 79, the Deputy Speaker ruled that the Question did not affect counties;

Question put and agreed to.

And there being no other business on the Order Paper, the Deputy Speaker adjourned the Senate at fifty nine minutes past ten O'clock without Question put, pursuant to the Standing Orders.

22. **SENATE ROSE** – at fifty-nine minutes past Ten O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Wednesday, December 22, 2021 at 2:30 p.m.*

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