

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 16th June, 2022

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Speaker (Hon. Lusaka) in the Chair]

PRAYER

The Speaker (Hon. Lusaka): Senate Majority Leader, you may have the Floor.

PETITIONS

The Senate Majority Leader (Sen. Poghisio): Mr. Speaker, Sir, I beg to lay the following Petition Reports on the Table of the Senate today, 16th June, 2022-

REPORT ON PETITION: ENCROACHMENT OF LAND BELONGING TO MKAMENYI RESIDENTS BY VOI POINT LIMITED IN TAITA TAVETA COUNTY

Report of the Standing Committee on Land, Environment and Natural Resources on the Petition by residents of Mkamenyi Village, Voi Sub County, Taita Taveta County, on the alleged encroachment of land belonging to Mkamenyi residents by Voi Point Limited.

REPORT ON PETITION: RESETTLEMENT STATUS OF FORMER KIMONDI FOREST EVICTEES

Report of the Standing Committee on Land, Environment and Natural Resources on the Petition by former Kimondi Forest evictees regarding their resettlement.

REPORT ON PETITION: LAND OWNED BY MULTINATIONALS IN KERICHO AND BOMET COUNTIES

Report of the Standing Committee on Land, Environment and Natural Resources on the Petition by residents of Bomet and Kericho counties on the status of land owned by multinationals in Kericho and Bomet counties.

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REPORT ON PETITION: GAZETTEMENT OF
CHETAMBE (WEBUYE) HILL FOREST

Report of the Standing Committee on Land, Environment and Natural Resources on the Petition by residents of Webuye. This is in regard to the alleged gazettement of Chetambe Webuye Hill Forest vide Legal Notice No.106 on the proposed declaration of public forests, Chetambe Webuye Hill Forest dated 25th June, 2021.

REPORT ON PETITION: COMPENSATION FOR VICTIMS OF
HUMAN-WILDLIFE CONFLICT IN LAMU COUNTY

Report of the Standing Committee on Tourism, Trade and Industrialisation on a Petition by residents of Lamu County Concerning the Compensation of Victims of human-wildlife conflict in Lamu County.

(Sen. Poghisio laid the document on the Table)

PAPERS LAID

The Senate Majority Leader (Sen. Poghisio): Mr. Speaker, Sir, I beg to lay the following papers on the Table of the Senate today, 16th June 2022-

REPORT ON THE COUNTY GOVERNMENTS (EQUITABLE SHARE)
CASH DISBURSEMENT SCHEDULE FOR FINANCIAL YEAR 2022/2023

Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for Financial Year 2022/2023.

REPORT ON THE APPROVAL FOR THE NATIONAL GOVERNMENT TO GUARANTEE LAIKIPIA
COUNTY GOVERNMENT TO BORROW BY ISSUANCE OF
KSHS1.16 BILLION INFRASTRUCTURE BOND

Report of the Standing Committee on Finance and Budget concerning the approval for the national Government to guarantee Laikipia County Government to borrow by issuance of Kshs1.16 billion infrastructure bonds.

REPORT ON THE EFFICACY OF THE IFMIS
AND ITS APPLICATION IN DISBURSEMENT OF FUNDS

Report of the Standing Committee on Finance and Budget on the efficacy of the Integrated Financial Management Information System (IFMIS) and its application in disbursement of funds.

(Sen. Poghio laid the documents on the Table)

The Speaker (Hon. Lusaka): The Senate Leader of Majority, proceed.

NOTICES OF MOTIONS

APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT (EQUITABLE SHARE) SCHEDULE FOR FY 2022/2023

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, I beg to give notices of the following Motions-

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Cash Disbursement (Equitable Share) Schedule for Financial Year 2022/2023, laid on the Table of the Senate on Thursday, 16th June, 2022 and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 183 (3), the Senate approves the County Governments Cash Disbursement (Equitable Share) Schedule for Financial Year 2022/2023.

ADOPTION OF REPORT ON EFFICACY OF THE IFMIS AND ITS APPLICATION IN DISBURSEMENT OF FUNDS.

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the efficacy of the Integrated Financial Management Information System (IFMIS) and its application in disbursement of funds laid on the Table of the Senate on Thursday, 16th June, 2022.

APPROVAL FOR THE NATIONAL GOVERNMENT TO GUARANTEE LAIKIPIA COUNTY GOVERNMENT TO BORROW BY ISSUANCE OF KSHS1.16 BILLION INFRASTRUCTURE BOND

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget concerning the approval for the National Government to guarantee Laikipia County Government to borrow by issuance of Kshs1.16 billion infrastructure bond laid on the Table of the Senate on Thursday, 16th June, 2022 and pursuant to Section 58 of the Public Finance Management Act approves the request by the Cabinet Secretary for the National Treasury to guarantee the County Government of Laikipia to borrow Ksh1.16 billion for infrastructure bond.

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM THE PRISONS HEADQUARTERS AND A PUBLIC SERVANT FROM THE UNITED REPUBLIC OF TANZANIA

The Speaker (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a delegation from the Prisons Headquarters who are on an attachment programme in the Senate.

I request each member of the group to stand when called out so that he or she may be acknowledged in the usual Senate tradition.

They are:

- | | |
|--------------------------------|--|
| (1) Ms. Violet Nanjala Wasilwa | - Chief Inspector (Head of Delegation) |
| (2) Ms. Alice Ondili | - Sergeant |
| (3) Ms. Emily Ongera | - Constable |

Hon. Senators, I would also like to acknowledge the presence in the Speaker's Gallery of Ms. Hollo Steven Kazi, a public servant from the Office of the Registrar of Political Parties in the United Republic of Tanzania.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to the delegation on behalf of the Senate and on my own behalf. I wish them a fruitful visit.

I thank you.

Next order.

Hon. Senators, I have another communication on the adjournment of the Senate *sine die*.

THE ADJOURNMENT OF THE SENATE *SINE DIE*

Hon. Senators, today, the 16th day of June 2022, is a historic occasion for this august House. It marks the last day of the Ordinary Plenary Sittings of the Senate in the term of the 12th Parliament. As such therefore, it is a time to reflect on our time in the Senate, our experiences over the last five years and to ponder on what may come in the 13th Parliament; that is to say, what we envision the next and the future Senate of Kenya to be.

The term of the Third Senate in the history of the Republic commenced on 31st August, 2017, pursuant to the President's notification under Article 126(2) of the Constitution upon which each one of you took an Oath or Affirmation of office pursuant to Article 74 of the Constitution.

In the Oath or Affirmation of Office, we all committed to bear true faith and allegiance to the people and the Republic of Kenya; obey, respect, uphold, preserve, protect and defend the Constitution and to faithfully and conscientiously discharge our mandate. In spite of the odds that we faced as a House of Parliament, we have largely held true to this Oath or Affirmation in our collective and individual capacities.

As your Speaker, I have sat on this Chair, presided over the sittings of the Senate and I have no doubt in my mind, that you have exemplified true allegiance to the Constitution, guided by our prayer at the start of every sitting, which states that the Almighty God has placed the people's important trusts in our charge, and that it is our duty to protect those trusts.

Hon. Senators, we have survived a global pandemic, made history safeguarding the constitutional mandate of the Senate, created a haven for Kenyans from all walks of life to engage with the legislature and held true to the makings of an effective legislature.

As one of the principal responsibilities of a legislature, we considered and passed 19 Bills on various issues affecting the country and more specifically, strengthening the devolved system of government. In addition, we have also considered 403 Motions, 103 Petitions and 501 Statements touching on various aspects of everyday lives of Kenyans.

Hon. Senators, in executing our oversight and representation role, the Senate undertook various inquiries. Some of the most notable ones include-

- (1) Protecting Kenyan workers in the Middle East.
- (2) Assessment and monitoring of the COVID-19 pandemic situation in Kenya.
- (3) The condition of correctional facilities in the country.
- (4) The challenges facing the tea sector that culminated in the enactment of the Tea Act in 2020.
- (5) The status of Early Childhood Development Education (ECDE) in the counties and the plight of ECDE teachers.
- (6) Consideration and approval of Nakuru Municipality to a city.
- (7) The state of mobile network connectivity in underserved parts of the country through the Universal Service Fund (USF) and financing thereof through Phases I and II.
- (8) The state of debt management in Kenya and the effective use of Integrated Financial Management Information System (IFMIS) as a means for accountability.
- (9) Review of laws on the operations and management of Saving and Credit Co-operative Societies (SACCOs).

Further, the reports on various Petitions on matters that directly affect Kenyans continue to strengthen the oversight mandate of the Senate. Members of the public continued to have confidence in the Senate to address their concerns, which is evidenced by the high number of Petitions that were submitted from 2017 to 2022.

A total of 144 Petitions were submitted out of which 102 were considered and concluded. This accounted for 70 per cent of the total Petitions submitted. However, the next House will need to re-examine and prioritize consideration of Petitions within the given timelines under the Standing Orders and reduce backlog as this is a cardinal constitutional requirement for Kenyans to exercise their rights.

