



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (SIXTH SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, MARCH 02, 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. **PETITION**

Pursuant to Standing Order 230(2) (b), the Deputy Speaker reported to the Senate a petition by Mr. Mellon Onchwari and others, concerning the plight of Early Childhood Education (ECD) teachers in Nyamira County.

Pursuant to Standing Order 231, the Deputy Speaker invited Senators to make comments, observations or seek clarification in relation to the Petition and subsequently, pursuant to Standing Order 232(1), committed it to the Standing Committee on Labour and Social Welfare.

4. **PAPERS**

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

- i.) Report of the Auditor General on the financial statement of Kirinyaga County Assembly Mortgage Fund for the year ended 30<sup>th</sup> June, 2020;
- ii.) Report of the Auditor General on the financial statement of Kirinyaga County Executive Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2020;
- iii.) Report of the Auditor General on the financial statement of Kirinyaga County Executive Alcoholic Drinks and Substance Abuse Control Fund for the year ended 30<sup>th</sup> June, 2020;
- iv.) Report of the Auditor General on the financial statement of Kirinyaga County Emergency Fund for the year ended 30<sup>th</sup> June, 2020;

- v.) Report of the Auditor General on the financial statement of Rukanga Water and Sanitation Company Ltd., for the year ended 30<sup>th</sup> June, 2020;
- vi.) Report of the Auditor General on the financial statement of Isiolo Water and Sewerage Company Ltd., for the year ended 30<sup>th</sup> June, 2020;
- vii.) Report of the Auditor General on the financial statement of Isiolo County Assembly Car Loan Scheme Fund for the year ended 30<sup>th</sup> June, 2020;
- viii.) Report of the Auditor General on the financial statement of Homa Bay County Executive Car Loan and Mortgage Fund, for the year ended 30<sup>th</sup> June, 2020;
- ix.) Report of the Auditor General on the financial statement of Homa Bay County Assembly Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2020;
- x.) Report of the Auditor General on the financial statement of Homa Bay County Education Bursary Fund for the year ended 30<sup>th</sup> June, 2020;
- xi.) Report of the Auditor General on the financial statement of Vihiga County Assembly Car Loan and Mortgage Fund, for the year ended 30<sup>th</sup> June, 2020;
- xii.) Report of the Auditor General on the financial statement of Vihiga Municipal Board for the year ended 30<sup>th</sup> June, 2020;
- xiii.) Report of the Auditor General on the financial statement of Vihiga County Trade and Enterprise Fund for the year ended 30<sup>th</sup> June, 2020;
- xiv.) Report of the Auditor General on the financial statement of Demonstration Farms Fund, Kisii, for the year ended 30<sup>th</sup> June, 2020;
- xv.) Report of the Auditor General on the financial statement of Gusii Water and Sanitation Company Ltd., for the year ended 30<sup>th</sup> June, 2020;
- xvi.) Report of the Auditor General on the financial statement of Embu County Assembly Car Loan and Mortgage (Members) Scheme Fund, for the year ended 30<sup>th</sup> June, 2020;
- xvii.) Report of the Auditor General on the financial statement of Embu County Youth Trust Fund for the year ended 30<sup>th</sup> June, 2020;
- xviii.) Report of the Auditor General on the financial statement of Siaya County Education Bursary Fund for the year ended 30<sup>th</sup> June, 2020;
- xix.) Report of the Auditor General on the financial statement of Siaya County Assembly Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2020;

