



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SIXTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 02, 2022 AT 10.00 A.M.

1. The Senate assembled at ten O'clock.
2. The proceedings were opened with Prayer said by the Temporary Speaker (Sen. Rose Nyamunga,MP).

3. PAPERS

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

- i. Report of the Auditor General on the financial statement of Kilifi County Ward Scholarship Fund for the year ended 30th June, 2020.
- ii. Report of the Auditor General on the financial statement of County Assembly of Mombasa Car Loan and Mortgage Fund for the year ended 30th June, 2020.
- iii. Report of the Auditor General on the financial statement of Tana River County Assembly Car Loan and Mortgage Scheme for the year ended 30th June, 2020.
- iv. Report of the Auditor General on the financial statement of Busia County Agricultural Development Fund for the year ended 30th June, 2020.
- v. Report of the Auditor General on the financial statement of Busia County Assembly Revolving Fund for the year ended 30th June, 2020.
- vi. Report of the Auditor General on the financial statement of Bungoma County Trade Development Loan Fund for the year ended 30th June, 2020.

- vii. 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.
- viii. Report of the Auditor General on the financial statement of Trans Nzoia County Public Service Board for the year ended 30th June, 2020.
- ix. Report of the Auditor General on the financial statement of Garissa County Emergency Fund for the year ended 30th June, 2020.
- x. Report of the Auditor General on the financial statement of Garissa County Municipal Board for the year ended 30th June, 2020.
- xi. Report of the Auditor General on the financial statement of Uasin Gishu County - Education Revolving Fund for the year ended 30th June, 2020;
- xii. Report of the Auditor General on the financial statement of Uasin Gishu County Cooperative Enterprise Development Fund for the year ended 30th June, 2020.
- xiii. Report of the Auditor General on the financial statement of Nandi County Assembly Scheme Fund Car Loans and Mortgage for the year ended 30th June, 2020.
- xiv. Report of the Auditor General on the financial statement of Kiambu County Executive Staff Mortgage Scheme Fund for the year ended 30th June, 2020.
- xv. Report of the Auditor General on the financial statement of Turkana County Assembly Car Loan and Mortgage Fund for the year ended 30th June, 2020.
- xvi. Report of the Auditor General on the financial statement of Taita Taveta County Executive Car Loan and Mortgage Revolving Fund for the year ended 30th June, 2020.
- xvii. Report of the Auditor General on the financial statement of Lodwar Water and Sanitation Company Limited for the year ended 30th June, 2020.
- xviii. Report of the Auditor General on the financial statement of Lamu County Youth Development Fund for the year ended 30th June, 2020.

- xix. Report of the Auditor General on the financial statement of Lamu County Executive Staff Housing Fund for the year ended 30th June, 2020.
- xx. Report of the Auditor General on the financial statement of Lamu County Bursary and Scholarship Fund for the year ended 30th June, 2020.
- xxi. Report of the Auditor General on the financial statement of Lamu County Disability Fund for the year ended 30th June, 2020.
- xxii. Report of the Auditor General on the financial statement of Lamu County Gender and Social Development Fund for the year ended 30th June, 2020.
- xxiii. Report of the Auditor General on the financial statement of Kakamega County Water and Sanitation Company Limited for the year ended 30th June, 2020.
- xxiv. Report of the Auditor General on the financial statement of Kakamega County Microfinance Corporation for the year ended 30th June, 2020.

(The Deputy Senate Majority Whip on behalf of the Senate Majority Leader)

4. **NOTICE OF 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**

(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.

5. **STATEMENT PURSUANT TO STANDING ORDER 47(1)**

The Nominated Senator (Sen. Abshiro Halake, MP) made a Statement regarding the cyber-crime and data insecurity in the country.

The Senator noted that there has been a sharp rise in cases of cyber-attacks in the country (and, indeed, globally), a phenomenon that is increasingly becoming a major threat to businesses, organizations and government institutions. Adding that in June, 2021 many Kenyans were shocked when they realized that their names were listed as members of political parties without their consent. Expressing concern on how political parties gained access to people's details which could be used for malicious and ulterior purposes.