Another oversight tool that has been utilized to address everyday concerns of Kenyans is Statements. During the term of the Twelfth Parliament, there were a total of 231 Statements made pursuant to Standing Order 47(1), of which 67 were referred to respective standing Committees for further consideration. Fifty three of these were concluded and where necessary reports thereon tabled.

With respect to Statements under Standing Order 48(1), 576 were sought, out of which 448 were concluded and reported on. This accounted for 78 per cent of the total Statements filed.

Hon. Senators, the Senate's ability to conduct itself in a sober and bipartisan manner was put to the test on many occasions whenever it was called upon to mediate on a number of critical issues. It must be observed that in undertaking our mandate through the impeachment process, the Senate has mediated in conflicts and misunderstandings in the counties. This has ensured that whatever the outcomes of the trial, the ultimate winner was a strengthened devolved structure.

In the 12th Parliament, the Senate considered five impeachment Motions. Three of the impeachments were considered by way of investigation by a Special Committee with respect to Hon. Granton Graham Samboja, Governor of Taita Taveta County, on 9th October, 2019; Hon. Ann Mumbi Waiguru, Governor of Kirinyaga County, on 9th June, 2020; and Hon. Mohamed Abdi Mohamud, Governor of Wajir County on 27th April, 2021.

On the other hand, impeachment of Hon. Ferdinand Ndung'u Waititu Babayao, the then Governor of Kiambu County on 19th December, 2019; and that of Hon. Mike Mbuvi Sonko, the then Governor of Nairobi City County on 3rd December, 2020, were considered in Plenary.

One of the key observations from these impeachment processes was that there is need to standardize the procedure applied in considering a Motion for the proposed removal of a President, Deputy President, County Governor, Deputy County Governor, a Cabinet Secretary or a County Executive Committee Member (CECM).

The Senate had initiated a legislative framework in this respect, through the Impeachment Procedure Bill, which has unfortunately not been finalized. Therefore, I urge the next Parliament to prioritize passage of this framework to assist in facilitating a more effective process.

Further, border disputes between counties continue to bedevil local communities. The Senate has held several meetings with the leadership in the various counties to have the issues resolved and for lasting peace.

However, whereas arbitration is considered to be a more efficient process than litigation, a long-term solution is needed, in particular, to address the county border disputes. I, therefore, urge the Thirteenth Parliament to prioritize passage of a legal framework to give effect to Article 188 of the Constitution, in this case, the County Boundaries Bill.

Hon. Senators, as one of the Arms of Government, we pride ourselves in the vision to be a democratic and people centered Parliament. We have held true to this vision through various initiatives that we have implemented during our time here.

Of importance to note are the sittings of the Senate outside Nairobi, or Senate *Mashinani* as it is commonly referred to. In September, 2018, the Senate held its Plenary and Committee meetings in Uasin Gishu County, while in September, 2019, the Senate held meetings in Kitui County. The enormous impact and transformational promise that the Senate *Mashinani* portends cannot be gainsaid.

In 2018, for instance, the Senate was able to directly engage with farmers in the breadbaskets of the country, which include Bungoma, Uasin Gishu, Kakamega, Trans Nzoia and Nandi counties, to address the perennial maize crisis. Further, the matter of returns for tea farmers was also addressed.

In the Kitui County experience in 2019, the Senate *Mashinani* made significant strides in addressing the plight of mung bean farmers and the conditions of correctional facilities in the country. The sittings outside Nairobi improved the visibility of the Senate and enhanced the public's understanding of the Senate and Parliament in general.

The COVID-19 pandemic curtailed our efforts at implementing other sittings outside Nairobi in 2020 and 2021, but we envisage that in the years to come, the Senate will continue with this new tradition that not only enhances the oversight and legislative

mandate of the Senate, but also strengthens the capacities of counties through transfer and exchange of knowledge between the Senate and county assemblies.

During this term, we have also held numerous policy and legislative dialogue sessions with our devolution stakeholders as well as the business community through the annual leadership forums and Speaker's Round Tables with the private sector, where critical discussions and resolutions have been adopted, aimed at enhancing engagement with Parliament and, at the same time, fostering investment and improving the business environment in the counties.

Hon. Senators, another hallmark of our legislative work has been consideration and passage of the Third Basis for Revenue Allocation among county governments.

(Applause)

As your Speaker, I must say that presiding over the debates in this process was not easy. However, from this experience, the Senate emerged stronger and more than ever before demonstrated its commitment to protect devolution.

For this, Hon. Senators, I say a big thank you. It is not because it was a duty that we carried out, but it was a duty that despite the various competing opinions and interests, and even when all seemed to be lost, the Senate demonstrated grace, fortitude, focus and determination, to remain a beacon of hope for devolution.

Of note has been the consistent increase of allocations to counties from Kshs210 billion in Financial Year 2013/2014 to Kshs370 billion in Financial Year 2022/2023.

I dare say without any iota of doubt, that this may not have been achieved without the presence and functional participation of the Senate.

Looking forward, I know there will be a review of the formulae in the 13th Parliament. We take solace in the fact that there is established precedence and jurisprudence in this matter. The next Senate will continue to build on the successes of the Second and the Third Senate.

Hon. Senators, on the other hand, and as is the case with every human endeavour, we have faced some challenges and setbacks. A prominent feature of the challenges is with regard to the fight for space to exercise our legislative and oversight mandate under Article 96 of the Constitution.

As hon. Senators will recall, this necessitated the Senate going all the way to the Supreme Court in 2013 for an advisory opinion on the role of the Senate in the consideration of the annual Division of Revenue Bill and other Bills affecting counties.

The not so amiable relationship between the two Houses continued to manifest in the 12th Parliament resulting in a resolution on 18th June, 2020, for the Senate to institute legal proceedings to challenge the laws that had been enacted un-procedurally in the 12th Parliament; to seek an interpretation of the term "money Bill"; and a final determination of the procedures to be followed in respect of all the Bills that were pending before Parliament so as to ensure compliance with Article 110(3) of the Constitution.

This drastic and monumental stride by a House of Parliament was aimed at ensuring that Bills passed by either House of Parliament should translate to Acts that espouse the utmost integrity in the legislative process and uphold the Constitution.

I regret that owing to the interplay between the two Houses, certain key Bills referred to the National Assembly, have not been concluded.

I, therefore, urge the next Senate to prioritize expeditious passage of the following Bills, which in my opinion, will go a long way to strengthen devolution and governance. These are: The Public Participation Bill, The Impeachment Procedure Bill, The Community Health Bill, The Office of the County Printer Bill, The Disaster Risk Management Bill, The Parliamentary Powers and Privileges (Amendment) Bill, The Start-up Bill, amongst others, as a matter of urgency.

In addition, a Referendum Bill will greatly bring clarity in the process of amending the Constitution by a popular initiative. We need no reminding, but for the record, the High Court, in Petition No. 284 of 2019, stated unequivocally that the concurrence process under Article 110(3) of the Constitution was mandatory and is a condition precedent before any House of Parliament can consider a Bill.

Further, the court ordered the immediate cessation of consideration of all Bills that were pending before either House, and for which determination by the Speakers jointly whether or not they affected counties, could not be demonstrated.

The judgment fundamentally altered the legislative business of the Senate as a significant number of Bills, some of which had been considered by the Senate and referred to the National Assembly in 2019, had to be republished in order to comply with the ruling of the Court.

On appeal in the Court of Appeal, it is regrettable that vital aspects of the High Court judgment were overturned. It is noteworthy, however, that one of the legislations that both the High Court and the Court of Appeal pronounced to have been unprocedurally and unconstitutionally passed and, therefore, to be unconstitutional null and void, is The Parliamentary Service Act which governs the services and facilities and the governance of Parliament. The next Senate must prioritize the proper introduction and passage of this key legislation.

As these matters are still under consideration by the Supreme Court, I will reserve further comment, except to express optimism that the Senate will emerge victorious once again.

We hope that whatever outcome emanates from the apex court will reinforce the foundations of the Senate as anchored in the Constitution and as vindicated by those who came before us in the 11th Parliament, provide a firm ground for the 13th Parliament, and once and for all, settle the matter of the legislative authority of the Senate as one of the Chambers of Parliament.

The next Senate should consider undertaking a critical assessment of the place and mandate of the Senate in devolution. I call upon the incoming Senate to revisit the proposed Constitution (Amendment) Bill that had been introduced in this August House.

The Amendment Bill proposed ways of strengthening the role of the Senate and enhancing its representation and participation in the Parliamentary Service Commission (PSC).

Indeed, even within the confines of the Constitution, as it now stands, the next Senate must properly construe and utilize Article 127 (2)(c) to ensure that it has the same number of commissioners in the PSC as the National Assembly.

(Applause)

Another challenge that has frustrated the oversight function of the Senate is the realization of the Senate Oversight Fund that has remained a mirage.

I urge the next Senate to make concerted efforts and expedite this and the other aforesaid issues in its first year in office as a matter of urgency.

