



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SIXTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, MARCH, 08 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. Judith Pareno, MP).
3. **COMMUNICATION FROM THE CHAIR**

The Temporary Speaker (Sen. Judith Pareno, MP) conveyed the following communication from the chair: -

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of five (5) young men and women who are undertaking the Senate internship programme for a period of six (6) months. The objective of the programme is to provide young people with firsthand experience in the legislative process and to expose them to the intricate world of public policy and public service.

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

They are:-

1. Mr. Athman Ramathan;
2. Ms. Rosemary Naserian Ologela;
3. Ms. Sandra Alusa;
4. Ms. Hafswa Abdillah Olow; and
5. Mr. Collins Leteipa Mpilei

On behalf of the Senate, and on my own behalf, I welcome them to the Senate and wish them well during the internship programme.

I thank you.”

4. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE PASSAGE OF THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 8 OF 2022)**

The Temporary Speaker (Sen. Judith Pareno, MP) conveyed the following Message from the National Assembly: -

“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, by the Assembly, of the Division of Revenue Bill (National Assembly Bills No. 8 of 2022)-

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

***WHEREAS** the Division of Revenue Bill (National Assembly Bill No. 8 of 2022) was published vide Kenya Gazette Supplement No. 26 of 25th February 2022 as a Bill seeking to provide for the equitable division of revenue raised nationally between the national and county governments in the 2022/23 financial year in accordance with Article 218(1)(a) of the Constitution;*

***AND WHEREAS** the National Assembly considered the said Bill and passed it on Thursday, 3rd March 2022 **without amendments**, in the form attached hereto;*

***NOW THEREFORE**, in accordance with the provisions Article 110(4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.”*

Honourable Senators,

Pursuant to Standing Order No. 157, which requires that a Bill which originates 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 No. 139, I now direct that the Bill be read a First Time today, Tuesday, 8th March, 2022.

I thank you.”

5. **PAPERS**

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

- i) Report of the Auditor General on the financial statement of Bungoma County Education Support Scheme for the year ended 30th June 2020.

- ii) Report of the Auditor General on the financial statement of Bungoma County Assembly Employee Car Loan and Mortgage Fund for the year ended 30th June 2020.
- iii) Report of the Auditor General on the financial statement of Bungoma County Persons with Disabilities Empowerment Fund for the year ended 30th June 2020.
- iv) Report of the Auditor General on the financial statement of Bungoma County Youth and Women Empowerment Fund for the year ended 30th June 2020.
- v) Report of the Auditor General on the financial statement of Trans Nzoia County Executive Car Loan and Mortgage Scheme Fund for the year ended 30th June 2020;
- vi) Report of the Auditor General on the financial statement of Trans Nzoia County Assembly Members and Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June 2020.
- vii) Report of the Auditor General on the financial statement of Trans Nzoia County Public Service Board for the year ended 30th June 2020.
- viii) Report of the Auditor General on the financial statement of Kakamega County Alcoholic Drinks Control Fund for the year ended 30th June 2017.
- ix) Report of the Auditor General on the financial statement of Kakamega County Alcoholic Drinks Control Fund for the year ended 30th June 2018.
- x) Report of the Auditor General on the financial statement of Kakamega County Alcoholic Drinks Control Fund for the year ended 30th June 2019.
- xi) Report of the Auditor General on the financial statement of Kakamega County Alcoholic Drinks Control Fund for the year ended 30th June 2020.
- xii) Report of the Auditor General on the financial statement of Kakamega County Trade Loans Fund for the year ended 30th June 2020.
- xiii) Report of the Auditor General on the financial statement of Kakamega County Assembly Loans and Mortgages Fund for the year ended 30th June 2020.
- xiv) Report of the Auditor General on the financial statement of Kakamega County Maternal Child Health and Family Planning Fund for the year ended 30th June 2020.
- xv) Report of the Auditor General on the financial statement of Busia County Assembly Revolving Fund for the year ended 30th June 2020.

- xvi) Report of the Auditor General on the financial statement of Busia County Cooperative Enterprise Development Fund for the year ended 30th June 2020.
- xvii) Report of the Auditor General on the financial statement of Nyandarua County Assembly Members Car Loan and Mortgage Fund for the year ended 30th June 2020.
- xviii) Report of the Auditor General on the financial statement of Nyandarua County Civil Servant's Car Loan and Mortgage Scheme Fund for the year ended 30th June 2020.
- xix) Report of the Auditor General on the financial statement of Mandera County Education Bursary Fund for the year ended 30th June 2020.
- xx) Report of the Auditor General on the financial statement of Garissa County Emergency Fund for the year ended 30th June 2019.

(The Deputy Senate Majority Leader)

6. STATEMENTS

a) Pursuant to Standing Order 47(1)

- (i) The Senator for Nairobi City County (Sen. Sakaja Johnson) made a Statement regarding an incident that occurred on Friday 4th March 2022 along Wangari Maathai Road in Nairobi City County and whose video recording was widely circulated via social media on Monday 7th March 2022.

Thereupon, Senator informed the Senate that a middle-aged woman motorist was sexually harassed and assaulted by a mob of *Boda* riders for allegedly knocking one of them in an accident, following which the riders assaulted and sexually harassed her in a case of impunity, which had become the norm to which many Kenyans have fallen victims in the hands of *Boda Boda* operators. He added that Some riders have become a law unto themselves, flaunting traffic rules, riding on pedestrian walkways, while some have become accomplices in robberies.

