



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SIXTH SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, FEBRUARY 09, 2022 AT 2.30 P.M.**

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with prayer said by the Speaker
3. **COMMUNICATION FROM THE CHAIR ON MARSHALLING OF BUSINESS IN THE SENATE**

The Speaker conveyed the following communication from the Chair-

“Honourable Senators,

As you will recall from my Communication yesterday, I indicated that sixth Session will be a short one owing to the fact that this is an election year. Critical Business still remains to be dispensed with. In this regard, the Senate Business Committee, at its inaugural meeting held yesterday, Tuesday, 8th February, 2022, considered the Legislative Business pending before the Senate and took note the high number of Bills and Petitions that are yet to be concluded. The Committee expressed concern that certain Motions and Bills on the Order Paper keep recurring, owing to the unavailability of sponsors to prosecute them.

Honourable Senators,

Resultantly the Senate Business Committee resolved that where sponsors of Business are not available to move such Business, it shall be dropped from the Weekly Programme pursuant to Standing Order 59 (3). For avoidance of doubt, Standing Order 59 (3) states -

*Where no Senator moves a Motion at the time specified by or under these Standing Orders, such Motion shall not be published again in the Order Paper during the same Session except with the leave of the Speaker.*

Honourable Senators,

I take this opportunity to urge each Senator with Business to be proactive in tracking the same and attend Plenary whenever such Business is scheduled.

The Senate stands guided.”

#### **4. PETITIONS**

- i.) Pursuant to Standing Order 230(2) (b), the Speaker reported to the Senate a Petition by the Consumers Federation of Kenya (COFEK) concerning the Ministry of Mining and Petroleum “Open Tender System” for fuel supply.

Pursuant to Standing Order 231, the Speaker invited Senators to make comments, observations or seek clarification in relation to the Petition and, subsequently committed it to the Standing Committee on Energy pursuant to Standing Order 232(1).

- ii.) Pursuant to Standing Order 230(2) (a), the Senator for Migori County (Sen. (Dr.) Ochillo Ayacko, MP), presented to the Senate a petition regarding alleged arbitrary deprivation of land, internal displacement of persons, trespass on land, delayed and non-compensation in respect of way leaves and public rights of way required for irrigation infrastructure and unnecessary, prolonged and inordinate delay in undertaking full implementation of the Lower Kuja irrigation development project in Nyatike Sub County of Migori County, by the management of the National Irrigation Authority.

Pursuant to Standing Order 231, the Speaker invited Senators to make comments, observations or seek clarification in relation to the Petition and, subsequently committed it to the Standing Committee on Land, Environment and Natural Resources, pursuant to Standing Order 232(1).

#### **5. PAPERS**

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

- i.) The Senate Calendar for the Sixth Session (February to June, 2022).
- ii.) Report by the National Treasury and Planning on the status of the Kenyan economy (December, 2021).
- iii.) Report by the National Treasury on all new loans contracted by Government from 1st September, 2021 to 31st December, 2021.
- iv.) Annual Report and Financial Statements for the Office of the Controller of Budget for the Financial Year 2019/2020.
- v.) Report of the Controller of Budget on the National Government Budget Implementation Review for the Financial Year 2020/2021.
- vi.) Report of the Controller of Budget on the National Government Budget Implementation Review for the First Quarter for the Financial Year 2021/2022.