Hon. Senators, amidst the successes and challenges that we had over the past five years, we also experienced low moments where we lost colleagues.

These are the then Senator for Migori County, the late Sen. Ben Oluoch Okello; the then Senator for Machakos County, the late Sen. Boniface Mutinda Kabaka; the then Senator for Garissa County, the late Sen. Mohamed Yusuf Haji, EGH; and Nominated Senator representing the youth, the late Sen. Victor Prengei.

We salute these gallant legislators for their service to the people of Kenya. Although they may not be here with us, their legislative footprint and the camaraderie we shared will forever be remembered in the history of the Senate.

On a sad note, too, during this term, we mourned the passing on of the second and third Presidents of the Republic of Kenya, His Excellency the late Daniel Toroitich Arap Moi, CGH on 4th February, 2020, and His Excellency the late Emilio Mwai Kibaki, CGH on 22nd April, 2022, respectively, who also served as long term Members of Parliament.

The two former Presidents laid in Parliament for three days and on the third day Parliament bade them farewell after having eulogized them as a last parliamentary honour. In eulogizing the two former Presidents, the Senate noted with appreciation their vision and steadfast service to the country that will endure for generations to come. The eulogy messages contained in the respective Motions were presented to the families of the late Presidents.

Hon. Senators, as the Senate proceeds to adjourn *sine die* later this afternoon, let me give some guidance with respect to a number of matters.

Regarding the question of what emoluments and benefits Senators will be entitled to on completion of their term, and when and how these are to be paid, the Clerk of the Senate has prepared a detailed circular that will be shared with Senators. The Circular also addresses matters of office space, handover of assets as well as the expected transitions of staff serving at the Parliament and county offices.

On the question of what business may be transacted by the Senate and its Committees once the Senate adjourns *sine die*, the position is that the House and its Committees will cease transacting any business, save for consideration of very urgent and important national issues, for which a Special Sitting of the Senate may be called, pursuant to Standing Order No. 30.

Accordingly, therefore, the sittings of the plenary and all Committees stand suspended, at the rise of the Senate today.

Hon. Senators at a personal level, it was an honour to serve you as your Speaker, and a pleasure and privilege to work with each and every one of you.

(Applause)

My interactions with you here in the Chamber, within the precincts of Parliament and at various localities are what have inspired me, and kept me going even when times were tough.

Every day, I have learned from you. You made me a better Speaker, a better leader, and more importantly, a better human being. That, I will never take for granted.

I cannot forget the immense support I received from the leadership of the Senate, the Senate Majority and Minority Leaders and their Whips who helped to navigate the tumultuous times we faced and whip quorum to expedite legislative business.

I also cannot forget the Speakers Panel who held brief for me when other exigencies of work called for my absence, Members of the Senate Business Committee and Chairpersons of the respective Committees and various *ad hoc* Committees that we formed from time to time, who worked tirelessly to ensure that we prioritized business in the House and kept us abreast in debating and addressing emerging issues facing “Wanjiku”.

You stood firm in the face of adversity and for what you believe in even in the face of opposition. For that, I commend you.

(Applause)

The respective competencies and strengths that you brought to the table created the milestones that we are celebrating today and that will be enjoyed for years to come. For that, I thank you.

It is my sincere hope that when my time as a Speaker is put under the microscope, I will be remembered and judged as a Speaker who respected and upheld the rule of law; a Speaker who nurtured the culture of constitutionalism and who was a protector and defender of the Constitution and the mandate and role of the Senate.

Hon. Senators, allow me to also take this opportunity to give special recognition and to thank staffers of the Senate led by the Clerk, Mr. Jeremiah Nyegenye. The professionalism, commitment and the invaluable support they have accorded to the Senate and my office, in particular, have been outstanding. They have been the wheels that have kept the Senate running, and for that I salute them.

For the Senators who are vying for various leadership positions, I wish you the very best. For those taking a break from politics, I wish you good tidings in your endeavors.

(Applause)

It is my hope that wherever we go, we continue to be steadfast in safeguarding devolution and being the voice of “Wanjiku”.

Finally, in my line of duty in this Chair and in this position, I may have dealt with you in an unfair way. I ask for your pardon even as I also state that I have pardoned those who crossed me. I hope that when we meet after today, we will hold only the good memories even as we learn from the unpleasanties.

God bless you all. God bless Kenya.

I thank you.

(Applause)

Hon. Senators, let me make this clear that there will be a Motion on *sine die*. Since, I do not contribute at that time which is why I have given my Communication. You will have an opportunity to contribute later.

Sen. Olekina the Floor is yours

Sen. Olekina: Mr. Speaker, Sir, I may kindly request that you allow me to make my submissions because I have an appointment with the Embassy of Tanzania because of the crisis facing my community.

(Laughter)

I am just waiting for the hon. Speaker to get comfortable.

Sen. Cherargei: *Hajakupatia?*

Sen. Olekina: Relax, you are not the Speaker.

The Speaker (Hon. Lusaka): I have not given you ---

Sen. Olekina: Mr. Speaker, Sir, kindly. I will be very brief. Just about five minutes.

Sen. Cherargei: What do the Standing Orders say?

Sen. Olekina: *Sawa. Wewe nyamaza; kwani wewe ni nani? Nyoo ele katwa.* Just five minutes.

The Speaker (Hon. Lusaka): Okay. Since this is the last day I will allow you, but we still need your vote later on.

Sen. Olekina: Mr. Speaker, Sir, I will vote. I thank you. Today is a very special occasion. I have sat here for quite a long time and spoken to the public more than 3800 times, looking at the HANSARD.

Today I am happy to see you wear your full regalia which is something that is very good. On that note, let me thank you for respecting culture and allowing me to stand here to fully to represent my culture, the great people of Masaai. This demonstrates your commitment to appreciating the diversity that exists in this country.

Mr. Speaker, Sir, on the 31st August, 2017 when I stood right next to you on your right hand side and I took the oath of office, I swore to defend the Constitution. I believe my time in the last five years has demonstrated that keenly that I stood and gave nothing, but hard sweat and blood in defending the Constitution and also fighting for the rights of my people.

When I was listening to you give your Communication, a few things hit me hard. They are things that I hope that the future Parliaments will be able to always put to the front.

First is the issue of revenue allocation to our counties. I know very well that devolution is still very young, but our counties need money. We spent 13 Sittings here all fighting so that we can send money to our counties. That is the biggest achievement we have had in this Parliament that would go down as one that we will always be remembered for.

Mr. Speaker, Sir, I thank you for being very patient with us. It was a very emotional period because everyone had their own views. Others wanting money to be shared based on the size of the population or the size of the land their people occupy.

The other very important thing that I will always remember is that when I stood next to you, in my maiden speech, I committed to ensure that we liberate the Mau forest. I am happy that during my time as a Senator I fought so hard to ensure that we preserve our environment and to make sure that we at least continue respecting dignity of the people who live there.

I know that was very emotional. I can see some of my colleagues nodding. Maybe I have given them beef so that they can hit me back. It is something I am very proud of. I am proud that during my term as a Senator and if God is kind enough to be able to allow the people of Narok County to vote me back, I shall continue to ensure we continue preserving our forests.

Today, the people of Trans Mara, either Trans Mara West or Trans Mara East enjoy ample rainfalls. That is all courtesy of the work that we did or I did to ensure we protect the Mau forest.

Victory is the only thing that all of us are looking for here. I know that when we are going into the elections in the next few months, all sides will be fighting for victory. I hope that Kenyans will be kind to give His Excellency Raila Amollo Odinga an opportunity to lead this country and to give us an opportunity to take this country into greater heights.

Mr. Speaker, Sir, as I listen to you, you reminisced of the time when we sat here looking at you with bad eyes. I remember certain comments that we made which may not have been very pleasant and I hope that you too will have it in your heart to forgive us.

Mr. Speaker, Sir, I remember I said very nasty things to you and then one day you sent me a text and you said: "I am human." I would like to request that you forgive me for that moment because it was done due to my commitment. When I swore to defend the Constitution of Kenya, I also swore to fight for freedoms and liberties of our people.

During this period when I served as the second Senator of Narok County, there are things that I wish I would have been able to do for my people to ensure that I oversight 100 per cent all the resources which are deposited in the County Revenue Fund. However, because of the challenges that we have had, it has become very difficult for Senate to oversight on own source Revenue.

I too do hope that in future, Senate can be empowered to oversight 100 per cent on all the resources that are consumed in the county governments. It becomes a big challenge and I think it is imperative that we are able to put together the resources that are collected from our counties and the resources that we send from the national Government all the way to the counties.

The way things stand, the role of the county assembly, the role of the Members of County Assembly (MCAs) versus the role of the Senators is something that needs to be completely clarified so that even people in our counties are able to understand where our mandate starts and ends.

Mr. Speaker, Sir, we had very interesting times. One was during the Building Bridges Initiative (BBI) debate. One of the things that I hope for is that the future Senates will continue defending Article 123 of the Constitution which guarantees voting by delegation. When you just allow everyone to vote, sometimes it loses meaning because this is indeed the House of union. It does not matter whether you have 1 million voters, you have a maximum of 70,000 voters or 100,000 voters like the County of Lamu.