The senator expressed frustration noting that it was not the first time Kenyans were complaining about their data being accessed unlawfully. In 2017, just five months to elections, Kenyans complained over what they referred to as fraudulent acquisition of their information for registration purposes.

The Senator stated that the Constitution of Kenya (2010) recognized the right to privacy, including the right to not have a citizen's personal information in relation to their family or private affairs unnecessarily required or revealed. That, data protection is regulated by the Data Protection Act No. 24 of 2019. The establishment of the data protection law aims at protecting individual privacy rights and personal information. Accessing, using or processing one's personal information without authorization is an offence under the Act and is an infringement of their privacy rights and there is need to protect these rights. Moreover, the Computer Misuse and Cybercrimes Act of 2018 seeks to detect, prohibit, prevent, respond to, investigate and prosecute computer and cybercrimes.

The Senator concluded saying the country needs new strategies to mitigate the threat to its cyber space and come up with more adequate cybersecurity measures in key sectors.

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. **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.

8. **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.

9. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – In the Chair)

The Law of Succession (Amendment) Bill, (Senate Bills No. 15 of 2021)

Clause 2

THAT the Bill be amended by deleting clause 2 and substituting therefor the following new clause –

Amendment of
section 3 of Cap
160.

2. Section 3 of the Law of Succession Act, hereinafter referred to as the “principal Act”, is amended —

- (a) in subsection (1) by inserting the following new definitions in their proper alphabetical sequence —

“child” includes an adopted child and a child who is conceived during the lifetime of a deceased person and is subsequently born after the death of the deceased person;

“intermeddling” means —

- (a) taking possession of, disposing off, charging, receiving, distributing, leasing or using property of

a deceased without authority under this Act or any other applicable law;

(b) ejecting a surviving spouse or child from the matrimonial home; or

(c) any unlawful dealing with a deceased person's estate;

“matrimonial home” means any property that is owned or leased by one or both spouses and occupied or utilized by the spouses as their family home, and includes any other attached property;

(b) by deleting subsection (2); and

(c) by deleting subsection (3).

(Chairperson to the Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 2 – vote deferred

Clause 3 – deletion proposed

THAT the Bill be amended by deleting clause 3.

(Chairperson to the Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 3 – vote deferred

Clause 4 – amendment proposed

THAT the Bill be amended by deleting clause 4 and substituting therefor the following new clause —

Repeal of section 32 of Cap 160. **4.** The principal Act is amended by repealing section 32.

(Chairperson to the Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 4 – vote deferred

Clause 5 – amendment proposed

THAT the Bill be amended by deleting clause 5 and substituting therefor the following new clause —

Repeal of section 33 of Cap 160. **5.** The principal Act is amended by repealing section 33.

(Chairperson to the Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 5 – vote deferred

Clause 6 – amendment proposed

THAT clause 6 of the Bill be amended —

(a) by deleting paragraph (b) and substituting therefor the following new paragraph —

(b) by inserting the following new subsections immediately after subsection (1)—

(1A) The interest of the surviving spouse under subsection (1)(b) shall determine upon remarriage.

(1B) Notwithstanding subsection (1), —

(a) where the surviving child is not a child of the surviving spouse—

(i) the surviving spouse shall be entitled to the personal and household effects of the deceased absolutely and a life interest in one-half of the whole residue of the net intestate estate; and

(ii) the surviving child shall be entitled to one-half of the whole residue of the net intestate estate which shall be held in accordance with section 41, and if there be more than one child they shall share equally;

(b) where the surviving children include a child who is not a child of the surviving spouse —

(i) the surviving spouse shall be entitled to the personal and household effects of the deceased absolutely;

- (ii) the net intestate estate shall, in the first instance, be divided equally amongst the surviving spouse and all the surviving children;
- (iii) the surviving spouse shall have a life interest in his or her share and that of his or her children under subsection (1B)(b)(ii); and
- (iv) the share of the surviving child who is not a child of the surviving spouse under subsection (1B)(b)(ii) shall be held in accordance with section 41, and if there be more than one child they shall share equally.

