



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (SIXTH SESSION)**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, APRIL 27, 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 Speaker.
3. **COMMUNICATION FROM CHAIR ON THE LAST PARLIAMENTARY HONOUR TO HIS EXCELLENCY THE LATE EMILIO MWAI KIBAKI, CGH**

The Speaker conveyed the following Communication from the Chair -

“Honourable Senators,

As you are aware, the body of His Excellency the Late Mwai Kibaki is lying in state in Parliament Buildings for the third and final day. In this regard, today's sitting is scheduled to end at or before 5.00 pm to allow certain steps attendant to the departure of the body of the His Excellency the late former President.

Arrangements have been put in place to ensure that all Senators accord His Excellency, the Late Mwai Kibaki a befitting parliamentary honour. In this regard, the sequence of events will be as follows-

- i. Debate in respect of the Motion under Order No. 9, will end at or before 5.00 pm.
- ii. Immediately after that, the Speaker's Procession will leave the Chamber in the usual manner.
- iii. Thereafter, all Senators will leave the Chamber and converge at the Main Parliament gate facing KICC and await the body of the His Excellency, the Late Mwai Kibaki as it exits Parliament Buildings. The Chief Sergeant-at-Arms will guide Members on the designated waiting place.
- iv. The Speaker, the Leaders of Majority and Minority Parties, the Majority and Minority Whips, and the Clerks at the Table will converge at the National Assembly Speaker's Walk Way to accompany the procession of the Body, together with the Leadership of the National Assembly.

- v. On arrival of the casket of His Excellency, the Late Mwai Kibaki at the Gate facing KICC, all Members are requested to await the playing of the National Anthem and the East African Community Anthem before the casket is loaded onto the Carriage to exit Parliament Buildings.
- vi. The parliamentary procession will symbolize Parliament paying its last respect and honouring His Excellency, the Third President of Kenya, the Late Mwai Kibaki for his service to Parliament and the nation.

I thank you.”

#### 4. MESSAGES FROM THE NATIONAL ASSEMBLY

The Speaker conveyed the following Messages from the National Assembly –

- i.) **The passage of the mediated version of the County Governments Additional Allocation Bill (Senate Bills No. 35 of 2021)**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4), I received the following Message from the Speaker of the National Assembly regarding the passage of the Mediated Version of the County Governments Additional Allocation Bill, (Senate Bills No. 35 of 2021).

The Message which is dated Wednesday, 6<sup>th</sup> April, 2022 was received on 8<sup>th</sup> April, 2022 while the Senate was on recess.

Pursuant to the said Standing Orders, I now report the Message-

*“**PURSUANT** to the provisions of Standing Order 41(1) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –*

***WHEREAS**, the Mediated Version of the County Governments Additional Allocation Bill (Senate Bills No. 35 of 2021) was passed by the Senate on Thursday, 31<sup>st</sup> March 2022 and referred to the National Assembly for consideration;*

***AND WHEREAS**, the National Assembly, passed the said Bill on Thursday, April 7, 2022;*

***NOW THEREFORE**, in accordance with the provisions of Article 113 (3) of the Constitution, I will present the Bill to H.E the President for Assent.”*

I thank you.”

ii.) **The rejection of the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 30 of 2020).**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4), I received the following Message from the Speaker of the National Assembly regarding the decision of the National Assembly, by way of a resolution made on Wednesday, 16<sup>th</sup> February, 2022, to **reject** the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 30 of 2020).

The Message which is dated Wednesday, 6<sup>th</sup> April, 2022 was received on 7<sup>th</sup> April, 2022 while the Senate was on recess.