Mr. Speaker, Sir, I would like to end by saying that I served my term as a senator of Narok County. I fought my battles, some of them very painful. I ended up being arrested because of fighting for the rights of my people. I want to state here categorically that I shall continue pointing out where people go wrong.

In my last Statement which I submitted yesterday, and I hope that the Ministry of Petroleum and Mining can look into those things that ail this country, we have people who do not believe in our sovereignty. We have people who do not have 100 per cent allegiance to this country.

This is something which is very disturbing because in this Government, we have two principal secretaries who live in apartments. They have no homes and on weekends they travel abroad. So, you really would not expect them to give it all to protect this country.

We have big challenges. The challenge that we have is the challenge of petroleum and that will continue going on. I hear that the Government is now proposing to remove all the subsidies and that will make it very difficult for Kenyans to continue living.

Today the price of a litre of petroleum is Kshs160. When you do away with the subsidies, you will not be opening the market for more players, but you will be making it very difficult for Kenyans to live. We will be paying about Kshs200 or Kshs300 per litre for fuel.

This is something which I would like to beseech all of us here to continue fighting for. Whether we are in this Senate or not, we need to continue fighting for a better life for our people because we shall be judged by the good things that we did to defend the freedoms and liberties of our constituents.

Mr. Speaker, Sir, as I wind up, I would like to thank all my colleagues, particularly the most annoying ones like my good friend Sen. Mutula Kilonzo Jnr. I love the fact as much he was annoying, we were able to get along and we worked very well. He said some very good things and some nasty things about everyone, but at least for him we could get along.

The other most disturbing and annoying was Sen. Cherargei. I will always remember him because sometimes he becomes cantankerous and talks about things and sometimes even tries to overthrow some of your rulings.

I stand here today, I will always remember you and I hope that God will be kind enough to allow us to come back to serve Kenyans in this House so that we can ensure that Senate is respected.

Mr. Speaker, Sir, we fought so hard and we thank you for standing firm. I know it was tough. Most of the times, I could sit there, not so far from you, and I could see you sweating because of getting phone calls from every corner and us coming there and telling you this is the right way to do it. We thank you and we shall miss you.

I hope that Kenyans and the people of Narok County will give me a second chance to serve them as their Senator.

God bless you and God bless Kenya.

I thank you.

The Speaker (Hon. Lusaka): Thank you, Sen. Olekina.

Hon. Senators, I would like to rearrange the Order Paper for the convenience of the House. I, therefore, would like us to deal with Order Nos.14, 15, and 16. Clerk, please proceed.

MOTIONS

APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT (EQUITABLE SHARE) SCHEDULE FOR FY 2022/2023

Sen. Farhiya: Mr. Speaker, Sir, I beg to move the following Motion-

THAT, the Senate adopts the Report of Standing Committee on Finance on the cash disbursement schedule equitable share scheduled for June 2022 and pursuant to Section 17(7) of the Public Finance Management Act and Standing Order 183(3), the Senate approves the county government cash disbursement equitable share scheduled for the Financial Year 2022/2023.

I thank you, Mr Speaker, Sir.

The Speaker (Hon. Lusaka): Okay. Can you move?

Sen. Farhiya: Mr. Speaker, Sir, the county government cash disbursement schedule is submitted to the Senate by the National Treasury pursuant to Section 17 of the Financial Management Act 2012. The purpose of the schedule is for ensuring timely monthly transfer of funds from the consolidated fund to the respective county revenue funds. The schedule is meant to move as a guide and facilitate a predictable flow of county funds.

This enables the county government to undertake critical functions on the delivery of service to the citizens. The schedule is further meant to facilitate implementation of Article 219 of the Constitution---

(Loud consultations)

The Speaker (Hon. Lusaka): Order! Let us consult in low tones.

Sen. Farhiya: Mr. Speaker, Sir, Article 219 of the Constitution provides that the counties share of revenue raised by the National Government shall be transferred to the county government without undue delay and without deduction, except when the transfer has been stopped under Section 225 on the stoppage of funds for material bridges.

Mr. Speaker, Sir, following the enactment of the County Allocation of Revenue Act, 2022 containing allocations of each county, the cash disbursement schedule for the Financial Year 2022/2023 was submitted to the Senate by the National Treasury on 14th June, 2022 for consideration.

Mr. Speaker, Sir, the Schedule was tabled in the House and committed to the Standing Committee on Finance pursuant to Standing Order No. 183(2) of the Senate Standing Orders.

Mr. Speaker, Sir, considering the Cash Disbursement Schedule at its Sitting on 15th June, 2022, the made several observations. This is in regards to implementation of Financial Year 2021/2022 to the various counties for Senate resolution. This is a major risk

factor to county financing programme, including payments of salaries and other commitments.

Mr. Speaker, Sir, I beg to move and request Sen. Mutula Kilonzo Jnr. to second.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir. I rise to second the Motion for the Cash Disbursement Schedule.

For the avoidance of doubt, this Schedule will only be available after the elections. So, this money will not be accessible to the current governors. The National Treasury will only release it after the elections.

This is to ensure that the next county governments are not stuck immediately after the 9th August, 2022 election. It is contemplated under the law that services to the people of Kenya must continue even on 9th, 10th, 11th and 12th August, immediately after the elections.

I beg to support and second.

(Question proposed)

The Speaker (Hon. Lusaka): Since I do not see any interest, let the Mover reply.

Sen. Farhiya: Mr. Speaker, Sir, I beg to reply.

(Putting of the question on the Motion deferred)

The Speaker (Hon. Lusaka): Next Order.

ADOPTION OF REPORT ON EFFICACY OF THE IFMIS
AND ITS APPLICATION IN DISBURSEMENT OF FUNDS

Sen. Farhiya: Mr. Speaker, Sir, I beg to move the following Motion-

THAT, the Senate adopts the Report of Standing Committee on Finance and Budget on the efficacy of the Integrated Financial Management Information System (IFMIS) and its application in disbursement of funds and laid on the Table of the Senate on Thursday, 16th June, 2022.

Mr. Speaker, Sir, on this matter, the Committee on Finance and Budget had so many sittings and many stories from many stakeholders. We did a lot of work. Some of the people we engaged were from the National Treasury and Planning, Office of the Auditor-General (OAG), the Governor of Central Bank of Kenya (CBK), the Office of the Controller of Budget (CoB), the Council of Governors (CoG) and the Institute of Certified Public Accountants of Kenya (ICPAK).

It came out that there is a lot of potential within IFMIS system, which is not currently being used. One potential of IFMIS is the ability to do accrual basis of accounting. It is able to do electronic procurement, cash registers, human resource management and linkages between expenditures. It is also able to bring to a close the pending bills being in the system with a lot of visibility.

A lot of work needs to be done by the National Treasury. If that work is done, financial management of this country will be a notch higher.

As I conclude, I thank CBK, CoB, OAG, CoG and ICPAK, for the consideration and preparation of the report. Further, the Committee appreciates the Speaker, the Clerk of the Senate, the Secretariat and the Committee for continued steadfast support extended during the consideration of the efficacy of IFMIS.

I urge the House to approve the Report on the efficacy of IFMIS and its application in the disbursement of funds.

I request Sen. Mutula Kilonzo Jnr. to second.

Sen. Mutula Kilonzo Jnr: Thank you, Mr. Speaker, Sir. I rise to second the Motion on IFMIS. It is unfortunate we are discussing it on the last day. The report has revealed many things that are happening in the financial system. Of importance to us, is that IFMIS does not capture debt management. It is also of importance to us, that the CoB and the Auditor-General have admitted that this system needs to be checked. This system appears to be impeding the work of counties.

We are glad to report that from the findings of the Committee on Finance and Budget, there is an attempt to ensure we have a better system. Overall, IFMIS has not worked. The intention of IFMIS has not assisted counties in any form. In fact, to our consternation, IFMIS has assisted people to pilfer money from the public coffers.

I second.

(Question proposed)

The Speaker (Hon. Lusaka): I do not see any interest. I call the Mover to reply.

Sen. Farhiya: Mr. Speaker, Sir, I beg to reply.

(Putting of the question on the Motion deferred)

The Speaker (Hon. Lusaka): Next Order.

APPROVAL FOR THE NATIONAL GOVERNMENT TO GUARANTEE LAIKIPIA COUNTY
GOVERNMENT TO BORROW BY ISSUANCE OF KSHS1.16 BILLION
INFRASTRUCTURE BOND

Sen. Farhiya: Hon. Speaker, I beg to move the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget concerning the approval for the National Government to guarantee Laikipia County Government to borrow by issuance of Kshs.1.16 billion infrastructure bond laid on the Table of the Senate on Thursday, 16th June, 2022 and pursuant to Section 58 of the Public Finance Management Act, approves the request by the Cabinet Secretary for the National Treasury to guarantee the County Government of Laikipia to borrow Ksh.1.16 billion for infrastructure bond.