- vii.) Report of the Controller of Budget on the County Governments Budget Implementation Review, for the First Quarter for the Financial Year 2021/2022.
- viii.) The Annual Report of the National Police Service Commission, for Financial Year 2020/2021.
- ix.) The Ninth Report on status of the Public Service Compliance with the values and principles in Articles 10 and 232 of the Constitution.
- x.) The Annual Report on the State of Judiciary and the Administration of Justice for the Financial Year 2020/2021.
- xi.) The Commission on Revenue Allocation Recommendation on the County Governments' recurrent expenditure budget ceilings for Financial Year 2022/2023.
- xii.) The Annual Report of the Commission on Revenue Allocation for the Financial Year 2019/2021.
- xiii.) The Controller of Budget Regulations (Legal Notice No. 254 of 2021).
- xiv.) The Designation of Basin Areas (Legal Notice No. 235 of 2021).
- xv.) Report of the Auditor General on the financial statement of Kilifi County Assembly car loan and mortgage scheme fund for the year ended 30th June, 2014;
- xvi.) Report of the Auditor General on the financial statement of Kilifi County Assembly car loan and mortgage scheme fund for the year ended 30th June, 2015;
- xvii.) Report of the Auditor General on the financial statement of Kilifi County Assembly car loan and mortgage scheme fund for the year ended 30th June, 2016;
- xviii.) Report of the Auditor General on the financial statement of Baringo County Education Bursary Fund for the year ended 30th June, 2016;
- xix.) Report of the Auditor General on the financial statement of Baringo County Small and Medium Enterprise for the year ended 30th June, 2016;
- xx.) Report of the Auditor General on the financial statement of Baringo County Executive members mortgage scheme fund for the year ended 30th June, 2016;
- xxi.) Report of the Auditor General on the financial statement of Kilifi County Assembly car loan and mortgage scheme fund for the year ended 30th June, 2017;
- xxii.) Report of the Auditor General on the financial statement of Baringo County Education Bursary fund for the year ended 30th June, 2017;
- xxiii.) Report of the Auditor General on the financial statement of Nyeri County Assembly car loan and mortgage fund for the year ended 30th June, 2018;
- xxiv.) Report of the Auditor General on the financial statement of Kilifi County Assembly car loan and mortgage scheme fund for the year ended 30th June, 2018;
- xxv.) Report of the Auditor General on the financial statement of Baringo County Education Bursary fund for the year ended 30th June, 2018;

- xxvi.) Report of the Auditor General on the financial statement of Kericho County Assembly Members car loan and mortgage scheme fund for the year ended 30th June, 2018;
- xxvii.) Report of the Auditor General on the financial statement of County Assembly of Nakuru car loan and mortgage fund for the year ended 30th June, 2018;
- xxviii.) Report of the Auditor General on the financial statement of Baringo County Small and Medium Enterprise Fund for the year ended 30th June, 2018;
- xxix.) Report of the Auditor General on the financial statement of Baringo County Executive Members mortgage scheme fund for the year ended 30th June, 2018;

*(The Deputy Senate Majority Leader)*

- xxx.) Report of the Standing Committee on Health on the special audit report on utilization of COVID-19 funds by twenty eight (28) county governments.

*(The Vice-chairperson, Standing Committee on Health)*

**6. NOTICE OF MOTION - APPROVAL OF THE SENATE CALENDAR FOR THE SIXTH SESSION**

*(The Senate Majority Leader)*

**THAT**, pursuant to Standing Order 29(1), this House approves the Senate Calendar (Regular Sessions) for the Sixth Session (February to June, 2022), laid on the Table of the House on Wednesday, 9<sup>th</sup> February, 2022.

**7. NOTICE OF MOTION - APPROVAL OF SITTINGS ON WEDNESDAY MORNING WITH RESPECT TO PART 1 OF THE SENATE CALENDAR**

*(The Senate Majority Leader)*

**THAT**, pursuant to Standing Order 31(3), the Senate resolves to hold Sittings on Wednesday mornings with effect from 16<sup>th</sup> February, 2022 to 9<sup>th</sup> March, 2022; and that the Sittings shall commence at 10.00 a.m. and end at 12.30 p.m.

**8. NOTICE OF MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE SPECIAL AUDIT REPORT ON UTILIZATION OF COVID-19 FUNDS BY TWENTY EIGHT (28) COUNTY GOVERNMENTS**

*(The Vice-chairperson, Standing Committee on Health)*

**THAT** the Senate adopts the Report of the Standing Committee on Health on the special audit report on utilization of COVID-19 funds by twenty eight (28) county governments, laid on the Table of the Senate on Wednesday 9<sup>th</sup> February, 2022

**9. STATEMENTS****a) Pursuant to Standing Order 47 (1)**

Nominated Senator (Sen. (Dr.) Gertrude Musuruve, MP) made a statement concerning the International Day of Women and Girls in Science.

