



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SIXTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 09, 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. John Kinyua Nderitu, MP).

3. PAPERS LAID

The following papers were laid on the Table of the Senate –

- i) Report of the Auditor General on the financial statement of Kajiado County Youth and Women Enterprise Fund for the year ended 30th June 2020;
- ii) Report of the Auditor General on the financial statement of Nairobi City County Assembly Car Loan Scheme Fund for the year ended 30th June 2019;
- iii) Report of the Auditor General on the financial statement of Naivasha Water and Sanitation Company Limited for the year ended 30th June 2020;
- iv) Report of the Auditor General on the financial statement of Samburu Water and Sanitation Company Limited for the year ended 30th June 2020;
- v) Report of the Auditor General on the financial statement of Nyandarua Water and Sanitation Company Limited for the year ended 30th June 2020;
- vi) Report of the Auditor General on the financial statement of Nakuru Rural Water and Sanitation Company Limited for the year ended 30th June 2020;

- vii) Report of the Auditor General on the financial statement of Bomet Water and Sanitation Company Limited for the year ended 30th June 2020;
- viii) Report of the Auditor General on the financial statement of Eldama Ravine Water and Sewerage Company Limited for the year ended 30th June 2020;
- ix) Report of the Auditor General on the financial statement of Ol-Kalou Water and Sanitation Company Limited for the year ended 30th June 2020;
- x) Report of the Auditor General on the financial statement of Kirandich Water Company Limited for the year ended 30th June 2020;

(Sen. Johnson Sakaja, MP, on behalf of the Senate Majority Leader)

- xi) Report of the Standing Committee on Education on the Special Needs Education Bill (Senate Bills No. 44 of 2021);
- xii) Report of the Standing Committee on Education, pursuant to Standing Order 48(3)(b), on request for Statement by (Sen. Enoch Wambua, MP) regarding the Plight of the Early Childhood Development Education (ECDE) Teachers in counties countrywide.

(The Chairperson, Standing Committee on Education)

- xiii) Report of the Standing Committee on Tourism, Trade and Industrialization on the Street Vendors (Protection of Livelihood) Bill (Senate Bills No. 7 of 2021).

(The Vice Chairperson, Standing Committee on Tourism, Trade and Industrialization)

4. **STATEMENTS**

(i) Pursuant to Standing Order 47 (1)

Nominated Senator (Sen. Falhada Dekow Iman, MP) made a Statement regarding the rampant but underreported cases of minors suffering in the hands of domestic workers/ house helps.

Whereupon, she drew the Senate's attention to incidences of abuse of minors by domestic workers and cited an incident the previous week where Andy Muiriri Kibe died from injuries sustained, allegedly from attacks by

Maureen Nyaboke who was the house-help who has since been arrested and investigations into the incident are on-going. Additionally, she mentioned the case of a 21-year-old woman in Mombasa who confessed to filming herself defiling a four-year-old boy and posting it online and a case early the previous year, where a house-help stabbed two minors after disagreement with her employer who later sacked her. The 21 year old was sentenced to life in prison by a Senior Resident Magistrate.

She further stated that cases of abuse of minors remain underreported, yet they had impacted negatively on parents whose minors had fallen victims to such abuse as well as the victims who survive such ordeals and that one (1) out of three (3) diagnosed mental health conditions in adulthood are directly related to Adverse Childhood Experiences (ACE's).

She urged parents to carry out due diligence before engaging any individual as an employee offering this important service in order to ensure the safety of our children, if for nothing else.

(ii) Pursuant to Standing Order 48 (1)

- a) The Senator for Nandi County (Sen. Cherarkey Samson Kiprotich, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the proposed introduction of automated tea plucking machines to farmers in Kenya.
- b) The Senator for Nairobi City County (Sen. Johnson Sakaja, MP) sought a Statement from the Standing Committee on Finance and Budget on the financial status of Nairobi City County, in view of the Medium Term Debt Management Strategy Paper for the financial year ending 30th June, 2023 recently tabled by the County Government proposing the sale of County Assets to honour some of its debts obligations.

5. 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.

6. **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.

7. **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.

8. **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.

9. **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.

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

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

Order deferred.

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

(Sen. Rose Nyamunga, MP)

Order deferred.

12. **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)

Order deferred.

13. **COMMITTEE OF THE WHOLE**
THE IRRIGATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2021)

(The Senate Majority Leader)

Order deferred.

14. **COMMITTEE OF THE WHOLE**
THE COMMUNITY GROUPS REGISTRATION BILL (NATIONAL ASSEMBLY BILLS NO. 20 OF 2021)

(The Senate Majority Leader)

Order deferred.

15. **COMMITTEE OF THE WHOLE**
THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 7 OF 2021)

(Chairperson, Standing Committee on Tourism, Trade and Industrialization)

Order deferred.

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

(Sen. Naomi Shiyonga, MP)

Order deferred.

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

(Sen. Ledama Olekina, MP)

(Second Reading)

Order deferred.

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

(Sen. Ledama Olekina, MP)

(Second Reading)

Order deferred.

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

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

(Second Reading)

Order read and deferred.

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

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

(Second Reading)

Order deferred.

21. **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.

Order deferred.

22. **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.

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

23. SENATE ROSE – at twenty seven minutes past four O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Thursday, March 10, 2022 at 2:30 p.m.*

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