Mr. Speaker, Sir, Article 212 of the Constitution provides that:

“A county government may borrow only—

(a) if the national government guarantees the loan; and

(b) with the approval of the county government’s assembly.”

The Public Finance Management Act, 2012, under Section 58, provides that the Cabinet Secretary (CS) responsible for finance, may guarantee a loan of a county government by other borrower on behalf of the national Government. Nevertheless, that loan guarantee shall be approved by Parliament.

Mr. Speaker, Sir, Laikipia County Government submitted a request to the National Treasury for a guarantee of issue of Kshs1.16 billion infrastructure bond. An infrastructure bond is a type of long term borrowing, that the government uses to raise money for infrastructure development by selling bonds to investors and in exchange, repay the money with interest.

Mr. Speaker, Sir, the main objective of the Laikipia Infrastructure Bond is to implement projects that involve provision of water for production, improvement of business environment by upgrading markets and town infrastructure. This capital investment involves upgrading of 10 towns and market places. This will lead to the improvement of access, security, drainage and waste disposal system and expanding two dams to provide adequate water for commercial and domestic use.

Section 58(2) provide that the condition under which a guarantee for such borrowing loans may be guaranteed. Some of these conditions include a loan for a capital project; a borrower is capable of repaying the loan and paying any interest or other amount in respect of it.

In the case of the private borrower, they the sufficient security for the loan; the financial position of the borrower over the medium term if likely to be satisfactory; the term of guarantee complies with physical responsibility principals and financial objects of the national Government.

The Cabinet Secretary takes to account the equity between the national Government interest and the County Government interests to ensure fairness. The borrower complies with the condition imposed by Cabinet Secretary in accordance with the regulation. The Cabinet Secretary considers the recommendations of the Intergovernmental Budget and Economic Council in respect of any guarantee by the Government.

Mr. Speaker, Sir, the Cabinet Secretary in the National Treasury and Planning on 9th February 2021 published the guideline on borrowing by county governments. These guidelines provide the conditions for guarantee; the criteria for issuing guarantees by county government and the procedure for submission of guarantee request.

On 6th June 2022, the national Government through the Cabinet Secretary of National Treasury and Planning submitted a request to Parliament, seeking approval to guarantee Laikipia County Government to borrow by issuance of Kshs1.16 billion infrastructure Bond. The documents submitted that the County Government of Laikipia followed all laid down procedures and guidelines in application for a guarantee to borrow the loan.

The Committee considered the matter and made several observations-

That the Infrastructure Bond is intended to finance improvement in urban infrastructure and water supply in 10 towns and market centres accessibility, security, drainage, waste disposal systems and expanding two dams to provide adequate water for commercial and domestic use.

That the total cost of the project is Kshs1.247 billion which is more than the Bond amount. Therefore, this indicates that Kshs86 million will be financed from the County Budget.

The Laikipia County Government has accumulated pending bills amounting to Kshs720 million as at December 2021. However, further analysis of the financial performance indicate that it has the ability to repay the cost associated with the proposed Infrastructure Bond issue. This is informed by average annual Own Source Revenue collection for the county's Kshs500 million. The Equitable Share for the Financial Year 2021/2022 is Kshs5.316 billion and the request for guarantee for Laikipia County sets the precedence for county governments to issue infrastructure bond development and will form a basis for future reference as inform approved for issuance for such bonds.

Mr. Speaker, Sir, upon consideration, the Committee recommends that the Senate approves the request by the Cabinet Secretary, National Treasury and Planning for national Government, to guarantee Laikipia County Government to borrow by issuance of Kshs1.16 billion Infrastructure Bond.

In conclusion, I thank the Committee Members for their commitment and expeditious consideration of this matter. I, therefore, urge the House to consider and approve this Committee's Report and set precedence for approval of alternative mechanisms, which county governments may utilize to fund their infrastructure development.

Mr. Speaker, Sir, I thank you and ask Sen. Mutula Kilonzo Jnr. to second.

Sen. Mutula Kilonzo Jr.: Thank you Mr. Speaker, Sir. I rise to second this Motion.

Allow me to say the following about borrowing by county governments. One, we have learned in the last five years that relying on national Government to release funds has become a challenge. Two, the national Government is borrowing and borrowing is affecting counties.

Three, county governments are unable to borrow against what would be their income; that is both Own Source Revenue and National Government Revenue. The flow is uneven and county governments within the framework of national Government guarantee and bonds under the Constitution can borrow.

Lastly, I suggest to the next Senate Standing Committee on Finance and Budget and I hope Sen. Cheruiyot will sit in that Committee, there is no reason why CBK should not guarantee equitable share that is going to counties and that money to release to counties as a guarantee is given by National Treasury.

Irrespective of collections by national Government, the money that we allocated to counties which is pittance in relation to the national Government budget can be release expeditiously as per the Cash Disbursement Schedule.

Laikipia County has demonstrated some level of prudence; it is not the best, but some level of prudence. In supporting this, it is just setting precedence so that the next county government within the framework that is in the National Legislation can now start doing infrastructure; they can start doing roads. With infrastructure bonds, they can borrow and do major infrastructure without being impeded by National Treasury which has become the largest impediment to devolution in Kenya.

Mr. Speaker, Sir, I second.

(Several Senators on their feet)

The Speaker (Hon. Lusaka): Order, Senators. Take your seats.

(Sen. Wako stood in his place)

Sen. Wako, you are finding yourself in the same situation.

(Question proposed)

The Speaker (Hon. Lusaka): Sen. Cherargei, you have the Floor.

Sen. Cherargei: Mr. Speaker, Sir, mine will be very brief. I will give my comments in only three minutes.

First, when you look at the report that has been made on this Motion, there was no evidence that there was public participation that was conducted to ensure that this acquisition by the people of Laikipia is public. Therefore, the law on public participation was not followed looking at the County Physical Strategy Paper.

Secondly, I oppose this Motion because there was no social-economic viability of the projects and the ability to generate cash flow that will be used to par the debt. Therefore, there is no socio-economic viability that was done and telling us how the debt will be paid.

Third, there should be Intergovernmental Budget and Economic Council (IBEC) that is chaired by the Deputy President should have looked at this request. However, there was no evidence of clearance or concurrence by the IBEC. When you look at the dispatch from the Cabinet of 12th May, 2022, there was no letter that was done by the IBEC. Therefore, it brings the doubt on ability of approving this infrastructure bond.

Finally, in accordance with the procedure of Public Finance and Management (PFM) Act, we did not get the writing and undertaking of the CEC Finance of Laikipia. The reading of PFM Act and the Constitution of Kenya, all intends of finances by the CEC or CCM Finance of Laikipia County Government.

Looking at all these factors, the Senate should not sanitize an illegal process where, for example, the current County Government of Laikipia wants to borrow an infrastructure bond.

Mr. Speaker, Sir, out of curiosity, we do not know if the current governor will come back. Therefore, Kshs1.16 billion brings doubt to the ability and capacity of Laikipia County Government to repay.

I oppose this Motion. This approval should not be guaranteed by the Senate of the Republic of Kenya because we will become a conduit of an illegality.

I thank you.

Sen. Cheruiyot: Mr. Speaker, Sir, I support this Motion. Having served in the Committee on Finance and Budget, I have seen the struggle of many counties. This is something we have agonized over for the past two sessions of the Senate. We have tried to see how county governments can bridge the gap of funds being budgeted for, which is one thing altogether, and funds availed for use.

However, the only unresolved question which maybe Sen. Kinyua and other Senators need to address is whether they want to allow only one out of 47 counties to do it as a test because this will be the first of its kind to borrow and see the amount of interest that will be passed over to the residents of Laikipia County? Do we prefer a different model where the CBK or the National Treasury sends to this House regulations on borrowing by the county governments?

The regulations stipulate the percentage of interest because at the end of the day, it boils down to the interest. As defenders of devolution, it is in our best interest to ensure that when a county government borrows, it borrows from a financially sound institution that does not overcharge citizens of that particular county.

Sen. Kinyua is best placed to tell us whether in Laikipia County, they are willing to take the first risk on behalf of the rest of the country, so that the rest of the counties learn. For example, if they want to borrow Kshs1.16 billion, will they be the guinea pigs for this particular process?

Mr. Speaker, Sir, the ideal situation which we had envisioned as a Committee was that borrowing would be permissible to all the 47 counties. However, before that is made public, first, let the regulations be tabled before us, so that it does not become an open cheque. Today, Laikipia County will borrow at 12 per cent interest rate and tomorrow Kisumu County might borrow at 18 or 20 per cent interest rate.

It is a risk which as a law-making House we must first mitigate before sending it out. As they say in Kiswahili, *mtoto akililia wembe, mpe*. If the people of Laikipia feel comfortable borrowing Kshs1.16 billion at whatever interest rate, so be it. Who are we to stand in their way?

Mr. Speaker, Sir, Sen. Kinyua should advise us well as we head to the vote.