(b) by inserting the following new paragraph immediately after paragraph (b) —

(c) by deleting subsection (5) and substituting therefor the following new subsection -

(5) Subject to the provisions of sections 41 and 42 and to any appointment or award made under this section, the whole residue of the net intestate estate shall, on the death or re-marriage of the surviving spouse, devolve upon the surviving child, if there be only one, or be equally divided among the surviving children.

(Chairperson to the Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 6 – vote deferred

Clause 7

Motion Made and Question proposed;

THAT, Clause 7 be part of the Bill

(Sen. Abshiro Halake, MP)

Clause 7 – Vote deferred

Clause 8 – amendment proposed

THAT clause 8 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph —

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) father and mother in equal share; or, if either is dead;

(Chairperson to the Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 9 – deletion proposed

THAT the Bill be amended by deleting clause 9.

(Chairperson to the Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 9 – vote deferred

New Clause 8A – Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 8 —

Amendment of
section 40 of Cap
160.

8A. Section 40 of the principal Act be amended by inserting the following new subsection immediately after subsection (2) —

(3) Notwithstanding subsection (1), where any of the surviving children is not a child of any of the wives of the deceased, that child shall —

(a) be considered a house in determining the share of dependants in the net intestate estate under subsection (1); and

(b) the share of such child shall be held in accordance with section 41, and if there be more than one child they shall share equally.

(Chairperson to the Standing Committee on Justice, Legal Affairs and Human Rights)

New Clause 8A – vote deferred

The Title and Clause 1

Motion Made and Question proposed;

THAT, the Title and Clause 1 be part of the Bill.

(Sen. Abshiro Halake, MP)

The Title and Clause 1 – Vote deferred

Progress Report;

Motion made: -

THAT, the Committee of the Whole do report to the House its consideration of the Law of Succession (Amendment) Bill (Senate Bills No. 15 of 2021) and seek leave to sit again tomorrow;

(Sen. Abshiro Halake, MP)

Before the Question was put and pursuant to Standing Order 79(1), the Acting Chairperson (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and agreed to.

10. **HOUSE RESUMED** – Temporary Speaker, (Sen. Rose Nyamunga, MP) - in the Chair
11. **THE LAW OF SUCCESSION (AMENDMENT) BILL, (SENATE BILLS NO. 15 OF 2021)**

Progress reported;

Motion made and Question proposed;

THAT, the Senate do agree with the Committee of the Whole in the said report.

(Sen. Abshiro Halake, MP)

And there being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and agreed to.

12. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – In the Chair)

The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 21 of 2021)

Clause 3 – amendment proposed

THAT clause 3 of the Bill be amended –

- (a) by deleting paragraph (e); and
in paragraph (g) by deleting the word “for” appearing at the beginning of the paragraph and substituting therefor the word “the”.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 3 – vote deferred

Clause 4 – amendment proposed

THAT clause 4 be amended in paragraph (c) by deleting the words “the marginalised” appearing immediately after the words “and in particular” and substituting therefor the word “vulnerable”.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 4 – vote deferred

Clause 5 – amendment proposed

THAT clause 5 of the Bill be amended –

- (a) in subclause (1) –

- (i) by deleting paragraph (e) and substituting therefor the following new paragraph –

- (e) put in place measures that target vulnerable persons to ensure the realisation of their economic and social rights and that such persons have access to goods and services that are of acceptable standards;

- (ii) by deleting paragraph (g) and substituting therefor the following new paragraph –

- (g) create awareness and build capacity of citizens to enable them develop their understanding, skills and capacity

for equitable and effective participation in the formulation, implementation and monitoring of policies, strategies or programmes aimed at realising their economic and social rights;

(b) in subclause (2) by –

(i) deleting paragraph (d) and substituting therefor the following new paragraph –

(d) prioritise the allocation of resources to ensure the realisation of economic and social rights while taking into account the special needs of vulnerable persons within the respective counties;

(ii) deleting paragraph (g) and substituting therefor the following new paragraph –

(g) identify factors that impede the realisation of economic and social rights and their causes and institute corrective measures.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 5 – vote deferred