Pursuant to the said Standing Orders, I now report the Message-

*“**PURSUANT** to the provisions of Standing Order 41 and 149 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –*

***WHEREAS**, the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 30 of 2020) was passed by the Senate on Thursday, 5<sup>th</sup> August, 221 with amendments and referred to the National Assembly for consideration;*

***AND WHEREAS**, by a resolution made on **Wednesday, 16<sup>th</sup> February, 2022**, the National Assembly **rejected** the said Bill;*

***NOW THEREFORE**, in accordance with the provisions of Article 112 of the Constitution and Standing Order 149 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate and seek the appointment of five (5) Senators to the Mediation Committee in respect of the said Bill.”*

Honourable Senators,

Following the said decision, the Speaker of the National Assembly appointed the following Members to represent the Assembly in the Mediation Committee that will attempt to develop a version of the said Bill that both Houses will pass-

- 1) The Hon. Chachu Ganya, MP;
- 2) The Hon. Ali Amin Deddy, MP;
- 3) The Hon. Rozaah Akinyi Buyu, MP;
- 4) The Hon. Paul Musyimi Nzengu, MP; and
- 5) The Hon. Shinali Bernard Masaka, MP.

Honourable Senators,

Consequently, pursuant to Standing Orders 160 (2), I have appointed the following Senators to the Mediation Committee;

- 1) Sen. Mwangi Githiomi, MP;
- 2) Sen. Johnes Mwaruma, MP;
- 3) Sen. Njeru Ndwiga, MP;
- 4) Sen. (Arch.) Sylvia Kasanga, MP; and
- 5) Sen. (CPA) Farhiya Haji, MP.

I urge the members of the Mediation Committee to deal with this important assignment expeditiously and report within the stipulated timelines.

I thank you.”

iii.) **The passage of the Election Campaign Financing (Amendment) Bill (National Assembly Bills No. 37 of 2021).**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4), I received the following Message from the Speaker of the National Assembly regarding the passage of the Election Campaign Financing (Amendment) Bill (National Assembly Bills No. 37 of 2021).

The Message which is dated Thursday, 21<sup>st</sup> April, 2022 was received on 21<sup>st</sup> April 2022 while the Senate was on recess.

Pursuant to the said Standing Orders, I now report the Message-

*“PURSUANT to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –*

***WHEREAS**, the Election Campaign Financing (Amendment) Bill (National Assembly Bill No. 37 of 2021) was published vide Gazette Supplement No. 157 of 12<sup>th</sup> August, 2021 as a Bill concerning County Governments in terms of Article 110(1) of the constitution, seeking to amend the Election Campaign Financing Act and for connected purposes;*

***AND WHEREAS**, the National Assembly passed the said Bill on Wednesday, 13<sup>th</sup> April, 2022 **without amendments** in the form attached hereto;*

***NOW THEREFORE**, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41(1) and 144 of the National*

*Assembly Standing Orders, I hereby **convey** the said decision of the National Assembly to the Senate.”*

Honourable Senators,

Pursuant to Standing Order 157 which requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order 139, I direct that the Election Campaign Financing (Amendment) Bill (National Assembly Bills No. 37 of 2021) be listed for First Reading during tomorrow’s Sitting.

I thank you.”

iv.) **The passage of the Elections (Amendment) Bill (National Assembly Bills No. 3 of 2022).**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4), I received the following Message from the Speaker of the National Assembly regarding the passage of the Elections (Amendment) Bill (National Assembly Bills No. 3 of 2022).

The Message which is dated Thursday, 21<sup>st</sup> April, 2022 was received on 21<sup>st</sup> April 2022 while the Senate was on recess.

Pursuant to the said Standing Orders, I now report the Message-

*“**PURSUANT** to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –*

***WHEREAS**, the Elections (Amendment) Bill (National Assembly Bill No. 3 of 2022) was published vide Gazette Supplement No. 12 of 28<sup>th</sup> January 2022 as a Bill concerning County Governments in terms of Article 110(1) of the constitution, seeking to amend the Elections Act;*

***AND WHEREAS**, the National Assembly passed the said Bill on Wednesday, 13<sup>th</sup> April, 2022 with amendments in the form attached hereto;*

***NOW THEREFORE**, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41(1) and 144 of the National Assembly Standing Orders, I hereby **convey** the said decision of the National Assembly to the Senate.”*

Honourable Senators,

Pursuant to Standing Order 157 which requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order 139, I direct that the Elections (Amendment) Bill (National Assembly Bill No. 3 of 2022) be listed for First Reading during tomorrow's Sitting.

I thank you.”

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

(The Chairperson, Standing Committee on Finance and Budget)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Finance and Budget.