I thank you.

The Speaker (Hon. Lusaka): Sen. Kinyua, proceed.

Sen. Kinyua: Bw. Spika, nafikiri Kiongozi wa Wachache anataka kusema kuwa nimeshazungumza. Ni kama hataki niseme jambo lolote.

Ukweli kuhusu mkopo ambao utachukuliwa wa zaidi ya Kshs1.1 billion ni kuwa watu wa Laikipia wamesema kwamba wakati huu hawawezi kujihimidi.

Jambo lingine ni kuwa Kamati ya Fedha na Bajeti ya Seneti haikuniuliza kama vile tumekuwa tukifanya shughuli zetu katika Bunge hii. Ikiwa kuna Hoja ambayo inahusisha kaunti fulani, Seneta mwakilishi huitwa ili asaidie kuchanganua mambo.

Bw. Spika, watu wa Laikipia wamesema kinagabaga kuwa kukopa si kubaya, lakini hawataki mkopo wakati huu kwa sababu hawakuhusishwa. Kwa Kiingereza tunasema, *public participation*.

Wamekubali kuwa kuna shida nyingi Laikipia ambazo zinahitaji fedha. Swali ni kuwa; fedha zilizotolewa na Serikali Kuu zaidi ya Kshs5.2 billion zimetumika vipi ndio tuwe wa kwanza kukopa?

Kwa hivyo, nasimama hapa kupinga Hoja hii. Nitaipinga leo, kesho na hata milele, kwa sababu sheria haikufuatwa na watu wa Laikipia hawakuhusishwa kikamilifu.

Naomba Maseneta wenzangu kupinga Hoja hii wakati tutakapopiga kura kwa sababu watu wa Laikipia wana shida nyingi. Pesa zikikopwa wakati huu, itakuwa vigumu kwao kulipa kwa sababu ya shida wanazopitia sasa.

Naomba Seneti hii ipinge Hoja hii.

The Speaker (Hon. Lusaka): Thank you so much. I defer the division to a later time. Sorry, let us have the Mover to reply.

Sen. Farhiya: Thank you, Mr. Speaker, Sir, for giving me the opportunity to reply. I thank Sen. Mutula Kilonzo Jnr. for seconding, Sen. Cherargei, Sen. Cheruiyot and Sen. Kinyua for speaking on it too.

According to the data provided to the Committee on Finance and Budget, they collect own source revenue of Kshs500 million annually. If I do my mathematics, they should be able to pay that loan with their own source revenue for a maximum of two and a half years. They still have Kshs1.136 million left to give.

In terms of public participation, the County Assembly of Laikipia passed this law. Therefore, they approved---

Sen. Kinyua: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): There is a point of order by Sen. Kinyua.

Sen. Kinyua: Bw. Spika, Sen. Farhiya anasema ukweli kwamba kuna ushuru unaotozwa Laikipia. Hata hivyo, utozaji wa ushuru umekuwa ukikandamiza watu wa Laikipia kwa kuwa hawapumui. Ni kama jamaa wa kule Marekani kwa jina George Floyd alivyowekewa goti. Tunapowaambia hatupumui, bado goti linawekwa. Ijapokuwa kuna utozaji wa ushuru, ushuru huo umetukandamiza zaidi. Sasa wanataka kuchukua mkopo. Nataka kukuhakikishia kwamba hiyo itawafanya watu wa Laikipia si tu kushindwa kupua bali pia kuaga dunia.

The Speaker (Hon. Lusaka): Go on, Sen. Farhiya.

Sen. Farhiya: Mr. Speaker, Sir, I wish to reply. Pursuant to Standing Order No.61(3), I request that you defer putting of the question to a later time.

(Sen. Murkomen entered into the Chamber)

The Speaker (Hon. Lusaka): Welcome, Sen. Murkomen. I defer putting of the question to a later time.

(Putting of the question on the Motion deferred)

Hon. Senators, please pay attention. We are going to deal with Order Nos. 9 and 10 then we will ring the bell.

I ask you to hang around because after that we will then do Orders No.11, 12, 13, 14, 15 and 16. Therefore, let the Division bell be rung for five minutes.

(The Division Bell was rung)

Okay, let the bell be rung for another five minutes.

(The Division Bell was rung)

Okay. We want to start.

(Loud consultations)

Hon. Senators, please take your seats. The Senate Majority Leader, please take your seat.

BILLS

Second Reading

THE COUNTY GOVERNMENTS ADDITIONAL
ALLOCATION BILL (SENATE BILLS NO. 2 OF 2022)

(Division)

Second Reading

THE CHILDREN BILL (NATIONAL ASSEMBLY
BILLS NO. 38 OF 2021)

(Division)

Who are the tellers? The voting will be for the two Bills. That is No. 9 and No.10.

(Voting in progress)

Second Reading

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATION BILL
(SENATE BILLS NO. 2 OF 2022)

DIVISION

ROLL CALL VOTING

*(Question, that The County Governments Additional Allocation Bill
(Senate Bills No. 2 of 2022) be now read a Second Time, put
and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abdul Haji, Garissa County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen.

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Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Onger, Kisii County; Sen. Orenge, Siaya County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Order, Senators. Take your seats. These are the results for Order No. 9:

AYES: 29

NOES: 0

ABSENTIONS: 0

The “Ayes” have it.

(Question carried by 29 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

Second Reading

THE CHILDREN BILL (NATIONAL ASSEMBLY
BILLS NO.38 OF 2021)

DIVISION

ROLL CALL VOTING

*(Question, that The Children Bill (National Assembly Bills No.38 of 2021)
be now read a Second Time, put and the Senate proceeded
to vote by County Delegations)*

AYES: Sen. Abdul Haji, Garissa County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Onger, Kisii County; Sen. Orenge, Siaya County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen.

Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): These are the results for Order No. 9.

AYES: 29

NOES: 0

ABSENTIONS: 0

The Ayes have it.

(Question carried by 29 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

The Speaker (Hon. Lusaka): Order Senators. We now want to put the question on the following orders, which we shall be voting for.

MOTIONS

ADOPTION OF THE REPORT ON APPROVAL OF COUNTY GOVERNMENTS ADDITIONAL ALLOCATION CASH DISBURSEMENT SCHEDULE FOR FY 2021/2022

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments Additional Allocations Cash Disbursement Schedule for the Financial Year 2021/2022 and approval of the County Governments Additional Allocations Cash Disbursement Schedule for the Financial Year 2021/2022 laid on the Table of the Senate on Wednesday, 8th June, 2022, and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 183 (3), the Senate approves the County Governments Additional Allocations Cash Disbursement Schedule for Financial Year 2021/2022.

(Question put)

ADOPTION OF REPORTS OF THE FINANCIAL STATEMENTS OF VARIOUS COUNTY EXECUTIVES AND COUNTY ASSEMBLIES FOR FYs 2018/2019 AND 2019/2020

THAT, the Senate adopts the Reports of the Sessional Committee on County Public Accounts and Investments on consideration of Reports by

the Auditor General on Financial Statements of the following Counties laid on the Table of the Senate on Tuesday 14th June, 2022-

- (i) County Executives of Nyeri, Tharaka Nithi, Murangá, Kitui, Lamu, Siaya, Busia, Meru, Nyamira, Turkana, Makueni, Bungoma, and Elgeyo Marakwet for the for the Financial Year 2018/2019 as contained in Volume I of the Report;
- (ii) County Assemblies of Bomet, Taita Taveta, Kilifi, Nyamira and Garissa for the Financial Year 2018/2019 as contained in Volume II of the Report;
- (iii) County Executives of Narok, Kajiado, Kwale, West Pokot, Trans Nzoia, Turkana, Kericho, Busia, Kilifi, Machakos and Kisii for the Financial Year 2019/2020 as contained in Volume III of the Report; and
- (iv) County Assemblies of Kilifi, Kwale, Taita Taveta, Garissa, Mandera, Kisumu, Mombasa, Kisii and Wajir for Financial Year 2019/2020 as contained in Volume IV of the Report.

(Question put)

APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT
(EQUITABLE SHARE) SCHEDULE FOR FY 2022/2023

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Cash Disbursement (Equitable Share) Schedule for Financial year 2022/2023, laid on the Table of the Senate on Thursday, 16th June, 2022 and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 183 (3), the Senate approves the County Governments Cash Disbursement (Equitable Share) Schedule for Financial Year 2022/2023.

(Question put)

ADOPTION OF REPORT ON EFFICACY OF THE IFMIS AND
ITS APPLICATION IN DISBURSEMENT OF FUNDS

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the efficacy of the Integrated Financial Management Information System (IFMIS) and its application in disbursement of funds laid on the Table of the Senate on Thursday, 16th June, 2022.

(Question put)

I hope I was clear on the Orders that we are voting for. We are voting for Order No.s 11, 13, 14 and 15. We are not voting for Order Nos. 12 and 16.

How many minutes do we need to ring the Division Bell?

An Hon. Senator: Three minutes!

The Speaker (Hon. Lusaka): Ring the Division Bell for three minutes.

