



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SIXTH SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, MARCH 10, 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 Temporary Speaker, Sen John Kinyua, MP.
3. **MESSAGES FROM THE NATIONAL ASSEMBLY**

The Temporary Speaker (Sen. John Kinyua, MP) conveyed the following Messages from the National Assembly on the-

**a) Passage of the Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 32 of 2021).**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3), I have received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 32 of 2021).

Pursuant to the said Standing Order, I now report the Message-

*“PURSUANT to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –*

*WHEREAS the Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 32 of 2021) was published vide Kenya Gazette*

*Supplement No. 121 of 11<sup>th</sup> June, 2021 as a Bill to proposing to amend the Public Procurement and Asset Disposal Act to address the challenges faced by procurement entities in implementing the Act including the multiple award of contracts;*

*AND WHEREAS, the National Assembly considered the said Bill on Thursday, 17<sup>th</sup> February, 2022 and passed it on Tuesday, 22<sup>nd</sup> February, 2022 **with amendments**, in the form attached hereto;*

*NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the National Assembly's decision on the Bill to the Senate."*

Honourable Senators,

Pursuant to Standing Order 157 which requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order 139, I will, at the appropriate time during this Sitting, call upon the Clerk to read the said Bill a First Time.

I thank you."

**b) Passage of the Sacco Societies (Amendment) Bill (National Assembly Bill No. 55 of 2021).**

"Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3), I have received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Sacco Societies (Amendment) Bill (National Assembly Bill No. 55 of 2021).

Pursuant to the said Standing Order, I now report the Message-

*"PURSUANT to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –*

*WHEREAS the Sacco Societies (Amendment) Bill (National Assembly Bill No. 55 of 2021) was published vide Kenya Gazette Supplement No. 218 of 26<sup>th</sup> November, 2021 as a Bill concerning county governments in terms of Article 110(4) of the Constitution seeking to amend the Sacco Societies Act No. 14 of 2008 to, among other things, provide for the usage of Information Communication Technology in collecting and receiving statutory reports with a*

*view to reducing the regulatory reporting burden on SACCOs and ensuring a faster, efficient and accurate reporting, monitoring and analysis of SACCOs financial status at any time, being the cornerstone of Risk-Based Supervision (RBS);*

*AND WHEREAS, the National Assembly considered and passed the said Bill on Thursday, 17<sup>th</sup> February, 2022 **without amendments**, in the form attached hereto;*

*NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the National Assembly’s decision on the Bill to the Senate for concurrence.”*

Honourable Senators,

Pursuant to Standing Order 157 which requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order 139, I will, at the appropriate time during this Sitting, call upon the Clerk to read the said Bill a First Time.

I thank you.”

**c) Passage of the Sustainable Waste Management Bill (National Assembly Bill No. 22 of 2021).**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the passage of the Sustainable Waste Management Bill (National Assembly Bill No. 22 of 2021).

Pursuant to the said Standing Orders, I now report the Message-

*“PURSUANT to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-*

*WHEREAS the Sustainable Waste Management Bill (National Assembly Bill No. 22 of 2021) was published vide Kenya Gazette Supplement No. 92 of 12<sup>th</sup> May 2021 as a Bill to establish the legal and institutional framework for the sustainable management of waste; ensure the realization of the constitutional provision on the right to a clean and healthy environment and for connected purposes;*

*AND WHEREAS the National Assembly considered and passed the said Bill on Wednesday, 23<sup>rd</sup> February, 2022 **with amendments**, in the form attached hereto;*

*NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby **convey** the said decision of the National Assembly to the Senate.”*

Honourable Senators,

Pursuant to Standing Order 157 which requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order 139, I will, at the appropriate time during this Sitting, call upon the Clerk to read the said Bill a First Time.

I thank you.”

**d) Passage of the National Disaster Management Authority Bill (Bill No. 10 of 2019).**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4), I have received the following message from the Speaker of the National Assembly regarding the passage of the National Disaster Management Authority Bill (National Assembly Bill No. 10 of 2019).

Pursuant to the said Standing Orders, I now report the Message-

*“PURSUANT to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –*

*WHEREAS the National Disaster Management Authority Bill (National Assembly Bill No. 10 of 2019) was published, vide Kenya Gazette Supplement No. 17 of 1<sup>st</sup> March, 2019 as a Bill concerning county governments in terms of Article 110(4) of the Constitution seeking to establish a centralized system of responding to and managing disasters in the country through the establishment of the National Disaster Management Authority, which is to be the main body dealing with disaster management in the country with a view to ensuring better response to disasters, and reduced impact of disaster;*

*AND WHEREAS the National Assembly considered and passed the said Bill on Wednesday, 16<sup>th</sup> February, 2022 **with amendments**, in the form attached hereto;*

*NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby **convey** the National Assembly's decision on the Bill to the Senate for concurrence."*

Honourable Senators,

Article 110(3) of the Constitution requires that –

*“Before either House considers a Bill, the Speakers of the National Assembly and Senate shall jointly resolve any question as to whether it is a Bill concerning counties and, if it is, whether it is a special or an ordinary Bill”*

This Constitutional provision has not been met with respect to the National Disaster Management Authority Bill (National Assembly Bill No. 10 of 2019). As such, the Bill ought to be aligned to Article 110(3) of the Constitution, following which the Bill will be read a First Time in the Senate.