- xx.) Report of the Auditor General on the financial statement of Kisumu County Car and Mortgage Scheme Fund, for the year ended 30<sup>th</sup> June, 2020;
- xxi.) Report of the Auditor General on the financial statement of Kisumu County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2020;
- xxii.) Report of the Auditor General on the financial statement of Kisumu County Education Fund for the year ended 30<sup>th</sup> June, 2020;
- xxiii.) Report of the Auditor General on the financial statement of Kericho County Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June, 2020;
- xxiv.) Report of the Auditor General on the financial statement of Meru County Investment and Development Corporation for the year ended 30<sup>th</sup> June, 2020;
- xxv.) Report of the Auditor General on the financial statement of Meru County Alcoholic Drinks Control Board for the year ended 30<sup>th</sup> June, 2020;
- xxvi.) Report of the Auditor General on the financial statement of Meru County Microfinance Corporation for the year ended 30<sup>th</sup> June, 2020;
- xxvii.) Report of the Auditor General on the financial statement of Meru County Assembly Members Car Loan and Housing Scheme Fund for the year ended 30<sup>th</sup> June, 2020;
- xxviii.) Report of the Auditor General on the financial statement of Marsabit County Emergency Fund for the year ended 30<sup>th</sup> June, 2020;
- xxix.) Report of the Auditor General on the financial statement of Kericho Water and Sanitation Company Ltd., for the year ended 30<sup>th</sup> June, 2020;
- xxx.) Report of the Auditor General on the financial statement of Kericho County Executive Staff Car Loan Scheme Fund for the year ended 30<sup>th</sup> June, 2020;
- xxxi.) Report of the Auditor General on the financial statement of Kericho County Agricultural Sector Development Support Programme II Fund for the year ended 30<sup>th</sup> June, 2020;
- xxxii.) Report of the Auditor General on the financial statement of Kericho County Enterprise Fund for the year ended 30<sup>th</sup> June, 2020;
- xxxiii.) Report of the Auditor General on the financial statement of Siboi Water and Sanitation Company Ltd., for the year ended 30<sup>th</sup> June, 2020;

- xxxiv.) Report of the Auditor General on the financial statement of Migori County Executive Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2020;
- xxxv.) Report of the Auditor General on the financial statement of Tharaka Nithi County Emergency Fund for the year ended 30<sup>th</sup> June, 2020;
- xxxvi.) Report of the Auditor General on the financial statement of Ngagaka Water and Sanitation Company Ltd., for the year ended 30<sup>th</sup> June, 2020;
- xxxvii.) Report of the Auditor General on the financial statement of Imetha Water and Sanitation Company Ltd., for the year ended 30<sup>th</sup> June, 2020;

*(The Senate Majority Leader)*

5. **NOTICE OF MOTION – FAST-TRACKING CULTURAL DEVELOPMENTS IN COUNTIES**

(Sen. (Arch.) Sylvia Kasanga, MP)

THAT, WHEREAS Kenya is a multi-ethnic and multi-racial country with rich and diverse cultural resources such as traditional medicine and foods, arts, craft, music, dances, dress among others;

AWARE THAT, the Constitution, in its preamble acknowledges the cultural diversity of the Kenyan people who are determined to live in peace and unity as one indivisible sovereign nation whilst, Article 11 of the Kenyan Constitution recognizes culture as the foundation of the nation;

NOTING that, while the Department of Culture under the Ministry of Sports, Culture and Heritage has been playing some of the key roles in promotion of cultural integration, formulation of policies and standards that will guide the development of culture, little information has been available to the Kenyan public;

ACKNOWLEDGING , that culture performs a significant role in the life of a child, the cultural background in which a child is brought up affects the totality of his or her life’s activities;

CONCERNED, that our children are losing their sense of identity due to the negative influences due to inadequate cultural identity catalyzed by globalization which has led to catastrophic consequences to the next generation as experienced in our country where a majority of young people are showing symptoms of feeling suicidal, anxious, feeling of hopelessness, anger, violence, feeling isolated, and paranoia;

NOW THEREFORE, the Senate urges the Cabinet Secretary, Ministry of Sports, Culture and Heritage to:

- a) Formulate cultural development policies and initiatives to inculcate stronger community values, safeguard Kenya's heritage, recognize local heroes and promote socio-cultural opportunities in the counties; and
- b) Formulate strategies to create an enabling environment for protection and promotion of diversity of cultural expressions in all counties.

## 6. STATEMENTS

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

- i.) The Senator for Vihiga County (Sen. George Khaniri, MP) issued a statement concerning Kenya's unfavorable balance of trade status;

In the statement, the Senator highlighted that Kenya's leading international trade partners included China, the United Kingdom (UK), the United States of America (USA), the United Arab Emirates (UAE) and Saudi Arabia. He further highlighted that in 2021, Kenya's total export earning was at Sh739 billion. However despite this impressive figure, 60% of export earning was spent in importing Chinese goods alone. Imports from China hit a high of Sh441 billion in 2021, representing a 22% increase from the previous year.

