



REPUBLIC OF KENYA

TWELFTH PARLIAMENT - (SIXTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, MAY 17, 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. **NOTICE OF MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE ALLEGED NEGLIGENCE BY THE KENYATTA NATIONAL HOSPITAL IN THE MEDICAL CASE OF THE LATE (PROF.) KEN WALIBORA, PRIOR TO HIS DEATH**
(The Vice - Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health on the alleged negligence of the late Prof. Ken Walibora prior to his death at the Kenyatta National Hospital, laid on the Table of the Senate on Tuesday, 30th March, 2021.

4. **NOTICE OF MOTION - ADOPTION OF THE FIRST PROGRESS REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COVID-19 PANDEMIC SITUATION IN KENYA**
(The Vice - Chairperson, Standing Committee on Health)

THAT, the Senate adopts the First Progress Report of the Standing Committee on Health on the Covid-19 pandemic situation in Kenya, laid on the Table of the Senate on Tuesday, 30th March, 2021.

5. **NOTICE OF MOTION - ADOPTION OF THE SECOND PROGRESS REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COVID-19 SITUATION IN KENYA AND PRELIMINARY FINDINGS ON THE SPECIAL AUDIT REPORT ON THE UTILIZATION OF COVID - 19 FUNDS BY COUNTY GOVERNMENTS.**
(The Vice - Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Second Progress Report of the Standing Committee on Health on the COVID-19 situation in Kenya and preliminary findings of the Committee, on the Special Audit Report on the Utilization of

COVID-19 funds by County Governments, laid on the table of the Senate on Tuesday, 30th March, 2021.

6. **NOTICE OF MOTION - ADOPTION OF THE THIRD PROGRESS REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COVID-19 SITUATION IN KENYA AND PRELIMINARY FINDINGS ON THE NATIONWIDE COVID-19 VACCINE ROLL OUT**

(The Vice - Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Third Progress Report of the Standing Committee on Health on the COVID-19 situation in Kenya and preliminary findings on the nationwide COVID-19 vaccine roll out, laid on the Table of the Senate on Tuesday, 21st September, 2021.

7. **NOTICE OF MOTION - ADOPTION OF THE FOURTH PROGRESS REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COVID-19 PANDEMIC SITUATION AND THE IMPLEMENTATION OF THE NATIONWIDE COVID-19 VACCINE DEPLOYMENT**

(The Vice - Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Fourth Progress Report of the Standing Committee on Health on the Covid-19 pandemic situation and the implementation of the Nationwide Covid-19 vaccine deployment, laid on the Table of the Senate on Thursday, 2nd December, 2021.

8. **STATEMENTS**

a) Pursuant to Standing Order 47 (1)

The Senator for Vihiga County, (Sen. George M. Khaniri, MP) made a statement concerning the incomplete Mbale town beautification programme in Vihiga County.

Thereupon, the Senator informed the Senate that the World Bank through the Kenya Urban Support Programme (KUSP) released Sh.200 million towards the second phase of beautification of Mbale town in Vihiga County on 3rd June 2020. The programme entailed the construction of footpaths, erection of high mast floodlights and street lighting from Lunyerere to Majengo along the Kisumu- Kakamega highway and rehabilitation of the drainage systems in Mbale, with the intention of upgrading Mbale town to city status. A lot of focus was to be put on the improvement of the town's drainage system as they were in a dire state. The project was to be completed in a year since its launch.

The Senator observed that none of these developments had been witnessed two years down the line, noting that the residents of Mbale town were dissatisfied, further noting the poor state of the open drainage system which

had caused deaths, numerous injuries and was becoming a health hazard to the residents.

The Senator urged the relevant Committee to investigate how the Sh. 200 million had been utilized while urging for expediency in the completion of the project.

b) Pursuant to Standing Order 51 (1) (b)

- (i) The Vice - Chairperson, Standing Committee on Energy, made a statement on the activities of the Committee for the period January to April, 2022.
- (ii) Nominated Senator, (Sen Beatrice Kwamboka, MP), a member of the Standing Committee on National Security, Defence and Foreign Relations, made a statement on behalf of the Chairperson, on the activities of the Committee for the period January to April, 2022.
- (iii) The Senator for Nandi County (Sen. Samson Cherarkey, MP), a member of the Sessional Committee on County Public Accounts and Investments, made a statement on behalf of the Chairperson, on the activities of the Committee, for the period commencing February to 5th May, 2022.

9. THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 1 OF 2022)

(The Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 11th May, 2022)
(Division)

Order deferred.

10. 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.

11. **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.

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

(Sen. Ledama Olekina, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 23rd March, 2022)

(Division)

Order deferred.

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

(Sen. Samson Cherarkey, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 30th March, 2022)

(Division)

Order deferred.

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

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

(Second Reading)

(Resumption of debate interrupted on Thursday, 31st March, 2022)

(Division)

Order deferred.

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

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Thursday, 7th April, 2022)

(Division)

Order deferred.

16. **THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 32 OF 2021)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Thursday, 28th April, 2022)

(Division)

Order deferred.

17. **THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2021)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 4th May, 2022)

(Division)

Order deferred.

18. **THE SUSTAINABLE WASTE MANAGEMENT BILL (NATIONAL ASSEMBLY BILLS NO. 22 OF 2021)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 10th May, 2022)

(Division)

Order deferred.

19. **THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILLS NO. 19 OF 2021)**

(Sen. Judith Pareno, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 11th May, 2022)

(Division)

Order deferred.

20. **THE COUNTY E-HEALTH BILL (SENATE BILLS NO. 39 OF 2021)**

(Sen. Judith Pareno, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 11th May, 2022)

(Division)

Order deferred.

21. **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.

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.

(Resumption of debate interrupted on Wednesday, 23rd March, 2022)

(Division)

Order deferred.

23. **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.

24. **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.

25. **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.

26. **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, 2022)

(Division)

Order deferred.

27. **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.

28. **COMMITTEE OF THE WHOLE**
THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 28 OF 2020)
(Sen. (Arch.) Sylvia Kasanga, MP)

(Consideration of National Assembly Amendments)

(Resumption of debate interrupted on Thursday, 7th April, 2022)

(Division)

Order deferred.

29. **COMMITTEE OF THE WHOLE**
THE IRRIGATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2021)
(The Senate Majority Leader)

(Resumption of debate interrupted on Wednesday, 4th May, 2022)

(Division)

Order deferred.

30. **COMMITTEE OF THE WHOLE**
THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 1 OF 2022)
(The Chairperson, Standing Committee on Finance and Budget)

Order deferred.

31. **COMMITTEE OF THE WHOLE**
THE ELECTIONS (AMENDMENT) (NO. 3) BILL (SENATE BILLS NO. 48 OF 2021)
(Sen. (Eng.) Ephraim Maina, MP)

Order deferred.

32. **COMMITTEE OF THE WHOLE**
THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2021)
(Sen. Naomi Shiyonga, MP)

Order deferred.

33. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON EDUCATION ON THE INQUIRY INTO THE EARLY CHILDHOOD DEVELOPMENT EDUCATION (ECDE) LANDSCAPE IN THE COUNTRY**

(The Chairperson, Standing Committee on Education)

THAT, the Senate adopts the Report of the Standing Committee on Education on the inquiry into the Early Childhood Development Education (ECDE) landscape in the country, laid on the Table of the Senate on Tuesday, 10th May, 2022.

Order deferred.

34. **MOTION - ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE ON DELEGATED LEGISLATION ON ITS CONSIDERATION OF THE CONTROLLER OF BUDGET (COB) REGULATIONS, 2021**

(The Chairperson, Sessional Committee on Delegated Legislation)

THAT, the Senate adopts the Report of the Sessional Committee on Delegated Legislation on its consideration of the Controller of Budget (COB) Regulations, 2021, laid on the Table of the Senate on Tuesday, 10th May, 2022 and pursuant to Section 18 of the Statutory Instruments Act, 2013 **annuls** the Controller of Budget Regulations, 2021.

Order deferred.

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

35. **SENATE ROSE** – at fifty - seven minutes past Three O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, May 18, 2022 at 2:30 p.m.*

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