



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SIXTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, MARCH 22, 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 take this opportunity to welcome you back from the short recess period. I hope you had time to meet with your constituents, friends and families over the past week. Sittings for Part II of the Calendar commence from today, Tuesday 22nd March, until the rise of the Senate on Thursday, 7th April, 2022.

We resume sittings at a very critical time in the life of the 12th Parliament. You will all agree with me that the coming General Elections are on every Senator's mind, and indeed in that of many Kenyans. However, we have a Constitutional mandate to fulfill as a House, which must be executed. As I mentioned at the commencement of the Sixth Session in February, our plate is already full; with Bills at the Second Reading (19) and Committee of the Whole (11) stages; Petitions submitted pursuant to Article 119 of the Constitution; Motions, and Statements pursuant to Standing Order 47 and 48.

However, there ten (10) Bills and a number of Statements that have been dropped from the Programme of Business pursuant to Standing Order 59 (3), due to the unavailability of Movers to persecute them at the time which they

were scheduled on the Order Paper. Movers of such business who wish to pursue them are urged to make an appeal to the Speaker (in writing) for reinstatement in the Weekly Programme of Senate Business.

I urge that we rededicate ourselves to our constitutional role of legislation, oversight and representation of the people of Kenya. I also urge that we ensure that vital legislative business is passed so that attendant processes have necessary legislative backing. In this regard, I call upon the Offices of the Senate Majority and the Senate Minority Leaders to ensure that the requisite number of Senators is achieved so that the Senate may proceed to divisions.

Honourable Senators,

Very shortly, pursuant to Section 25 of the Public Finance Management Act and Standing Order 181 of the Senate, the Senate will consider the Division of Revenue Bill. As is standard practice, this Bill is ordinarily introduced in the National Assembly and referred to the Senate. The Bill was referred to the Senate and Read a First Time on 8th March, 2022. It now been scheduled for Second Reading as indicated in today's Order Paper at Order No. 15. Shortly thereafter, the County Allocation of Revenue Bill will be introduced pursuant to Standing Order 182 of the Senate.

The passage and assent of these two Bills, together with the Cash Disbursement Schedule, will ensure that county governments have the necessary resources for their projects and programmes, and that they can in turn, make their individual budgets before the start of the next financial year in July, 2022. I urge the Offices of the Senate Majority Leader and the Senate Minority Leaders, in the same spirit, to ensure the requisite numbers for the Senate to proceed to divisions on these financial instruments.

Honourable Senators,

A lot of work is also pending before select Committees of the Senate. I urge respective Committees to redouble their efforts to conclude the pending business before them. In the coming weeks, we shall receive reports pursuant to Standing Order 51(1)(b), where we look forward to hearing the impact that the work of Committees is making and their plans for the next few months.

I wish you fruitful deliberations and wish all Honourable Senators well in this part of the Calendar.

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 Kericho County Assembly Staff Car and Mortgage Fund for the year ended 30th June 2018.
- ii) Report of the Auditor General on the financial statement of Kericho County Assembly Staff Car and Mortgage Fund for the year ended 30th June 2019.
- iii) Report of the Auditor General on the financial statement of Baringo County Assembly Catering and Health Services Scheme Fund for the year ended 30th June 2020.
- iv) Report of the Auditor General on the financial statement of Kakamega County Dairy Development Corporation for the year ended 30th June 2020.
- v) Report of the Auditor General on the financial statement of Bomet 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 Narok Water and Sewerage Services Company Limited for the year ended 30th June 2020.
- vii) Report of the Auditor General on the financial statement of Kapsabet Nandi Water and Sanitation Company Limited for the year ended 30th June 2020.
- viii) Report of the Auditor General on the financial statement of Uasin Gishu County Emergency Fund for the year ended 30th June 2020.
- ix) Report of the Auditor General on the financial statement of Kisumu County Car and Mortgage Scheme Fund for the year ended 30th June 2019.
- x) Report of the Auditor General on the financial statement of Nairobi City County Water and Sewerage Company Limited for the year ended 30th June 2020.
- xi) Report of the Auditor General on the financial statement of Lamu County Emergency Fund for the year ended 30th June 2020.
- xii) Report of the Auditor General on the financial statement of Lamu County Fisheries Development Revolving Fund for the year ended 30th June 2020.
- xiii) Report of the Auditor General on the financial statement of Tana River County Executive Staff Car Loan and Mortgage Fund for the year ended 30th June 2020.
- xiv) Report of the Auditor General on the financial statement of Garissa Water and Sewerage Company Limited for the year ended 30th June 2020.
- xv) Report of the Auditor General on the financial statement of Garissa County Revolving Fund for the year ended 30th June 2020.

xvi) Report of the Auditor General on the financial statement of Council of Governors for the year ended 30th June 2020.