(The Division Bell was rung)

We can start voting for Order Nos.11, 13---

(Loud consultations)

I want you to listen. We are voting for Order Nos. 11, 13, 14 and 15. Let us start.

(Voting in progress)

Hon. Senators, kindly state that you are voting for all the four. There is a bit of confusion. Who was the one speaking before Sen. Cherargei?

An hon. Senator: It was Sen. (Dr.) Zani.

The Speaker (Hon. Lusaka): Okay. Sen. Cherargei, please vote.

Sen. Cherargei: Mr. Speaker, Sir, have they removed the Orders on the debt ceilings and the one on Laikipia?

The Speaker (Hon. Lusaka): The Order on Laikipia is not there. That is why I am asking you to listen. We are voting for Order Nos. 11, 13, 14 and 15. The Orders on the debt ceiling and Laikipia County are not there.

(Voting in progress)

ADOPTION OF THE REPORT ON APPROVAL OF COUNTY GOVERNMENTS ADDITIONAL
ALLOCATION CASH DISBURSEMENT SCHEDULE FOR FY 2021/2022

DIVISION

ROLL CALL VOTING

(Question, that the Senate adopts the Report on County Governments Additional Allocations Cash Disbursement Schedule for Financial Year 2021/2022 and Approval of County Governments Additional Allocation Cash Disbursement Schedule for the Financial Year 2021/2022), put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mbiti Trans Nzoia County; Sen. Moi, Baringo County; Sen. (Eng.) Mahamud, Mandera County; Sen. Murkomen, Elgeyo-Marakwet County; Sen.

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Mutula Kilonzo Jnr, Makueni County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen (Dr.) Ochillo Ayacko, Migori County; Sen. (Prof.) Onger, Kisii County; Sen. Orengo, Siaya County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wambua, Kitui County and Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows:

AYES:27

NOES:0

ABSECTIONS:0

The Ayes have it.

(Question carried by 27 votes to Nil)

ADOPTION OF REPORTS ON THE FINANCIAL STATEMENTS OF VARIOUS
COUNTY EXECUTIVES AND COUNTY ASSEMBLIES FOR FYs
2018/2019 AND 2019/2020

DIVISION

ROLL CALL VOTING

(Question, that the Senate adopts Reports on the Financial Statements of Various County Executives and County Assemblies for Financial Years 2018/2019 and 2019/2020, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mbiti Trans Nzoia County; Sen. Moi, Baringo County; Sen. (Eng.) Mahamud, Mandera County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr, Makueni County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen (Dr.) Ochillo Ayacko, Migori County; Sen. (Prof.) Onger, Kisii County; Sen. Orengo, Siaya County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wambua, Kitui County and Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows:

AYES:27

NOES:0

ABSENTIONS:0

The Ayes have it.

(Question carried by 27 votes to Nil)

APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT
(EQUITABLE SHARE) SCHEDULE FOR THE FY 2022/2023

DIVISION

ROLL CALL VOTING

(Question, that the Senate adopts the Report on the County Governments (Equitable Share) Cash Disbursement Schedule for Financial Year 2022/2023 and Approval of the county Governments Cash Disbursement (Equitable Share) Schedule for the Financial Year 2022/2023), put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mbiti Trans Nzoia County; Sen. Moi, Baringo County; Sen. (Eng.) Mahamud, Mandera County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr, Makueni County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen (Dr.) Ochillo Ayacko, Migori County; Sen. (Prof.) Onger, Kisii County; Sen. Orengo, Siaya County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wambua, Kitui County and Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows:

AYES:27

NOES:0

ABSENTIONS:0

The Ayes have it.

(Question carried by 27 votes to Nil)

ADOPTION OF REPORT ON EFFICACY OF THE IFMIS
AND ITS APPLICATION IN DISBURSEMENT OF FUNDS

DIVISION

ROLL CALL VOTING

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(Question, that the Senate adopts the Report on Efficiency of the IFMIS and its Application in Disbursement of Funds, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mbito Trans Nzoia County; Sen. Moi, Baringo County; Sen. (Eng.) Mahamud, Mandera County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr, Makueni County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen (Dr.) Ochillo Ayacko, Migori County; Sen. (Prof.) Onger, Kisii County; Sen. Orenge, Siaya County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wambua, Kitui County and Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows:

AYES:27

NOES:0

ABSENTIONS:0

The Ayes have it.

(Question carried by 27 votes to Nil)

The Speaker (Hon. Lusaka): Next Order. Sen. (Dr.) Mbito, you may proceed

PETITIONS

Sen. (Dr.) Mbito: Mr. Speaker Sir, I beg to lay the following reports on the Table of the Senate today 6th of June, 2022-

REPORT ON PETITION: CHALLENGES FACED BY PATIENTS SUFFERING FROM
MULTIPLE SCLEROSIS AND NEUROMYELITIS OPTICA

REPORT ON PETITION: NHIF COVER FOR KIDNEY
POST-TRANSPLANT MEDICATION

REPORT ON PETITION: PAYMENT OF MEDICAL COSTS FOR PERSONS
LIVING WITH AUTOIMMUNE DISEASES BY THE NHIF

REPORT ON PETITION: ALLEGED DOUBLE TAXATION OF

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PHARMACIES IN KENYA

REPORT ON PETITION: APPOINTMENT OF CEO OF THE NHIF
REPORT ON PETITION: STATUS OF MKOMANI CLINIC SOCIETY
TRADING AS BOMU HOSPITAL IN MOMBASA COUNTY

(Sen. (Dr.) Mbitio laid the documents on the Table)

The Speaker (Hon. Lusaka): Okay. Order Hon. Senators, I will reorganize the Order Paper again. Let us go to Order No.8.

MOTION

ADOPTION OF THE FOURTH REPORT OF THE PROCEDURE AND RULES
COMMITTEE ON THE REVIEW OF THE STANDING ORDERS OF THE SENATE

The Deputy Speaker (Sen. (Prof.) Kamar): I beg to move the Motion-

THAT, pursuant to Standing Order Nos.254 and 255, the Senate approves the Fourth Report of the Procedure and Rules Committee on periodic amendments to the Standing Orders of the Senate, laid on the Table of the Senate, on Wednesday, 15th June, 2022, and pursuant to the provisions of Article 124 (1) of the Constitution and Standing Orders 255 and 257 which states:

- (i) Resolves to amend its Standing Orders as contained in Appendix 1 to the Report; and
- (ii) Orders that the amendments to the Standing Orders as contained in Appendix 1 to the Report come into effect at the commencement of the 13th Parliament.

Mr. Speaker, Standing Order No.252 requires that a periodic review of the Standing Orders be carried out at least once in every term of Parliament, a function that is performed by the Procedure and Rules Committee, which is expected to make a report to the Senate recommending the Standing Orders, if any, to be amended.

During the 12th Parliament, the Standing Orders have been amended pursuant to Standing Order Nos.252 and 254 of the Senate Standing Orders as follows:

- a) On 14th December, 2017 related to changing the structure of Standing Committees to enhance service delivery.
- b) On 9th August 2018 revised the manner of processing statements, among others, and giving Committees discretion in dealing with statements besides defining the scope of statements, ensuring referral to committees and making committees more accountable through periodic (quarterly) reports.
- c) The amendments of 21st July, 2020 provided for virtual sittings, as a direct result of the COVID-19 pandemic.

Mr. Speaker, Sir, this is the Fourth Report of the Procedure and Rules Committee, and I would like to highlight the amendments carried out by the Committee, which may be classified under five main categories.

These are pertinent amendments proposed in the report as follows:

- a) Editorial clean ups – including correcting indexing and grammatical errors.
- b) Amendments relating to structure of the standing orders – such as rearrangement of parts; merging, splitting, editing and renaming of various provisions and so on, in order to give the standing orders better flow and clarity.
- c) Codification of existing procedures and practice in the Senate – for example, vacation of office of the Speaker, Deputy Speaker and statements hour.
- d) Aligning provisions of the Standing Orders with the Constitution and relevant statutes – for instance, on the procedure for consideration of statutory instruments.
- e) Substantive amendments relating to the procedure for consideration and disposal of business before the Senate.