Clause 6 – amendment proposed

THAT clause 6 of the Bill be amended –

(a) in subclause (1) by deleting the word “oversee” appearing immediately after the words “The Commission shall” and substituting therefor the words “monitor and report on”; and

in subclause (2) by inserting the words “of governance” immediately after the words “national values and principles”.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 6 – vote deferred

Clause 7 – amendment proposed

THAT clause 7 of the Bill be amended in subclause (1) –

(a) by deleting paragraph (d) and substituting therefor the following new paragraph –

(d) identify factors that impede the economic development of, and access to, essential financial services by vulnerable persons

and make recommendations to the Cabinet Secretary on policies and strategies necessary to address those factors;

(b) by deleting paragraph (g) and substituting therefor the following new paragraph –

(g) make recommendations to State entities responsible for the delivery of social assistance programmes at the National and county level of government on measures necessary for the effective delivery of the programmes;

(c) by deleting paragraph (h) and substituting therefor the following new paragraph –

(h) in collaboration with relevant stakeholders, create awareness on the realisation of economic and social rights.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 7 – vote deferred

Clause 8 – amendment proposed

THAT clause 8 of the Bill be amended –

(a) by deleting subclause (1) and substituting therefor the following new subclause –

(1) In preparing a county integrated development plan provided for under section 108 of the County Governments Act, each county government shall prepare a county strategic plan for the realisation of economic and social rights as a component of the county integrated development plan.

(b) in subclause (2) by deleting paragraph (c) and substituting therefor the following new paragraph –

(c) programmes and policies aimed at social protection and the promotion of economic and social rights of vulnerable persons within the county;

(c) in subclause (3) by –

(i) deleting paragraph (c) and substituting therefor the following new paragraph –

(c) adopt strategies and plans that enhance the availability, accessibility, acceptability and adaptability of goods and services aimed at facilitating the realisation of economic and social rights;

- (ii) deleting paragraph (g); and
- (iii) deleting paragraph (h) and substituting therefor the following new paragraph –

(h) formulate strategic plans that respond effectively to issues affecting the realisation of economic and social rights within the county and provide such safety nets as may be necessary.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 8 – vote deferred

Clause 9 – amendment proposed

THAT the Bill be amended by deleting clause 9 and substituting therefor the following new clause –

Objectives of a county strategic plan. **9.** The principal objective of a county strategic plan prepared under section 8 shall be to enhance the ability of a county government to secure access, availability, acceptability, adaptability and quality of goods and services necessary for the realisation of economic and social rights.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 9 – vote deferred

Clauses 10 – 11

Motion Made and Question proposed;

THAT, Clauses 10 – 11 be part of the Bill

(Sen. Abshiro Halake, MP)

Clauses 10 – 11 – vote deferred

Clause 12 – amendment proposed

THAT the Bill be amended by deleting clause 12 and substituting therefor the following new clause –

Approval of county strategic **12.** (1) The respective county governor shall, within fourteen days of the preparation of a county strategic plan, submit a copy of the plan to the county assembly for approval.

plans by the
county
assembly.

(2) The county governor shall, upon the approval of the county strategic plan, publish the plan in the respective county gazette and publicise it within the county through such means as provided for under section 95 of the County Governments Act.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 12 – vote deferred

Clauses 13 - 14

Motion Made and Question proposed;

THAT, Clauses 13 -14 be part of the Bill

(Sen. Abshiro Halake, MP)

Clauses 13 -14 – vote deferred

Clause 15 – amendment proposed

THAT clause 15 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause –

(1) A person aggrieved by the decision to implement or refrain from implementing a recommendation under this Part may make an application to court in accordance with Article 22 of the Constitution.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 15 – vote deferred

Clause 16 – amendment proposed

THAT clause 16 of the Bill be amended by deleting the expression “20(5)” appearing immediately after the words “right under Article” and substituting therefor the expression “22”.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 16 – vote deferred

Clause 17 – amendment proposed

THAT the Bill be amended by deleting clause 17 and substituting therefor the following new clause –

County Fiscal Strategy Paper to contain measures on social economic rights.