6. **MOTION - TRIBUTE OF THE SENATE ON THE DEMISE OF THE THIRD PRESIDENT OF THE REPUBLIC OF KENYA, HIS EXCELLENCY THE LATE EMILIO MWAI KIBAKI, CGH**

Order read;

Motion made and Question proposed;

AWARE THAT the late former President Emilio Mwai Kibaki, CGH, was the third President of the Republic of Kenya between December 2002 and March 2013, in addition to serving as the fourth Vice President of the Republic of Kenya between 1978 and 1988;

NOTING THAT the late former President Mwai Kibaki had a long and illustrious career in public service, spanning over 50 years, where he served as a Member of Parliament for Donholm and Othaya Constituencies for ten (10) parliamentary terms from 1963 to 2013, and as a Cabinet Minister in various Ministries for twenty-eight (28) years from 1963 to 1991;

APPRECIATING the late President Mwai Kibaki's work in setting the foundation for Kenya's socio-economic turnaround and infrastructural development; liberalization of education including introduction of free primary education; enhancement of the Bill of Rights; liberalization of the media, including promotion of media freedom; championing of women's participation in politics and leadership; promoting environmental conservation, including sustainable management of water and natural resources; and deepening of

telecommunication services and overseeing the unprecedented growth in the banking sector, among other milestones;

FURTHER APPRECIATING the late President's efforts in governance and institutional reforms throughout his public service career, that culminated in the promulgation of a new Constitution in 2010, that ultimately ushered in a new governance paradigm;

COGNIZANT of the Presidential Proclamation of Friday, 22<sup>nd</sup> April, 2022 communicating the passing on of former President Mwai Kibaki, CGH;

NOW THEREFORE, the Senate resolves that the condolences of the Senate be recorded in Honour of the late President Mwai Kibaki's service as a selfless Statesman, a National Hero, an accomplished economist, and a Member of Parliament, for his contribution in nation building and Kenya's socio-economic development.

*(The Senate Majority Leader – 26.04.22)*

Debate interrupted on Tuesday, 26<sup>th</sup> April, 2022, resumed;

There being no other Senator wishing to contribute;

The Mover replied;

Before the Question was put and pursuant to Standing Order 79 (1), the Speaker ruled that the Motion does not affect counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

**AWARE THAT** the late former President Emilio Mwai Kibaki, CGH, was the third President of the Republic of Kenya between December 2002 and March 2013, in addition to serving as the fourth Vice President of the Republic of Kenya between 1978 and 1988;

**NOTING THAT** the late former President Mwai Kibaki had a long and illustrious career in public service, spanning over 50 years, where he served as a Member of Parliament for Donholm and Othaya Constituencies for ten (10) parliamentary terms from 1963 to 2013, and as a Cabinet Minister in various Ministries for twenty-eight (28) years from 1963 to 1991;

**APPRECIATING** the late President Mwai Kibaki's work in setting the foundation for Kenya's socio-economic turnaround and infrastructural development; liberalization of education including introduction of free primary education; enhancement of the Bill of Rights; liberalization of the media, including promotion of media freedom; championing of women's participation in politics

and leadership; promoting environmental conservation, including sustainable management of water and natural resources; and deepening of telecommunication services and overseeing the unprecedented growth in the banking sector, among other milestones;

**FURTHER APPRECIATING** the late President's efforts in governance and institutional reforms throughout his public service career, that culminated in the promulgation of a new Constitution in 2010, that ultimately ushered in a new governance paradigm;

**COGNIZANT** of the Presidential Proclamation of Friday, 22<sup>nd</sup> April, 2022 communicating the passing on of former President Mwai Kibaki, CGH;

**NOW THEREFORE**, the Senate **resolves** that the condolences of the Senate be recorded in Honour of the late President Mwai Kibaki's service as a selfless Statesman, a National Hero, an accomplished economist, and a Member of Parliament, for his contribution in nation building and Kenya's socio-economic development.

And there being no other business in the Order Paper, the Speaker adjourned the Senate at eighteen minutes past Four O'clock, without Question put, pursuant to the Standing Orders.

6. **SENATE ROSE** – at eighteen minutes past Four O'clock.

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

*The Speaker will take the Chair on  
Thursday, April 28, 2022 at 02:30 p.m.*