



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SIXTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, MARCH 24, 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 Deputy Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Deputy Speaker conveyed the following Communication from the Chair-

i) The Demise of the late Hon. Jacob Oulanyah, MP, Speaker of the Parliament of the Republic of Uganda

“Honourable Senators,

I regret to communicate to the House, the demise of the Honourable Jacob L’Okori Oulanyah, MP, Speaker of the Parliament of the Republic of Uganda. The Honourable Speaker passed on, on Sunday 20th March 2022, while undergoing treatment in Seattle, USA. Speaker Jacob Oulanyah was a Ugandan agricultural economist, lawyer and politician.

On 24th May, 2021, the late Honourable Jacob Oulanyah was elected Speaker in Uganda’s 11th Parliament (2021-2025).

Honourable Senators,

The Late Speaker Oulanyah was born on March 23rd, 1965 in Omoro County in Gulu District of Northern Uganda. He attended St. Joseph's College Layibi, Dr. Obote College Boroboro, and Kololo Senior Secondary School for his O-Level and A-Level education. In 1988, he joined Makerere University, where he studied Agricultural Economics. He graduated in 1991 with a Bachelor of Arts in that subject. That same year, he joined law school, at Makerere University, graduating in 1994 with a Bachelor of Laws degree and in 1995, he obtained a Postgraduate Diploma in Legal Practice from the Law Development Centre (LDC). Thereafter, the late Speaker established a private law practice,

Oulanyah, Onoria & Company Advocates, and served as a lecturer at the Makerere University.

He was elected Member of Parliament in 2001 and in the same year, he was appointed to the Parliamentary Committee on Legal and Parliamentary Affairs, responsible for the budgets and administration of all constitutional bodies, the Ministry of Justice and the Judiciary. In 2004, He was elected unopposed to be the Chairman of the said Committee and in the two years that followed, he handled one of the most delicate periods of the political history of Uganda that included a constitutional review and political transition. The political transition involved steering the referendum legislation and a Constitutional Referendum Motion that paved the way for the 2005 Referendum for Changing the Political System in Uganda.

Honourable Senators,

In 2011, the Hon. Oulanyah was re-elected as a Member of Parliament for Omoro County, and in the same year, he was elected Deputy Speaker of Parliament. He was subsequently appointed Head of the Uganda Delegation to the African, Caribbean, and Pacific – European Union (ACP-EU) Joint Parliamentary Assembly. He also served as a Member of the Executive Committee of the Commonwealth Parliamentary Association (CPA) in 2001. In the 2016 General Elections, the Hon. Oulanyah was again re-elected to represent Omoro County Constituency, and also re-elected to the position of Deputy Speaker.

Honourable Senators,

Without a doubt, the great people of Uganda; and his family in particular, the Parliament of Uganda, and people of the East Africa Community at large, have lost a vibrant, pragmatic and dedicated leader. May the Almighty God rest his soul in eternal peace.

Honourable Senators,

In tribute and honour to our departed brother and colleague, the Late Honourable Jacob L’Okori Oulanyah, I request that we all stand to observe a moment of silence.

(After observance of a Moment of Silence)

Honourable Senators,

I will now allow Senators to give their tributes in honour of the Late Honourable Jacob OULANYAH.

I thank you!”

ii) Uchapishaji wa Kanuni za Kudumu katika Kiswahili na Uwililugha

The Temporary Speaker (Sen. John Nderitu Kinyua, MP) conveyed the following Communication from the Chair-

“Waheshimiwa Maseneta,

Ibara 120 ya Katiba ya Kenya inaeleza kwamba lugha rasmi za Bunge la Kenya zitakuwa Kiingereza, Kiswahili na Lugha Ishara ya Kenya. Kwa kuongezea, kwamba shughuli ya Bunge inaweza kuendeshwa kwa lugha zilizotajwa. Isitoshe, Kanuni ya Kudumu ya 87 (1) ya Kanuni za kudumu za Seneti zinataja kwamba shughuli zote za Seneti zitaendeshwa kwa Kiswahili, Kiingereza au katika Lugha Ishara ya Kenya.

Waheshimiwa Maseneta,

Uzingatiaji wa masharti yaliyotajwa hapo juu ya Kanuni za Kudumu umekuwa na changamoto hasa wakati ambapo hotuba ya Seneta ipo katika Kiswahili na anghenda kunukuu sehemu fulani ya Kanuni za Kudumu. Maoni pia yametolewa kuhusu umuhimu wa kutafsiri Kanuni za Kudumu za Seneti katika Kiswahili ili kuweza kufungua shughuli za Seneti kwa sehemu kubwa ya umma wa Kenya, ambao huitumia lugha hii katika shughuli zao za kila siku.