The Senator condemned the act, urging that, in as much as the sector had employed many young people, *Boda Bodas* must operate under the law, and law enforcement agencies must not allow rogue elements within the industry to continue with their menace and jeopardize the livelihoods of thousands of others, who depend on this work.

The Senator expressed his sympathies to the victim, her family, and women at large and urged the Inspector General of Police to expedite the investigations into the incident, arrest and charge all the culprits involved in the heinous act and further provide a report

on the measures taken going forward to ensure the safety of all road users.

Following contributions by Senators, the Temporary Speaker (Sen. Judith Pareno, MP), referred the matter to the Standing Committee on Roads and Transportation and the Standing Committee on National Security, Defence and Foreign Relations, pursuant to Standing Order 47(3), and directed that the Committees report to the House on Tuesday, 22nd March, 2022.

- (ii) Nominated Senator, Sen. (Dr.) Getrude Musuruve, MP, made a statement on the International Women's Day (IWD).

Thereupon, the Senator informed the Senate that the day is observed annually on the 8th of March and this year's theme is "*Gender equality today for a sustainable tomorrow*", in recognition and celebration of the women and girls who are leading the charge on climate change adaptation and response towards a sustainable future.

The Senator pointed out that the International Women's Day was a global celebration of the economic, political and social achievement of women that first took place in 1911 in Austria, Denmark, Germany and Switzerland. Across Europe, women demanded the right to vote and to hold public office, and protested against employment sex discrimination.

She informed the Senate that the day had become a focal point in the women's rights movement, bringing attention to issues such as gender equality, reproductive rights and violence and abuse against women. For many years, women's life across the globe was that of servitude and their place confined to the kitchen. Attempts by women to improve this state had not been very easy. Adding that as the World marks the IWD 2022, she would like to acknowledge women who in their lives have taken up daring steps to defy societal negative perception on the female and ventured into male 'dominated' jobs, career paths and leadership, hence becoming mentors of their kind.

The Senator further acknowledged and applauded women in Kenya who had mentored their kind by breaking the barriers such as , among others, Prof. Wangari Maathai, the founder of the *Greenbelt Movement*, Dr. Grace Onyango, the first Kenyan woman MP and mayor, Hon. Charity Ngilu, Kenya's first female presidential candidate, Hon. Phoebe Asiyo, one of the longest serving women Members of Parliament, Dr. Elizabeth Mary Okello, the founder of the Kenya Women Finance Trust and Makini Schools, Ms. Anne Wafula, who has been named among the 100 most influential people in the United Kingdom, Ms Josephine Sinyo, a blind disability rights activist and lawyer and first blind woman MP.

The Senator also celebrated women who had battled with cancer and are still productive to the society such as Sen. Beth Mugo, Sen. (Dr.) Musuruve, as well as those already departed like Hon. (Dr.) Joyce Laboso and Melab Afwayi. She further celebrated women who are widows and single mothers but have made sacrifices to raise and nurture their children single-handedly.

The Senator concluded by urging the government to continuously acknowledge the tireless works of women who champion their course by awarding them national recognition.

b) Pursuant to Standing Order 48 (1)

- i. Nominated Senator (Sen. Isaac Mwaura, MP) sought a Statement from the Standing Committee on Roads and Transportation on the circumstances surrounding the violent takeover of a parking slot, which had been allocated to Mr. Cyrus Mwangi, a PWD, by the Nairobi City County Government.
- ii. Nominated Senator (Sen. Isaac Mwaura, MP) sought a Statement from the Standing Committee on Roads and Transportation regarding the status of construction of Membley Road in Ruiru, Kiambu County, which is expected to serve as a connection between the Thika Super Highway and the Northern Bypass.

7. **THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 8 OF 2022)**

Order for First Reading read;

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

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

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 23rd February, 2022-Morning Sitting)

(Division)

Order read;

Order deferred.

9. **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, 22nd December, 2021
– Morning Sitting)*

(Division)

Order deferred.

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

(Resumption of debate interrupted on Tuesday, 1st March, 2021)

(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, 2nd 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, 2nd March, 2022 –
Morning Sitting)*

(Division)

Order deferred.

13. **COMMITTEE OF THE WHOLE**
THE ELECTIONS (AMENDMENT) (NO. 3) BILL (SENATE BILLS NO. 48 OF 2021)

(Sen. (Eng.) Ephraim Maina, MP)

Order deferred.

14. **COMMITTEE OF THE WHOLE**
THE COUNTY RESOURCE DEVELOPMENT BILL (SENATE BILLS NO. 45 OF 2021)

(Sen. Rose Nyamunga, MP)

Order deferred.

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

(Sen. Ledama Olekina, MP)

(Second Reading)

Order deferred.

16. **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.

17. **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 YEARS 2018/2019**

Order read;

Motion made and Question proposed;

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 2nd December, 2021.

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

Debate arising;

And there being no other Senators wishing to contribute;

Mover replied;

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

And the Temporary Speaker (Sen. Judith Pareno, MP) acceding to the request, nominated Wednesday 9th, March, 2022 as the day when the Question shall be put.

And there being no other business on the Order Paper, the Temporary Speaker (Sen. Judith Pareno, MP) adjourned the Senate at twenty-five minutes past Six O'clock without Question put, pursuant to the Standing Orders.

18. **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
Wednesday, March 09, 2022 at 10:00 a.m.*

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