(The Senate Majority Leader)

5. STATEMENTS

a) Pursuant to Standing Order 47 (1)

Nominated Senator (Sen. (Dr.) Getrude Musuruve, MP) made a statement on the rampant cases of candidates who went missing on exam day.

The Senator informed the Senate that 46 KCPE candidates went missing from Embu County on exam day, and efforts by local authorities to trace them before the KCPE exams started proved futile. and they therefore missed the National test. The Embu County Director of Education, explained that some of the missing learners were from families who were evicted from a contested piece of land believed to be under the ownership of the Tana and Athi Rivers Development Authority (TARDA).

The Senator further gave examples of learners who in 2021 were reported missing, three weeks before National exams began. Some of whom were later found to have become pregnant, others joined the *bodaboda* business while the rest disappeared without a trace. Learners in volatile areas like Mandera and Kapedo, fled due to rising cases of insecurity, lack of teaching staff and recurrent drought while another learner at Kisole Primary school in Mwingi, Kitui County was unable to write her exam because she lost her eyesight as a result of brain tumor. Two other candidates in the constituency were taken ill and admitted at Mwingi level 4 hospital as well.

The Senator expressed concern that primary level national exams had a salient role in transitioning pupils to Secondary schools hence failure to sit for these exams prevents learners from transitioning to secondary school with the rest of their peers. She concluded by urging the Ministry of Education to intervene in ensuring that supplementary exams are availed to learners who have missed their exams due to unforeseeable and valid reasons on a case by case basis appreciating their various socio- economic backgrounds.

b) Pursuant to Standing Order 48 (1)

Nominated Senator (Sen. (Dr.) Getrude Musuruve, MP) sought a statement from the Standing Committee on Roads and Transportation regarding the danger posed by the lack of important road signage on the Webuye-Kakamega Road.

6. **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 deferred.

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

(Sen. Aaron Cheruiyot, MP and Sen. (Dr) Isaac Mwaura, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 10th March, 2022)

(Division)

Order deferred.

8. **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 2nd December, 2021.

(Resumption of debate interrupted on Tuesday, 8th March, 2022)

(Division)

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 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.

11. **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.

12. **COMMITTEE OF THE WHOLE**
THE LIFESTYLE AUDIT BILL (SENATE BILLS NO. 36 OF 2021)

(Sen. (CPA). Farhiya Haji, MP)

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

(Division)

Order deferred.

13. **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)

(Resumption of debate interrupted on Wednesday, 2nd March, 2022 – Morning Sitting)

(Division)

Order deferred.

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

Order for Second Reading read;

Motion made and Question proposed;

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

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order, the Mover requested that putting of the Question be deferred to a later date, pursuant to Standing Order 61(3).

And the Temporary Speaker (Sen. Judith Pareno, MP), acceding to the request, deferred putting of the Question to a later date.

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

(Sen. Ledama Olekina, MP)

(Second Reading)

Order deferred.

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

(Sen. Ledama Olekina, MP)

(Second Reading)

Order deferred.

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

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

(Second Reading)

Order deferred.

18. **THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2021)**

(Sen. Samson Cherarkey, MP)

(Second Reading)

Order deferred.

19. **COMMITTEE OF THE WHOLE**

THE ELECTIONS (AMENDMENT) (NO. 3) BILL (SENATE BILLS NO. 48 OF 2021)

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

Order deferred.

20. **COMMITTEE OF THE WHOLE**
THE COUNTY RESOURCE DEVELOPMENT BILL (SENATE BILLS NO. 45 OF 2021)
(Sen. Rose Nyamunga, MP)

Order deferred.

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

21. **SENATE ROSE** – at thirty-two minutes past Five O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, March 23, 2022 at 02:30 p.m.*

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