The Senator observed that Kenya had made efforts at increasing exports to China through agricultural produce such as avocados but such has been difficult owing to imposition of stringent measures by China, in receiving produce from Kenya. This situation had resulted in a trade imbalance between the two countries and thereby making it major factor in Kenya's widening trade deficit. The Senator argued that this was not only unfair, but also not encouraging good bilateral relationship between the two countries.

To militate against such trade imbalances, the Senator called for deliberate actions to promoting home grown industries. He called for having faith in locally produced goods and services and to take pride in them. He also called for a drastic reduction in imports and gave the example of Singapore as a benchmark for self-reliance.

In conclusion, the Senator further called for strengthening of technical universities and encouraging the youth to take technical courses by changing the negative and derogatory perception about manual laborers.

- ii.) Nominated Senator (Sen. (Dr.) Gertrude Musuruve Inimah, MP) issued a statement concerning Zero Discrimination Day.

In the statement, the Senator informed the House that Zero Discrimination Day is an annual day designated by the United Nations (UN) and observed on 1<sup>st</sup> March. The day aims to promote equality before the law in all UN member countries. The Senator further informed the House that the theme for the day in 2022 is “*Remove laws that harm, create laws that empower.*”

The Senator observed that women continue to be discriminated against in the political and governance spheres. She stated that in Africa, very few women had managed to rise to the very top of leadership positions. Many parliaments have not been able to adhere to the two-thirds gender rule leading to underrepresentation of women in parliament. The Senator further stated that societal perception of women and leadership was a huge contributing factor to marginalization of women which is compounded by a lack of resources.

The Senator argued that countries had a moral and legal obligation to remove discriminatory laws and to enact laws that protect all people from discrimination. She stated that Kenya was a signatory to a number of international conventions that seek to enhance human dignity and equality for all, such as the Convention on the Rights of Children; the Convention on the Rights of Persons with Disabilities; and the Abuja Health Declaration of 2001.

The Senator concluded by calling on all persons in positions of leadership to defend and strengthen such laws which seek to address discriminatory practices.

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

- i.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Roads and Transportation regarding an increase in the cost of construction by Kshs. 7.6 billion, for the Nairobi Expressway.
- ii.) Nominated Senator, (Sen. (Arch.) Sylvia Kasanga, MP) sought a statement from the Standing Committee on Health concerning alleged lack of stakeholder engagement in the development of Kenya standards for management of persons with substance abuse disorders.

**7. THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2021)**

(The Senate Majority Leader)

*(Second Reading)*

*(Resumption of debate interrupted on Wednesday, 23<sup>rd</sup> February, 2022- 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, 1<sup>st</sup> March, 2021)*

*(Division)*

Order deferred.

9. **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, 2<sup>nd</sup> March, 2022 – Morning Sitting)*

*(Division)*

Order deferred.

10. **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, 2<sup>nd</sup> March, 2022 – Morning Sitting)*

*(Division)*

Order deferred.

11. **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, 2<sup>nd</sup> March, 2022 – Morning Sitting)*

*(Division)*

Order deferred.

12. **COMMITTEE OF THE WHOLE**  
**THE ELECTIONS (AMENDMENT) (NO. 3) BILL (SENATE BILLS NO. 48**  
**OF 2021)**

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

Order deferred.

13. **COMMITTEE OF THE WHOLE**  
**THE COUNTY RESOURCE DEVELOPMENT BILL (SENATE BILLS NO. 45**  
**OF 2021)**

(Sen. Rose Nyamunga, MP)

Order deferred.

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

(Sen. Ledama Olekina, MP)

*(Second Reading)*

Order deferred.

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

(Sen. Ledama Olekina, MP)

*(Second Reading)*

Order deferred.

16. **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 – 02.03.2022 – Morning Sitting)*

Debate interrupted on Wednesday, 2<sup>nd</sup> March, 2022 – Morning Sitting, resumed;

And there being no other Senator wishing to contribute;

The Mover Replied;

Before the Question was put and pursuant to Standing Order 79 (1), the Temporary Speaker (Sen. John Kinyua Nderitu, MP) ruled that the matter did not affect counties.

Question Put and agreed to.

**RESOLVED ACCORDINGLY**

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.

17. **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)

Order read

**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.

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

18. **SENATE ROSE** - at twenty two minutes past Five O'clock.

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

*The Speaker will take the Chair on  
Thursday, March 03, 2022 at 2.30 p.m.*

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