Kamati ya Uratibu na Kanuni iliamua kwamba Kanuni za Kudumu za Seneti zitafsiriwe kwa Kiswahili. Katibu wa Seneti aliunda Jopokazi la Tafsiri ya Kanuni za Kudumu za Seneti lililojumuisha maafisa wa Seneti. Katika kufanya shughuli hii, Jopokazi lilitafuta usaidizi wa wasomi watajika wa Kiswahili kutoka Chuo Kikuu cha Nairobi na Chuo Kikuu cha Moi. Kwa kuongezea, Jopokazi lilifaidi pakubwa kutokana na ujuzi wa Maseneta wawili, Sen. (Dkt.) Agnes Zani, CBS, na Sen. (Dkt.) Isaac Mwaura, CBS,.

Waheshimiwa Maseneta,

Jopokazi hili lilitokeleza shughuli hii na kufanya mikutano kadha ya uidhinishaji na kuwasilisha ripoti yake kwa Bodi ya Usimamizi ya Seneti. Baadaye, ripoti hiyo na nakala iliyotafsiriwa ya Kiswahili ya Kanuni za Kudumu ziliwasilishwa kwa Kamati ya Uratibu na Kanuni. Katika mkutano wake uliofanyika tarehe 8 Julai, 2021, Kamati ya Uratibu na Kanuni ilizingatia na kuidhinisha Kanuni za Kudumu za Seneti na nakala ya uwililugha.

Waheshimiwa Maseneta,

Ninafuraha kuijulisha Seneti kwamba Kanuni za Kudumu za Seneti na Kanuni za Kudumu za Uwililugha sasa zimechapishwa na zitasambazwa kwa Maseneta wote.

Kwa niaba ya Seneti, ningependa kumshukuru Katibu wa Seneti na Jopokazi la kutafsiri Kanuni za Kudumu za Seneti likiongozwa na Bw. Lawrence Amolo kwa kutafsiri na uchapishaji wa Kanuni hizi.

Pili, shukrani zetu kama Seneti zinawaendea Makamu Wakuu wa Chuo Kikuu cha Nairobi na Chuo Kikuu cha Moi kwa kuwaruhusu wasomi watajika wa Kiswahili kusaidia katika tafsiri. Wasomi hawa ni:-

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|---------------------------|--------------------------|
| 1. Prof. Iribe Mwangi | - Chuo Kikuu cha Nairobi |
| 2. Dkt. Prisca Jerono | - Chuo Kikuu cha Nairobi |
| 3. Prof. Clara S. Momanyi | - Chuo Kikuu cha Moi |
| 4. Bw. Nuhu Bakari | - Chuo Kikuu cha Moi |

Tatu, shukrani zetu za dhati zinawaendea Sen. (Dkt.) Agnes Zani, CBS, na Sen. (Dkt.) Isaac Mwaura, CBS, kwa kupata muda kutokana na shughuli zao nyingi ili kutoa ujuzi wao wa Kiswahili kwenye mchakato wa tafsiri.

Mwisho, shukrani za kipekee ziiendee Kamati ya Uratibu na Kanuni kwa kuongoza mchakato wa kutafsiri na kutoa nakala za Kiswahili na Uwililugha za Kanuni za Kudumu. Kamati hii inajumuisha:-

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| 1. Seneta Kenneth M. Lusaka, EGH, | - Spika wa Seneti -
(Mwenyekiti); |
| 2. Seneta (Prof.) Margaret Kamar, EGH, | - Naibu Spika wa
Seneti (Naibu Mwenyekiti); |
| 3. Seneta (Dkt.) Lelegwe Ltumbesi, | - Mwanachama; |
| 4. Seneta Rose Nyamunga, CBS, | - Mwanachama; |
| 5. Seneta John Nderitu Kinyua, | - Mwanachama; |
| 6. Seneta Judith Pareno, | - Mwanachama; |
| 7. Seneta Beth Mugo, EGH, | - Mwanachama; |
| 8. Seneta (Dkt.) Agnes Zani, CBS, | - Mwanachama; na |
| 9. Seneta (Mhasibu) Farhiya Haji, | - Mwanachama. |

Waheshimiwa Maseneta,

Shughuli hii imechukua muda mrefu lakini kama mnavyojua, wahenga walisema, kawia ufike. Kwa sasa hivi, ndio mwanzo mkoko unaalika maua. Kuzinduliwa kwa Kanuni hizi za Kudumu katika lugha ya Kiswahili ni jambo muhimu sana la kujivunia na tajika katika historia yetu kama nchi na kama Bunge la Seneti.

Ningependa kuwasihi nyinyi nyote mfanye jitihada ili mfanikishe matumizi ya Kiswahili katika shughuli za Seneti. Hii itatuwezesha kuwasiliana barabara na wadau wetu ambao tunawakilisha ikizingatiwa kuwa mke ni nguo, mgomba kupalilia.