Honourable Senators,

In view of the foregoing, the National Disaster Management Authority Bill (National Assembly Bill No. 10 of 2019), as received from the National Assembly vide the Message dated Wednesday 9<sup>th</sup> March, 2022, will not be proceeded with in the Senate.

I thank you.”

4. **PAPER**

Business of the Senate for the week commencing Tuesday, 22<sup>nd</sup> March, 2022.

*(The Deputy Senate Majority Leader)*

5. **STATEMENTS**

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

Nominated Senator (Sen. (Dr.) Isaac Mwaura, MP) sought a statement from the Standing Committee on Energy on the circumstances surrounding the death of Mr. Felix Odhiambo, a resident of Githurai Estate, who died from electrocution.

**b) Pursuant to Standing Order 52 (1)**

The Deputy Senate Majority Leader issued a statement on the Business of the Senate for the week commencing Tuesday, 22<sup>nd</sup> March, 2022.

**6. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 32 OF 2021).**

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Finance and Budget.

**7. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2021).**

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Tourism, Trade and Industrialization.

**8. THE SUSTAINABLE WASTE MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2021).**

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Land, Environment and Natural Resources.

**9. THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2021)**

(The Senate Majority Leader)

*(Second Reading)*

***(Resumption of debate interrupted on Wednesday, 23<sup>rd</sup> February, 2022-  
Morning Sitting)***

***(Division)***

Order deferred.

**10. 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.

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

*(Resumption of debate interrupted on Wednesday, 2<sup>nd</sup> March, 2022 – Morning Sitting)*

*(Division)*

Order deferred.

12. **COMMITTEE OF THE WHOLE**  
**THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 21 OF 2021)**  
(Sen. Abshiro Halake, MP)

*(Resumption of debate interrupted on Wednesday, 2<sup>nd</sup> March, 2022 – Morning Sitting)*

*(Division)*

Order deferred.

13. **MOTION - ADOPTION OF REPORTS OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON CONSIDERATION OF THE REPORTS BY THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF VARIOUS COUNTY EXECUTIVES FOR FINANCIAL YEAR 2018/2019**

(Chairperson, Sessional Committee on County Public Accounts and Investments)

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 on Thursday 2<sup>nd</sup> December, 2021.

*(Resumption of debate interrupted on Tuesday, 8<sup>th</sup> March, 2022)*

*(Division)*

Order deferred.

14. **COMMITTEE OF THE WHOLE**  
**THE ELECTIONS (AMENDMENT) (NO. 3) BILL (SENATE BILLS NO. 48 OF 2021)**  
(Sen. (Eng.) Ephraim Maina, MP)  
  
Order deferred.
15. **COMMITTEE OF THE WHOLE**  
**THE COUNTY RESOURCE DEVELOPMENT BILL (SENATE BILLS NO. 45 OF 2021)**  
(Sen. Rose Nyamunga, MP)  
  
Order deferred.
16. **COMMITTEE OF THE WHOLE**  
**THE SPECIAL NEEDS EDUCATION BILL (SENATE BILLS NO. 44 OF 2021)**  
(Sen. (Dr.) Getrude Musuruve and Sen. (Prof.) Margaret Kamar, MP)  
  
Order deferred.
17. **COMMITTEE OF THE WHOLE**  
**THE IRRIGATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2021)**  
(The Senate Majority Leader)  
  
Order deferred.
18. **COMMITTEE OF THE WHOLE**  
**THE COMMUNITY GROUPS REGISTRATION BILL (NATIONAL ASSEMBLY BILLS NO. 20 OF 2021)**  
(The Senate Majority Leader)  
  
Order deferred.
19. **COMMITTEE OF THE WHOLE**  
**THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 7 OF 2021)**  
(Chairperson, Standing Committee on Tourism, Trade and Industrialization)  
  
Order deferred.
20. **COMMITTEE OF THE WHOLE**  
**THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2021)**  
(Sen. Naomi Shiyonga, MP)



Order deferred.

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

(Sen. Ledama Olekina, MP)

*(Second Reading)*

Order deferred.

22. **THE ELECTIONS (AMENDMENT) (NO.2) BILL (SENATE BILLS NO. 43 OF 2021)**

(Sen. Ledama Olekina, MP)

*(Second Reading)*

Order deferred.

23. **THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILLS NO. 29 OF 2020)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Persons with Disabilities (Amendment) Bill (Senate Bills No. 29 of 2020) be now read a Second Time.

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

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order, the Mover requested for the deferment of putting of the Question to a later date, pursuant to Standing Order 61 (3);

And the Temporary Speaker (Sen. John Kinyua Nderitu, MP) acceded to his request and deferred putting of the Question to a later date.

24. **THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 55 OF 2021)**

(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

*(Second Reading)*

Order deferred.

25. **MOTION - FAST TRACKING CULTURAL DEVELOPMENTS IN COUNTIES**

Order read;

Motion made and Question proposed;

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.

*(Sen. (Arc.) Sylvia Kasanga, MP )*

Debate arising;

And there being no other Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 79 (1), the Temporary Speaker (Sen. John Kinyua, MP) ruled that the Motion did not affect counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

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.

26. **MOTION - INTEGRATING CLIMATE EDUCATION INTO SCHOOL CURRICULUM AT ALL LEVELS**

Order read;

Motion made and Question proposed;

THAT, AWARE THAT it is important that both the current and future generations are better equipped to address the problem of climate change and this can be accomplished by using appropriate instructional strategies such as integrating climate education into the syllabus to assist students in improving their understanding of climate change and acquiring the essential skills to reduce its effects;

ACKNOWLEDGING THAT education is crucial to promote climate action as it helps individuals understand and address the impacts of the climate crisis, empowering them with the knowledge, skills, values and attitudes needed to act as agents of change, hence protect the environment and take action by crafting community level solutions;

COGNIZANT OF THE FACT the Constitution of Kenya in Article 42 provides for the right to a clean and healthy environment for every Kenyan, which includes the right to have the environment protected for the benefit of present and future generations;

FURTHER NOTING THAT climate change is a global nightmare with consequences that are already quite visible, and should be a priority for our education curriculum, in accordance to Article 12 of the Paris Agreement which espouses the enhancement of climate change education, training, public awareness, public participation and public access to information;

NOW THEREFORE, the Senate calls upon the Council of Governors in partnership with the Ministry of Education, Science and Technology to:-

- a) integrate climate education in the school curriculum in all counties to equip all school going children; and
- b) equip teachers and administrators with the necessary information and training skills to teach climate education in schools.

*(Sen. Abshiro Halake, MP)*

Debate arising;

And there being no other Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 79 (1) the Temporary Speaker (Sen. John Kinyua, MP) ruled that the Motion did not affect counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

THAT, AWARE THAT it is important that both the current and future generations are better equipped to address the problem of climate change and this can be accomplished by using appropriate instructional strategies such as integrating climate education into the syllabus to assist students in improving their understanding of climate change and acquiring the essential skills to reduce its effects;

ACKNOWLEDGING THAT education is crucial to promote climate action as it helps individuals understand and address the impacts of the climate crisis, empowering them with the knowledge, skills, values and attitudes needed to act as agents of change, hence protect the environment and take action by crafting community level solutions;

COGNIZANT OF THE FACT the Constitution of Kenya in Article 42 provides for the right to a clean and healthy environment for every Kenyan, which includes the right to have the environment protected for the benefit of present and future generations;

FURTHER NOTING THAT climate change is a global nightmare with consequences that are already quite visible, and should be a priority for our education curriculum, in accordance to Article 12 of the Paris Agreement which espouses the enhancement of climate change education, training, public awareness, public participation and public access to information;

NOW THEREFORE, the Senate calls upon the Council of Governors in partnership with the Ministry of Education, Science and Technology to:-

- a. integrate climate education in the school curriculum in all counties to equip all school going children; and
- b. equip teachers and administrators with the necessary information and training skills to teach climate education in schools.

27. **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 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, 9th February, 2022.

Order deferred.

28. **MOTION - ADJOURNMENT OF THE SENATE**

Order read;

Motion made and Question Proposed;

THAT, pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 22<sup>nd</sup> March, 2022.

*(The Deputy Senate Majority Leader)*

And there being no other Senator wishing to contribute;

And there being no other business in the Order Paper, the Temporary Speaker (Sen. John Kinyua, MP) adjourned the Senate at seventeen minutes past six O'clock without Question put, pursuant to the Standing Orders.

29. **SENATE ROSE** – at seventeen Minutes past Six O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Tuesday, March 22, 2021 at 2.30 p.m.*

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