In the Statement, the Senator informed the Senate that the world marks the International Day of Women and Girls in Science annually on the 11<sup>th</sup> February, following a resolution of the United Nations on 22<sup>nd</sup> December, 2015, to recognize the critical role women and girls play in science and technology.

The Senator noted that women and girls in science-oriented disciplines (STEM) were few but that in the past few decades, their representation in the workforce in STEM fields had significantly improved. She further observed that several colleges and universities were taking steps to minimize the gender gap between men and women in the engineering field by recruiting more women into their programs. She highlighted that this was laudable, citing programmes such as the Young Scientists of Kenya (YSK) initiative that accords young individuals an opportunity to demonstrate innovation and showcase their scientific talents.

The Senator concluded by calling upon the national and county governments to strengthen such programmes that promote the participation of women and girls in STEM disciplines and called upon universities to continue encouraging women to enroll in graduate programs that offer STEM related courses.

**b) Pursuant to Standing Order 48 (1)**

The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Education concerning failure by the Higher Education Loans Board to disburse funds to students in institutions of higher learning.

**10. PROCEDURAL MOTION – LIMITATION OF DEBATE ON MOTIONS**

Order read;

Motion made and Question proposed;

**THAT**, pursuant to Standing Order 106 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner – a maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party

Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

*(The Senate Majority Leader)*

And there being no Senator wishing to contribute;

Pursuant to Standing Order 79(1), the Deputy Speaker ruled that the Motion does not affect counties;

Question put and agreed to.

**RESOLVED ACCORDINGLY**

**THAT**, pursuant to Standing Order 106 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner – a maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

11. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON ADJOURNMENT MOTION**

Order read;

Motion made and Question proposed;

**THAT**, notwithstanding the provisions of Standing Order 106 (1), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put; Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

*(The Senate Majority Leader)*

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Pursuant to Standing Order 79(1), the Deputy Speaker ruled that the Motion does not affect counties;

Question put and agreed to.

**RESOLVED ACCORDINGLY**

**THAT**, notwithstanding the provisions of Standing Order 106 (1), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put; Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

12. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON MOTION ON THE ADDRESS BY HIS EXCELLENCY THE PRESIDENT**

Order read;

Motion made and Question proposed;

**THAT**, pursuant to Standing Order 106 (1), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

*(The Senate Majority Leader)*

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Pursuant to Standing Order 79(1), the Deputy Speaker ruled that the Motion does not affect counties;

Question put and agreed to.

**RESOLVED ACCORDINGLY**

**THAT**, pursuant to Standing Order 106 (1), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

13. **MOTION - APPROVAL OF THE SENATE CALENDAR FOR THE SIXTH SESSION**

Order read;

Motion made and Question proposed;

**THAT**, pursuant to Standing Order 29(1), this House approves the Senate Calendar (Regular Sessions) for the Sixth Session (February to June, 2022), laid on the Table of the House on Wednesday, 9<sup>th</sup> February, 2022.

*(The Senate Majority Leader)*

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Pursuant to Standing Order 79(1), the Temporary Speaker (Sen. John Kinyua Nderitu, MP) ruled that the Motion does not affect counties;

Question put and agreed to.

**RESOLVED ACCORDINGLY**

**THAT**, pursuant to Standing Order 29(1), this House approves the Senate Calendar (Regular Sessions) for the Sixth Session (February to June, 2022), laid on the Table of the House on Wednesday, 9<sup>th</sup> February, 2022.

14. **MOTION - APPROVAL OF SITTINGS ON WEDNESDAY MORNING WITH RESPECT TO PART 1 OF THE SENATE CALENDAR**

Order read;

Motion made and Question proposed;

**THAT**, pursuant to Standing Order 31(3), the Senate resolves to hold Sittings on Wednesday mornings with effect from 16<sup>th</sup> February, 2022 to 9<sup>th</sup> March, 2022; and that the Sittings shall commence at 10.00 a.m. and end at 12.30 p.m.