17. The respective county treasury shall include in the County Fiscal Strategy Paper –

- (a) measures aimed at ensuring the realisation of economic and social rights and associated activities for that year; and
- (b) any progress made in the realisation of economic and social rights.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 17 – vote deferred

Clause 18 – Question of deletion proposed

THAT the Bill be amended by deleting clause 18.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 18 – vote deferred

Clause 19 – amendment proposed

THAT clause 19 of the Bill be amended in subclause (1) by inserting the word “annually” immediately after the words “section 13(2), prepare”.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 19 – vote deferred

Clause 20

Motion Made and Question proposed;

THAT, Clause 20 be part of the Bill

(Sen. Abshiro Halake, MP)

Clause 20 – vote deferred

Clause 21 – amendment proposed

THAT clause 21 of the Bill be amended by –

- (a) deleting the marginal note and substituting therefor the following new marginal note –

Public awareness framework.

- (b) deleting paragraph (c) and substituting therefor the following new paragraph –

(c) collaborate with relevant agencies and stakeholders in each county in enhancing the capacity of residents to effectively participate in county affairs aimed at the delivery of goods and services for the realisation of economic and social rights.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 21 – vote deferred

Clause 22 – amendment proposed

THAT clause 22 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a) –

(aa) in section 126(1) by inserting the words “including for the realisation of economic and social rights” immediately after the words “strategic priorities” in paragraph (a).

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 22 – vote deferred

Clause 23

Motion Made and Question proposed;

THAT, Clause 23 be part of the Bill

(Sen. Abshiro Halake, MP)

Clause 23 – vote deferred

Clause 24 – deletion proposed

THAT the Bill be amended by deleting clause 24.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 24 – vote deferred

Clause 25 – deletion proposed

THAT the Bill be amended by deleting clause 25.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 25 – vote deferred

New Clause 21A – Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 21 –

Regulations.

21A. (1) The Cabinet Secretary shall, in consultation with the county executive committee members responsible for finance and the Commission and within twelve months from the commencement of this Act, make regulations generally for the better carrying out of the provisions of this Act.

Cap. 2.
No. 23 of 2013.

(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary may make regulations –

- (a) to provide a framework for collaboration between the National and county governments, and monitoring by the Commission on the implementation of this Act;
- (b) to provide for the procedures for the conduct of public participation under this Act; and
- (c) on the conduct of awareness programmes and the publication and dissemination of information under this Act.

(3) For the purposes of Article 94(6) of the Constitution –

- (a) the power of the Cabinet Secretary to make regulations shall be limited to bringing into effect the provisions of this Act and the fulfilment of the objectives specified under subsection (1); and
- (b) the principles and standards set out under the Interpretation and General Provisions Act and the Statutory Instruments Act, 2013 in relation to subsidiary legislation shall apply to regulations made under this Act.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

New Clause 21A – vote deferred

New Clause 21B – Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clause immediately after the new clause 21A –

Amendment to No. 17 of 2012. **21B.** The County Governments Act is amended in section 107(1) by inserting the following new paragraph immediately after paragraph (d) –

- (e) county strategic plans for the realization of economic and social rights under Part IV of the Economic and Social Rights Act.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

New Clause 21B – vote deferred

The Schedule – amendment proposed

THAT the Schedule to the Bill be amended –

- (a) in the introductory clause by inserting the words “the National Government and” immediately after the words “the effort of”;
- (b) in paragraph (a) by deleting the words “different levels of government” appearing immediately after the words “to the different” and substituting therefor the words “respective departments, agencies and institutions”;
- (c) by deleting paragraph (h) and substituting therefor the following new paragraph –
 - (h) whether or not it has put in place sufficient social safety nets such as cash transfers to vulnerable persons;
- (d) in paragraph (i) by deleting the words “and those in crisis situations” appearing immediately after the words “of the vulnerable” and substituting therefor the words “persons”.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

The Schedule – vote deferred

Clause 2– amendment proposed**THAT** clause 2 of the Bill be amended –

- (a) in the definition of the word “access” by deleting the words “persons in need” appearing immediately after the words “every person including” and substituting therefor the words “vulnerable persons”;
- (b) in the definition of the word “Council of County Governors” by deleting the expression “18” appearing immediately after the words “established under section” and substituting therefor the expression “19”;
- (c) by inserting the following new definition immediately after the definition of the word “county executive committee member” –

