



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (SIXTH SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, MARCH 29, 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 SUSPENSION OF SENATE PLENARY HYBRID/VIRTUAL SITTINGS**

The Speaker conveyed the following Communication from the Chair -

“Honourable Senators,

As you are aware, the COVID-19 Pandemic severely affected parliaments along with all other governance institutions. Parliaments have had to balance continuing to discharge their constitutional responsibilities to ensure democratic governance, enacting and meticulously overseeing executive powers to combat the pandemic, setting an example in terms of safe working practices, and protecting the health of parliamentarians and parliamentary staff.

Upon declaration of the COVID-19 outbreak on 30<sup>th</sup> January, 2020 by the World Health Organization (WHO) and subsequent confirmation by the Ministry of Health (MoH) on the first confirmed case of COVID-19 within Kenyan borders on 13<sup>th</sup> March, 2020, the challenge for the Parliament of Kenya then was to shut down and wait the pandemic out; or to take measures to ensure that the work of a modern legislature of legislation, representation and oversight does not stall and is transacted within Constitutional and statutory requirements of such work.

The Speakers of both Houses of Parliament issued guidelines aimed at curbing the spread of COVID -19 and to minimize the risk of an outbreak within Parliament, which at the time of issue in March, 2020, were meant to remain in force for 30 days. Among the measures taken was suspension of all Plenary and Committee Sittings for both Houses, suspension of visiting delegations, suspension of all parliamentary engagements and activities, provision of sanitary

and personal protective equipment, and enforcement of strict preventive measures such as social distancing and self-quarantine.

On the part of the Senate, on the advice of a COVID-19 Technical Taskforce that included officers from the Ministry of Health, altered its Calendar pursuant to Standing Orders 28 and 29, on 17<sup>th</sup> March, 2020, to sit once a week and reduced its hours of Sitting pursuant to Standing Order 31 (3)(b), so as to be in line with a nationwide curfew which was at 7:00 p.m. Further guidelines were issued on 17<sup>th</sup> April, 2020 to enable Members to participate in legislative business remotely and for use of roll call voting, pursuant to Standing Order 83.

On 21<sup>st</sup> July, 2020, the Senate amended its Standing Orders to provide for virtual sittings, pursuant to the provisions of Article 124(1) of the Constitution and Standing Orders 255 and 257. As a result, Virtual/Hybrid Sittings had legal authority, to enable the Senate to continue to exercise its constitutional mandate. Virtual/hybrid sittings enabled the Senate to pass Bills and Motions that were crucial at the time, to contain the spread of the pandemic and that have continued to serve the nation now and in the future.

Honourable Senators;

Virtual/Hybrid sittings had both pros and cons for both Plenary and Committee Sittings. A positive side with respect to Committee meetings is that at all times, Committees have been able to obtain a quorum on time to transact business. This has facilitated faster consensus building and arriving at resolutions on matters faster. This has resulted in many Committees clearing a backlog of legislative business that had otherwise stalled due to lack of quorum. Another positive outcome is that engagement with stakeholders has been flexible, owing to the convenience of holding a meeting at any time, attendance from their places of work or stations, and in some cases, from home, and limited pressure for Committee rooms. Stakeholders no longer had to travel to Parliament Buildings for meetings.

However, whereas virtual/hybrid sittings have had a positive impact for Committees, the converse effect of this has been a drastic reduction in the number of Senators attending Plenary Sittings both physically and virtually. At the convening of the Senate at every Sitting, there is barely quorum hence application of Standing Order 36 is increasingly gaining prominence. On the other hand, for Senators who make the effort to attend Plenary Sittings remotely, participation has been distant, unless there is a Division. As a consequent, Presiding Officers have been forced on many occasions to adjourn sittings shortly after convening, not due to lack of legislative business, but due to the absence of movers of the business.

In addition to this, in instances where movers of legislative business are absent, such business has been dropped from the Programme of Senate Business pursuant to Standing Order 59(3). This has further exacerbated the stalling of legislative business before the Senate.

Honourable Senators;

Application of Part XXIXA of the Standing Orders is to the extent that a “*physical sitting is not possible as the Speaker may, in consultation with the Senate Business Committee, determine*”, as required by Standing Order 251A.

Given the aforementioned concerns, the Senate Business Committee, at its meeting held today, Tuesday, 29<sup>th</sup> March, 2022, deliberated on this matter and noting that the Parliamentary Service Commission has made tremendous efforts to facilitate a conducive working environment and facilitated vaccination for both Senators and parliamentary staffers; and in view of easing of the nationwide containment measures by the Ministry of Health, due to favorable results in COVID-19 prevalence rates, resolved that virtual/hybrid sittings of the Senate Plenary be suspended from Thursday, 31<sup>st</sup> March, 2022.

Honorable Senators;

I therefore direct that virtual/hybrid sittings of Senate Plenary will be suspended effective Thursday, 31<sup>st</sup> March, 2022.

However, Committee sittings may continue with their virtual/hybrid sittings pursuant to Standing Order 251A (1) (b).

I thank you!”

#### 4. **PETITION**

Pursuant to Standing Order 232 (2), the Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries, laid on the Table of the Senate, report of the Standing Committee on a Petition to the Senate by Mr. Joseph Mikolela and others, concerning the plight of seed farmers in Trans-Nzoia County.

The Speaker allowed comments and observations in relation to the Petition, pursuant to Standing Order 232 (2).

#### 5. **PAPERS**

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

- (i) Report of the Office of the Controller of Budget on the County Governments Budget Implementation Review for the first half of Financial Year 2021/2022.
- (ii) Report of the Auditor General on the financial statement of County Assembly of Isiolo Car Loan (Members) Scheme Fund for the year ended 30<sup>th</sup> June, 2018.

- (iii) Report of the Auditor General on the financial statement of Tharaka Nithi County Bursary Development Fund for the year ended 30<sup>th</sup> June, 2020.
- (iv) Report of the Auditor General on the financial statement of Baringo County Bursary Fund for the year ended 30<sup>th</sup> June, 2014.
- (v) Report of the Auditor General on the financial statement of Baringo County Bursary Fund for the year ended 30<sup>th</sup> June, 2015.
- (vi) Report of the Auditor General on the financial statement of Baringo County Emergency Fund for the year ended 30<sup>th</sup> June, 2016.
- (vii) Report of the Auditor General on the financial statement of Baringo County Emergency Fund for the year ended 30<sup>th</sup> June, 2019.
- (viii) Report of the Auditor General on the financial statement of Baringo County Community Conservation Fund for the year ended 30<sup>th</sup> June, 2019.
- (ix) Report of the Auditor General on the financial statement of Baringo County Community Conservation Fund for the year ended 30<sup>th</sup> June, 2020.
- (x) Report of the Auditor General on the financial statement of Bomet County Bursary Fund for the year ended 30<sup>th</sup> June, 2020.
- (xi) Report of the Auditor General on the financial statement of Bomet County Education Revolving Fund for the year ended 30<sup>th</sup> June, 2020.
- (xii) Report of the Auditor General on the financial statement of Nyandarua County Executive Committee Members' Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2020.
- (xiii) Report of the Auditor General on the financial statement of Samburu County Assembly Staff Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2019.
- (xiv) Report of the Auditor General on the financial statement of Kirinyaga County Health Sector Service Fund for the year ended 30<sup>th</sup> June, 2020.
- (xv) Report of the Auditor General on the financial statement of Meru County Revenue Board for the year ended 30<sup>th</sup> June, 2020.
- (xvi) Report of the Auditor General on the financial statement of Kyeni Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2020.

- (xvii) Report of the Auditor General on the financial statement of Tharaka Nithi County Assembly Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2020.
- (xviii) Report of the Auditor General on the financial statement of Kericho County Assembly Members Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2020.
- (xix) Report of the Auditor General on the financial statement of Kisii County Veterinary Services Development Fund for the year ended 30<sup>th</sup> June, 2020.
- (xx) Report of the Auditor General on the financial statement of Kisii County Bursary Fund for the year ended 30<sup>th</sup> June, 2020.
- (xxi) Report of the Auditor General on the financial statement of Migori County Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2020.

*(The Senate Majority Leader)*

- (xxii) Report of the Standing Committee on Labour and Social Welfare on the Community Groups Registration Bill (National Assembly Bills No. 20 of 2021)

*(The Vice- Chairperson, Standing Committee on Labour and Social Welfare)*

- (xxiii) Report of the Standing Committee on Agriculture, Livestock and Fisheries, on a Petition to the Senate by Mr. Joseph Mikolela and others, concerning the plight of seed farmers in Trans-Nzoia County.

*(The Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)*

- (xxiv) Press Statement by the Chairperson of the Committee on Finance, Planning and Economic Affairs, of the Council of Governors, issued on 4<sup>th</sup> November, 2021, concerning the Commission on Revenue Allocation's recommendation for sharing of revenue between the National and County Governments, in response to a point of order raised by the Senator for Nairobi City County (Sen. Sakaja Johnson, MP) on Thursday, 24<sup>th</sup> March, 2022, when contributing to a statement issued by the Chairperson, Standing Committee on Finance and Budget, pursuant to Standing Order 100, on the status of the County Government Grants Bill (Senate Bills No. 35 of 2021),

*(Sen. Okong'o Mogeni, MP)*

6. **SUSPENSION OF THE PROCEEDINGS OF THE SENATE** – (ten minutes past three O'clock)

Rising a Point of Order, the Senate Majority Leader brought to the attention of the Speaker that there was need for Senators to consultation on how to proceed on orders scheduled for division at Orders No. 8 to 13.

And the Speaker acknowledging the comments by Senators in support of the Point of Order, suspended the proceedings of the Senate for one hour to allow for consultation.

7. **HOUSE RESUMED** – at forty minutes past four O'clock – (the Speaker in the Chair)

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

Order read;

THAT, the Division of Revenue Bill (National Assembly Bills No. 8 of 2022) be now read a Second time.

*(The Senate Majority Leader – 22.03.2022)*

Debate interrupted on Tuesday, 22<sup>nd</sup> March, 2022 resumed on a Division.

The House proceeded to a Division;

The Speaker directed that a Roll Call Division be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17<sup>th</sup> April, 2020;

The Speaker directed that the Division Bell be rung for two minutes;

Upon the expiry of the two minutes, the Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Charles Kibiru Reubenson, MP – AYES
2. Sen. Sylvia Mueni Kasanga, MP – NOES

The Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

**AYES: 29**

**NOES: 0**

**ABSTENTIONS: 0**

**AYES**

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Haji Abdul Mohammed – voted virtually
5. Sen. Hargura Godana – voted virtually
6. Sen. Kajwang Moses Otieno
7. Sen. Kamar Margaret Jepkoech- voted virtually
8. Sen. Khaniri George – voted virtually
9. Sen. Kibiru Charles Reubenson
10. Sen. Lelegwe Ltumbesi
11. Sen. Madzayo Stewart Mwachiru
12. Sen. Mahamud Mohamed Maalim – voted virtually
13. Sen. Mbito Michael Maling’a – voted virtually
14. Sen. Mbogo George Ochilo Ayacko
15. Sen. Moi Gideon Kipsielei Towett – voted virtually
16. Sen. Seneta Mary Yiane – voted virtually on behalf of Kajiado County Delegation
17. Sen. Muthama Agnes Kavindu – voted virtually
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki – voted virtually
22. Sen. Ndwiga Peter Njeru – voted virtually
23. Sen. Olekina Ledama
24. Sen. Ongeru Samson Kegengo
25. Sen. Orengo James
26. Sen. Poghio Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Wambua Enoch Kiio
29. Sen. Wario Golich Juma

Question, agreed to.

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

Pursuant to Standing Order 31(2), the Speaker interrupted the business of the House and adjourned the Senate without Question put.

9. **SENATE ROSE** - at Five O'clock.

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

*The Speaker will take the Chair on  
Wednesday, March 30, 2022 at 02:30 p.m.*