*(The Senate Majority Leader)*

And there being no other Senator wishing to contribute;

The Mover replied;



Pursuant to Standing Order 79(1), the Temporary Speaker (Sen. John Kinyua Nderitu, MP) ruled that the Motion does not affect counties;

Question put and agreed to.

**RESOLVED ACCORDINGLY**

**THAT**, pursuant to Standing Order 31(3), the Senate resolves to hold Sittings on Wednesday mornings with effect from 16<sup>th</sup> February, 2022 to 9<sup>th</sup> March, 2022; and that the Sittings shall commence at 10.00 a.m. and end at 12.30 p.m.

15. **COMMITTEE OF THE WHOLE**  
**THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 22 OF 2021)**  
(Sen. (Dr.) Alice Milgo, MP)

*(Resumption of debate interrupted on Tuesday, 25<sup>th</sup> January, 2022)*

*(Division)*

Order deferred.

16. **COMMITTEE OF THE WHOLE**  
**THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 17 OF 2021)**  
(Sen. Ledama Olekina, MP)

*(Resumption of debate interrupted on Wednesday, 22<sup>nd</sup> December, 2021 – Morning Sitting)*

*(Division)*

Order deferred.

17. **COMMITTEE OF THE WHOLE**  
**THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2021)**  
(Sen. Moses Kajwang', MP)

*(Resumption of debate interrupted on Wednesday, 22<sup>nd</sup> December, 2021 – Morning Sitting)*

*(Division)*

Order deferred.

18. **COMMITTEE OF THE WHOLE**  
**THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 37 OF 2021)**  
(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

*(Resumption of debate interrupted on Wednesday, 22<sup>nd</sup> December, 2021 – Morning Sitting)*

**(Division)**

Order deferred.

19. **THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL (SENATE BILLS NO. 51 OF 2021)**

(Sen. Ledama Olekina, MP)

Order for Second Reading read;

Order dropped from the Programme of Senate Business , pursuant to Standing Order 59 (3).

20. **THE POLITICAL PARTY PRIMARIES BILL (SENATE BILLS NO. 35 OF 2020)**

(Sen. (Dr.) Isaac Mwaura, MP)

Order for Second Reading read;

Order dropped from the Programme of Senate Business, pursuant to Standing Order 59 (3).

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

(Sen. Judith Pareno, MP)

Order for Second Reading read;

Order dropped from the Programme of Senate Business, pursuant to Standing Order 59 (3).

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

Order for Second Reading read;

Motion made and Question proposed –

**THAT**, the Preservation of Human Dignity and Protection of Economic and Social Rights Bill (Senate Bills No. 21 of 2021) be now read a Second Time.

*(Sen. Abshiro Halake, MP)*

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Pursuant to Standing Order 61 (3), the Mover requested the Temporary Speaker (Sen. John Kinyua Nderitu, MP) to defer putting of the Question to a later date.

And the Temporary Speaker (Sen. John Kinyua Nderitu, MP) acceding to the request, deferred putting of the Question to the next Sitting.

23. **THE SPORTS (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2021)**

(Sen. Aaron Cheruiyot, MP)

*(Second Reading)*

Order for Second Reading read;

Order dropped from the Programme of Senate Business, pursuant to Standing Order 59 (3).

24. **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 Deferred.

25. **COMMITTEE OF THE WHOLE**

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

(Sen. (CPA) Farhiya Haji, MP)

Order Deferred

26. **COMMITTEE OF THE WHOLE**

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

(Sen. Abshiro Halake, MP)

Order Deferred.

There being no other business, the Temporary Speaker (Sen. John Nderitu Kinyua, MP) adjourned the Senate at twenty five minutes past Six O'clock, without question put, pursuant to the Standing Orders.

27. **SENATE ROSE** - at twenty-five Minutes past six O'clock.

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

*The Speaker will take the Chair on  
Thursday, February 10, 2022 at 2.30 p.m.*

---xx---