Ninawashukuru.”

4. **PAPERS**

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

- (i) Report of the Auditor General on the financial statement of Kericho County Assembly Staff Car and Mortgage Fund for the year ended 30th June, 2017.

- (ii) Report of the Auditor General on the financial statement of Kisumu County Women, Youth and People with Disabilities Fund for the year ended 30th June, 2019.
- (iii) Report of the Auditor General on the financial statement of Kisumu County Women, Youth and People with Disabilities Fund for the year ended 30th June, 2020.
- (iv) Report of the Auditor General on the financial statement of Kajiado County Executive Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2020.
- (v) Report of the Auditor General on the financial statement of Samburu County Executive Staff Mortgage Scheme Fund for the year ended 30th June, 2020.
- (vi) Statement on the business of the Senate for the week commencing Tuesday, 29th March, 2022.

(The Senate Majority Leader)

- (vii) Report of the Standing Committee on Labour and Social Welfare on the Employment (Amendment) Bill (Senate Bills No. 54 of 2021).

(Sen. Stewart Madzayo, MP on behalf of the Chairperson, Standing Committee on Labour and Social Welfare)

5. STATEMENTS

(a) Pursuant to Standing Order 48 (1)

The Senator for Kitui County (Sen. Enoch Kiio Wambua, MP) sought a statement from the Standing Committee on Finance and Budget regarding the unbearable cost of living currently prevailing in the country.

(b) Pursuant to Standing Order 51 (1) (a)

The Chairperson Standing Committee on Finance and Budget issued a statement concerning the status of the County Government Grants Bill (Senate Bills No. 35 of 2021).

Thereupon, the Chairperson informed the Senate that the County Governments Grants Bill, (Senate Bills No.35 of 2021) was published on 25th May, 2021 and introduced in the Senate on 6th July, 2021. The Bill intended to provide a mechanism or instrument for transfer of conditional or unconditional grants from national governments' share of revenue and from proceeds of loans and grants from development partners to the county governments.

Further, the Chairperson informed the Senate that the Standing Committee on Finance and Budget resolved to sponsor the Bill in compliance with the High Court ruling on Petition No.252 of 2016. The court in its ruling held that Article 202 of the Constitution, as read together with Article 218(1)(a) of the Constitution, does not permit conditional or unconditional grants to be provided for in the Annual Division of Revenue Act (DORA) and therefore by extension in the County Allocation of Revenue Act (CARA).

Furthermore, the Chairperson informed the Senate that the Bill was passed by the Senate on 15th September, 2021 and transmitted to the National Assembly for concurrence. The National Assembly passed the Bill with amendments on 2nd December, 2021. At a plenary sitting held on Tuesday, 21st December, 2021, the Senate considered the National Assembly amendments to the County Governments Grants Bill, (Senate Bills No.35 of 2021) and rejected all the amendments. Thereafter and pursuant to Article 112 (2) (b) of the Constitution, the Bill was referred to a Mediation Committee under Article 113 of the Constitution.

The Chairperson emphasized on the need for expeditious consideration and passage of this Bill in order to resolve the long-delayed disbursement of conditional allocations/ grants to the county governments.

The Chairperson averred that the main object of the Bill was to unlock Ksh. 39, 880, 890, 516 additional allocations to the county governments of which Ksh. 7.537 Billion is from the National Governments share of revenue while Ksh. 32.343 Billion is from proceeds of loans and grants from development partners. The additional allocations are supposed to be absorbed or utilised by the counties in the current financial year 2021/22. He added that it has been disastrous that critical projects funded by these funds have stalled. Secondly, the citizens have been denied their rights to enjoy services such as improved health care services which are funded by such funds.

In conclusion, the Chairperson informed the Senate that the budget preparation for the next financial year 2022/23 is in high gear and Senators appeared to have forgotten about these grants. This he noted for the reason that the Division of Revenue Bill, 2022 was under consideration at the Second Reading stage, pending the outcome of the Mediation Committee on the consideration of the County Governments Grants Bill. In this regard, the Chairperson urged the Senate Majority Leader to shelve the Division of Revenue Bill until mediation on the County Grants Bill is concluded.

Several Senators rose on points of order in support of the statement and the need to have the County Grants Bill in place before resuming debate on the Division of Revenue Bill.

(c) Pursuant to Standing Order 52 (1)

The Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 29th March, 2022.

Pursuant to Standing Order 31(2) the Temporary Speaker (Sen. John Kinyua, MP) adjourned the Senate at ten minutes past six O'clock, without Question put.

6. SENATE ROSE – ten minutes past six O'clock

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, March 29, 2022 at 2:30 p.m.*

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