“county integrated development plan” means the five-year plan developed by a county government in accordance with section 108 of the County Governments Act;

- (d) by deleting the definition of the word “Equalisation Fund”;
- (e) by deleting the definition of the word “subsidy programme”;
- (f) by deleting the definition of the word “person in need”;
- (g) by deleting the definition of the word “vulnerable persons” and substituting therefor the following new definition –

“vulnerable persons” include children, pregnant and nursing mothers, older members of society, internally displaced persons, persons with disability, the sick, persons with chronic illnesses, victims of conflict, persons living in marginalised areas, and members of marginalised communities or groups provided that such persons or groups are unable to meet their economic and social rights, and such other groups as may be identified by the Cabinet Secretary or the respective county governor from time to time.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 2– vote deferredTitle– amendment proposed**THAT** Bill be amended by deleting the Long Title and substituting therefor the following new Long Title –

AN ACT of Parliament to establish a framework for the realisation of economic and social rights; for monitoring and reporting on the realisation of economic and social rights; and for connected purposes.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Title – vote deferred

Clause 1 – amendment proposed

THAT clause 1 of the Bill be amended by deleting the words “Preservation of Human Dignity and Enforcement of” appearing immediately after the words “be cited as the”.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 1 – vote deferred

Progress report;

Motion made;

THAT, the Committee of the Whole do report to the House its consideration of the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 21 of 2021) and seek leave to sit again tomorrow.

(Sen. Abshiro Halake, MP)

Before the Question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and agreed to.

13. **HOUSE RESUMED** – Temporary Speaker (Sen. Rose Nyamunga, MP) – In the Chair

14. **THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 21 OF 2021)**

Progress reported;

Motion made and Question proposed;

THAT, the House do agree with the Committee of the Whole in the said report.

(Sen. Abshiro Halake, MP)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and agreed to.

15. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – in the Chair)

The Special Needs Education Bill (Senate Bills No. 44 of 2021)

Clauses 3 - 48

Motion Made and Question proposed;

THAT, Clauses 3 to 48 be part of the Bill.

(Sen. (Dr.). Gertrude Musuruve, MP)

Clauses 3 to 48 - vote deferred

Clause 2, The Title and Clause 1

Motion Made and Question proposed;

THAT, the Title and Clause 1 be part of the Bill

(Sen. (Dr.). Gertrude Musuruve, MP)

Clause 2, The Title and Clause 1 - vote deferred.

Progress report;

Motion made;

THAT, Committee of the Whole do report to the House its consideration of the Special Needs Education Bill (Senate Bills No. 44 of 2021) and seek leave to sit again tomorrow.

(Sen. (Dr.). Gertrude Musuruve, MP)

Before the Question was put and pursuant to Standing Order 79(1), Ag. Chair (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and agreed to.

16. **HOUSE RESUMED** – Temporary Speaker (Sen. Rose Nyamunga, MP - in the Chair)

17. **THE SPECIAL NEEDS EDUCATION BILL (SENATE BILLS NO. 44 OF 2021)**

Progress reported;

Motion made and Question Proposed;

THAT, the House do agree with the Committee in the said report.

(Sen. (Dr.). Gertrude Musuruve, MP)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 79, the Deputy Speaker ruled that the Question did not affect counties;

Question put and agreed to.

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

(Sen. Ledama Olekina, MP)

(Second Reading)

Order read;

Order deferred.

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

(Sen. Ledama Olekina, MP)

(Second Reading)

Order read;

Order deferred.

20. **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 read;

Order deferred.

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

Order read;

Motion made and Question proposed;

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.

(Sen. Rose Nyamunga, MP)

Debate arising;

And there being no other business on the Order Paper, the Temporary Speaker (Sen. John Kinyua, MP) adjourned the Senate at thirty minutes

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

22. SENATE ROSE – at thirty minutes past twelve O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, March 02, 2022 at 2:30 p.m.*

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