Mr. Speaker Sir, I would like to highlight a few of the substantive amendments in the Report relating to the procedure for consideration and disposal of business before the Senate:

1. New Standing Orders on the vacation of the Office of Speaker and Deputy Speaker was introduced, as there was previously no procedure in place should such and eventuality arise.
2. Introduction of the temporary suspension of a sitting to discuss a specific matter. For this one, in fact, we have been suspending but there was nothing that provided for it.
3. To make the Deputy Speaker the Chair of the Liaison Committee. As you are aware, currently it is the Speaker who is the Chairperson of the Liaison Committee. However, in the other House, it is the Deputy Speaker.
4. Reintroduction of Quorum at the commencement of a sitting, in order to comply with Article 121(b) of the Constitution on Quorum. This is happening in the other House but we are not provided in our Standing Orders to call for quorum at the beginning of any session and this has been included in this amendment.
5. Inclusion of the procedure for impeachment of the President and Deputy President, which is currently not contained in the Standing Orders.
6. Formalizing the procedure for delegation of the power to vote by the head of a county delegation, this is currently done administratively. It is being provided for in the amendments so that we have a formal procedure of delegation
7. Clarification on when the work of Mediation Committees begins. This one is very important because we have had the dragging of mediation for a very long time.
8. The Standing Committees to consider the budget policy statements aligned to their respective mandates and other recommendations to the Committee on Finance and Budget and the timelines in which to do so.
9. This is a very important one that Members should take note of and that is the splitting of the County Public Accounts and Investment Committee (CPAIC) into two. The current CPAIC has been split and we will have a Committee called the County Public

Accounts Committee (CPAC) and the second one will be County Public Accounts Special Funds and Investment Committee (CPASFIC).

Effectively, this will remove the mandate of the oversight of the County Investment Agencies from the CPAC and in effect creating a stand-alone Committee to oversight County Investment Agencies in order to scrutinise audit accounts of such entities tabled in the Senate in order to enhance the oversight role of the Senate. This is a new and nice introduction.

10. The Sessional Committees to become Select Committees with a term of three sessions. That is another big change that a Member should note.

Mr. Speaker, Sir, following the comprehensive review of the Standing Orders and having considered the proposals received from Senators and members of the public; the Committee on Procedure and Rules now presents the proposed amendments as set out in this report for approval by the Senate and the amended Standing Orders take effect at the commencement of the 13th Parliament.

I would like to record my appreciation to the Members of the Committee on Procedure and Rules for the excellent job done in carrying out the review exercise. I also wish to thank the office of the Clerk for the support we received throughout the exercise.

Mr. Speaker, Sir, I beg to move and ask Sen. Farhiya to second.

Sen. Farhiya: Mr. Speaker, Sir, I beg to second and request my colleagues to support because this is an enhancement of procedures. The Public Accounts Committee (PAC) and Public Investment Committee (PIC) will be part of the two Committees that will be existing, whereby Members of the County Assembly and County Executive will be in different Committees. I think that will enhance oversight.

I beg to second.

(Question proposed)

The Speaker (Hon. Lusaka): I can see one interest. Sen. Cheruiyot proceed.

Sen. Cheruiyot: Mr. Speaker, Sir, I have one quick comment. It is a matter of procedure. No that the Motion is wrongly before the House but in terms of the neatness of the exercise we are undertaking.

The thing that boggles my mind is, is this really the right time to consider changes to the Standing Order? We have been here for five years, learnt and there are things we have agreed with and those we felt maybe we could have done better.

I thought ideally - this is part of the things that we need to consider - that this Committee will go ahead and produce a Report for us but then leave it to the wisdom of the next House to come and debate it extensively.

You can see the rush in which we want to conclude this business and yet this a very important exercise. This goes into the heart of our operations as a House next term for those that are seeking the people's mandate to come and represent them here.

It is good because that the Table Office is here led by our very able Clerk. Perhaps he could guide the House whether this is the appropriate time to consider changes to Committees, how they operate, the rules and procedures of the House; where there is very little interest.

Perhaps, more than half of this House have considered to move their careers in a different path. Would it not be better if we left it to the new House at the beginning of their term, so, that those who are new can give their input?

Sometimes - as they say - new brooms sweep cleaner and also leave it to the recollective wisdom of those who would have been here; and say the reason why we want to do it this way is because in the last two sessions, this is what happened and we thought this is a learning experience. I say this especially because of my consideration of how CPAIC is run.

At the beginning of this term a good number of us tried - I remember leading that caucus without fail - to have it modelled slightly differently from what we know.

I have not even seen the proposal but I thought that there would be a better proposition and more value to it if it is brought at the beginning of the House. Either way, now that it is here before us I do not oppose. I support but differ that, perhaps at the right time at the beginning of the new session of the term of the Senate, many of the things in this Report will need to be reviewed.

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir. I just wanted to respond to what Sen. Cheruiyot has raised which is very important. The provisions say that each parliamentary term has the opportunity to amend the Standing Orders.

If you look at the timing, which he has really talked about, when it should be best done you find that you cannot actually do it at the beginning. This is because if the House is 50 per cent new, they would not really understand how the House has been and what to amend. The amendments are best done by those who have had experience. If you look at the amendments that we are doing right now, these are amendments that would have affected us if we did them mid-way.

Remember that I have also stated that there were about three amendments that came mid-stream. What we are doing right now is to consolidate and give our amendments as provided for in the Standing Orders, that once in the five years we actually do the amendments.

The best time to me, would be the time when the experienced Members can give contributions. It is not the Committee that did it; we gathered information from everybody. We even had public participation announcement so that we could have more participations. All these are contributions that came from Members, which were collated. Therefore, it is about time.

Sen. Wako: Thank you, Mr. Speaker, Sir. Although I support the Motion but I think it has not gone far enough. I had proposed three amendments to the Standing Committee and the reply I received from you is that it will be considered at the end of the year. I was expecting that some of my proposals should have reflected here.

One proposal, which is indirectly reflected here is the increase in the number of the County Public Accounts Committee from the usual nine to 11 or 13.

Mr. Speaker, Sir, I can see that you have now split the two. Maybe that will serve the purpose. However, for the other three, one is the recognition of seniority. For instance, I am Senator No.1 but there was no recognition for some of the slight privileges I should have here. The reply was that it would be considered at the end of the year and that in the

meantime, I should always catch the Speaker's eye. I was also told that whenever I stand up, he would recognize me.

You have done that very well and I do not complain. However, other jurisdictions recognise the longest serving Members in their Standing Orders. Number one, two and three should be recognized.

The other one is that we are being left out on the issues of East Africa and regional integration. The reply I received from you, Mr. Speaker, Sir, is that it would be considered at the end of the year. You said that by the time I brought it, there was no budget for that type of thing. I am surprised that it is not here.

Currently, it is being handled by the National Cohesion and Integration Committee (NCIC), which has enough on its plate when it comes to cohesion issues within the nation. The issues of integration within the region are being left behind. The National Assembly has a Committee devoted to that. The East Africa Legislative Assembly (EALA) is now passing many Bills touching on devolved matters. Those Bills never come to us to at least consider and approve.

As we approve this, I strongly appeal – I would like it to be on record – that the 13th Senate should seriously consider having an East African and Regional Cooperation Committee. This Committee will deal specifically with the East African integration issues.

Mr. Speaker, Sir, as you know, the Democratic Republic of Congo (DRC) has now joined the Community. It is a big thing now and yet here we are, without any say whatsoever. Most of the Member States have an Upper House like ours which considers integration issues. For instance, Rwanda, Burundi and others have upper houses which are specifically devoted to looking at regional issues and here we are, left out.

I considered that and I was told it was a bit too late and that there was no budget for it. Of course, people had vested agenda in NCIC and so on. Therefore, this is an appropriate time that as we come into the 13th Assembly, we should have a new Committee altogether.

I strongly feel that those two issues should be considered; recognition of seniority and regional integration. Seniority here, is in terms of the longest serving Members of the Senate. We must also be up to speed with what is going on in the region, particularly with big expansion of the East African Community (EAC) the way it is.

The third issue is about the Committee on Implementation. I am speaking on this one on behalf of my neighbour here, who tells me that the Committee on Implementation was supposed to be revived. Again, it was not revived. So, those three issues should have been part of this Bill. I hope that the next Parliament will consider those issues seriously.

The Speaker (Hon. Lusaka): Sen. Orengo, please, proceed.

The Senate Minority Leader (Sen. Orengo): Thank you, Mr. Speaker, Sir. Briefly, I would like to point out that there are new provisions in these amendments. They bring a new insight into Standing Orders.

I like the fact that Standing Orders are now giving an opportunity and procedure, for having Bills which are sponsored by Senators in co-sponsorship with Members of the National Assembly. That procedure has been lacking. I think it can reduce bureaucracy and red tape between the two Houses.

There has been sibling rivalry. When a Bill originates from this House, sometimes you find the same Bill being originated in the National Assembly. These are good provisions.

The only thing that I would like to add, is that Standing Orders emanate from the Constitution. They are as good as Law. They carry the same weight as an ordinary Statute because they flow from the Constitution. I agree with Sen. Cheruiyot, the Senator for Kericho County, that it is unfair to bring these amendments at this time. Remember this Report was only tabled yesterday and many of us have not read it. I do not think we have been very good to the Senators because these rules are so critical.

Sometimes you can find legislation has been passed but if there is a violation of any Standing Order, they can vacate legislation because certain elements of the Standing Orders were left out or were not complied with. It would have been good to have this report at least a month before the Senate adjourns *sine die* because of the new provisions like the ones I have seen. We should have started with this report.

I remember when the Senate was first convened, not only was the Committee holding meetings, but eventually, there was a plenary of the entire Membership of the Senate to scrutinise the Standing Orders. This plenary was not in session though. Some Senators like Sen. