



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (SIXTH SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, FEBRUARY 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 Temporary Speaker (Sen. Rose Nyamunga, MP).
3. **MESSAGES FROM THE NATIONAL ASSEMBLY**

The Speaker conveyed the following Messages from the National Assembly-

**i) Passage by the National Assembly of the Sugar Bill (National Assembly Bill No. 68 of 2019).**

Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3), I received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Sugar Bill (National Assembly Bill No. 68 of 2019).

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 Sugar Bill (National Assembly Bill No. 68 of 2019) was published vide Kenya Gazette Supplement No. 166 of 2<sup>nd</sup> October, 2019 as a Bill proposing for the development, regulation and promotion of the sugar industry, to provide for the establishment, powers and functions of the Kenya Sugar Board, and for connected purposes.*

*AND WHEREAS, the National Assembly considered and passed the said Bill on Thursday, 11<sup>th</sup> November 2021 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 and forward the Bill for consideration.”*

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 direct that the Sugar Bill (National Assembly Bill No. 68 of 2019) be listed for First Reading on Wednesday, 23<sup>rd</sup> February, 2022.

I thank you!

**ii) Passage by the National Assembly of the Assisted Reproductive Technology Bill, 2019 (National Assembly Bill No. 34 of 2019).**

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 Assisted Reproductive Technology Bill, 2019 (National Assembly Bill No. 34 of 2019).

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 Assisted Reproductive Technology Bill, 2019 (National Assembly Bill No. 34 of 2019) was published vide Kenya Gazette Supplement No. 57 of 15<sup>th</sup> April, 2019 as a Bill to provide for the regulation of assisted reproductive technology; to prohibit certain practices in connection with assisted reproductive technology; to establish Assisted Reproductive Technology Authority; to make provision in relation to children born of assisted reproductive technology processes and for connected purposes.*

*AND WHEREAS, the National Assembly considered and passed the said Bill on Thursday, 25<sup>th</sup> November 2021 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 Assisted Reproductive Technology Bill, 2019 (National Assembly Bill No. 34 of 2019) the said decision of the National Assembly to the Senate and forward the Bill for consideration.”*

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 Assisted Reproductive Technology Bill, 2019 (National Assembly Bill No. 34 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 Assisted Reproductive Technology Bill, 2019 (National Assembly Bill No. 34 of 2019), as received from the National Assembly vide the Message dated Tuesday 20<sup>th</sup> December, 2021, will not be proceeded with in the Senate.

I thank you!

#### **4. PAPERS**

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

- i) Report of the Auditor General on the financial statement of Kiambu County Jijenge Fund for the year ended 30th June, 2020.
- ii) Report of the Auditor General on the financial statement of Kiambu County Assembly Staff Mortgage Scheme Fund for the year ended 30th June, 2020.
- iii) Report of the Auditor General on the financial statement of Ruiru-Juja Water and Sewerage Company Limited for the year ended 30th June, 2020.
- iv) Report of the Auditor General on the financial statement of Naromoru Water and Sanitation Company Limited for the year ended 30th June, 2020.

- v) Report of the Auditor General on the financial statement of Tetu Aberdare Water and Sanitation Company Limited for the year ended 30th June, 2020.
- vi) Report of the Auditor General on the financial statement of Nanyuki Water and Sewerage Company Limited for the year ended 30th June, 2020.
- vii) Report of the Auditor General on the financial statement of Laikipia County Revenue Board for the year ended 30th June, 2020.
- viii) Report of the Auditor General on the financial statement of Laikipia County Executive Members Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2020.
- ix) Report of the Auditor General on the financial statement of Laikipia County Development Authority for the year ended 30th June, 2020.
- x) Report of the Auditor General on the financial statement of Kapenguria Water and Sewerage Services Company Limited for the year ended 30th June, 2020.
- xi) Report of the Auditor General on the financial statement of Eldoret Water and Sanitation Company Limited for the year ended 30th June, 2020.
- xii) Report of the Auditor General on the financial statement of Kikuyu Water Company Limited for the year ended 30th June, 2020.
- xiii) Report of the Auditor General on the financial statement of Uasin Gishu County Bursary and Skills Development Support Fund for the year ended 30th June, 2020.
- xiv) Report of the Auditor General on the financial statement of West Pokot County Assembly Car Loan and Mortgage Fund for the year ended 30th June, 2020.
- xv) Report of the Auditor General on the financial statement of Nanyuki Water and Sewerage Company Limited for the year ended 30th June, 2020.
- xvi) Report of the Auditor General on the financial statement of Kwale County Trade Revolving Fund for the year ended 30th June, 2020;
- xvii) Report of the Auditor General on the financial statement of Kwale County Disaster Management Fund for the year ended 30th June, 2020.

- xviii) Report of the Auditor General on the financial statement of Kwale County Youth, Women and Persons with Disabilities Revolving Fund for the year ended 30th June, 2020.
- xix) Report of the Auditor General on the financial statement of Taita Taveta County Assembly Mortgage Scheme Fund for the year ended 30th June, 2020.
- xx) Report of the Auditor General on the financial statement of Taita Taveta County Education Fund for the year ended 30th June, 2020.
- xxi) Report of the Auditor General on the financial statement of Baringo County Executive Car Loan Scheme Fund for the year ended 30th June, 2020.
- xxii) Report of the Auditor General on the financial statement of Baringo County Executive Mortgage Scheme Fund for the year ended 30th June, 2020.
- xxiii) Report of the Auditor General on the financial statement of Coast Development Authority for the year ended 30th June, 2020.
- xxiv) Report of the Auditor General on the financial statement of Mombasa County Alcoholic Drinks Control Fund for the year ended 30th June, 2020.
- xxv) Report of the Auditor General on the financial statement of Mombasa Water Supply and Sanitation Company Limited for the year ended 30th June, 2020.
- xxvi) Report of the Auditor General on the financial statement of Mombasa County Elimu Fund for the year ended 30th June, 2020.
- xxvii) Report of the Auditor General on the financial statement of Mombasa County Consolidated Revolving Fund for the year ended 30th June, 2020.
- xxviii) Report of the Auditor General on the financial statement of Kilifi County Health Services Improvement Fund for the year ended 30th June, 2020.
- xxix) Report of the Auditor General on the financial statement of Githunguri Water and Sanitation Company Limited for the year ended 30th June, 2020.
- xxx) Report of the Auditor General on the financial statement of Tavevo Water and Sewerage Company Limited for the year ended 30th June, 2020.

- xxxi) Report of the Auditor General on the financial statement of Malindi Water and Sewerage Company Limited for the year ended 30th June, 2020.
- xxxii) Report of the Auditor General on the financial statement of Elgeyo Marakwet County Executive Car and Mortgage Revolving Fund for the year ended 30th June, 2020.
- xxxiii) Report of the Auditor General on the financial statement of Iten Tambach Water and Sewerage Company Limited for the year ended 30th June, 2020.
- xxxiv) Report of the Auditor General on the financial statement of Murangá Water and Sanitation Company Limited for the year ended 30th June, 2020.
- xxxv) Report of the Auditor General on the financial statement of Murangá South Water and Sanitation Company Limited for the year ended 30th June, 2020.
- xxxvi) Report of the Auditor General on the financial statement of Karuri Water and Sanitation Company Limited for the year ended 30th June, 2020.
- xxxvii) Report of the Auditor General on the financial statement of Tana Water Works Development Agency for the year ended 30th June, 2020.
- xxxviii) Report of the Auditor General on the financial statement of Diani Municipality for the year ended 30th June, 2020.
- xxxix) Statement on the Business of the Senate for the week commencing Tuesday, 1<sup>st</sup> March, 2022.

*(The Senate Majority Leader)*

## 5. **STATEMENTS**

### **a) Pursuant to Standing Order 47(1)**

Nominated Senator (Sen. (Dr) Gertrude Musuruve, MP) made a Statement regarding the World Day of Social Justice.

Thereupon the Senator informed the Senate that, the World Day of Social Justice is an international day recognizing the need to promote social justice, which includes efforts to tackle issues such as poverty, exclusion, gender inequality, unemployment, human rights, and social protections which is observed on 20<sup>th</sup> February, every year. Further that, the main objective of celebrating the day was to raise a voice against social injustice and to bring the various communities internationally together to eliminate poverty, gender, physical

discrimination, illiteracy and religious discrimination in order to make a socially integrated society.

The Senator stated that there is need to embrace the principles of justice including equity, access, participation and rights, which are interrelated in ensuring a fair and just society.

In conclusion, she urged the National and County Governments to develop a framework for building the capacity of informal workers and sensitizing them on plausible ways of having sustainable development from the resources they have in order to guarantee a non-threatening future.

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

The Senator for Nakuru County (Sen. Susan Kihika, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the fatal shooting of Mr. Simon Thuku by officers from the Kenya Coast Guard Services (KCGS) at Karagita area, in Naivasha on Wednesday, 16<sup>th</sup> February, 2022.

**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, 1<sup>st</sup> March, 2022.

6. **THE SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 68 OF 2019)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First Time and Committed to the Standing Committee on Agriculture, Livestock and Fisheries.

7. **COMMITTEE OF THE WHOLE**

**THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL  
(SENATE BILLS NO. 53 OF 2021)**

(Sen. Naomi Shiyonga, MP)

Order deferred.

8. **COMMITTEE OF THE WHOLE**

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

(Sen. Abshiro Halake, MP)

Order deferred.

9. **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.

10. **MOTION - RECOGNIZING AND APPRECIATING THE ELDERLY BY COUNTY GOVERNMENTS**

(Sen. Rose Nyamunga, MP)

**THAT, AWARE** that in 2006, the National Government initiated the Older Persons Cash Transfer (OPCT) Programme, popularly known as Pesa ya Wazee, which is an unconditional cash transfer programme to destitute elderly persons above the age of 65 years to cater for their subsistence needs;

**NOTING THAT** the beneficiaries receive a monthly stipend of Kshs. 2,000, delivered every two months through appointed payment agents, and also entitled to medical insurance through the National Health Insurance Fund (NHIF);

**CONCERNED HOWEVER THAT** the programme's credibility is marred by issues of delayed payments to beneficiaries, difficulties in processing of payments through the stipulated agents and payments to unregistered persons;

**NOW THEREFORE,** the Senate recommends that the County Governments complement the efforts of the National Government and assist in resolving these challenges by-

- (i) Developing legislation and policies to protect the elderly including ensuring all elderly persons in their counties are registered in the OPCT programme; and
- (ii) Organise value addition mechanisms such as financial training to help the beneficiaries of the programme to efficiently utilize this allowance.

Order deferred.

And there being no other business on the Order Paper, the Temporary Speaker (Sen. Rose Nyamunga, MP) adjourned the Senate at forty-three



minutes past three O'clock without Question put, pursuant to the Standing Orders.

11. **SENATE ROSE** – at forty-three minutes past Three O'clock.

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

*The Speaker will take the Chair on  
Tuesday, March 01, 2022 at 2:30 p.m.*

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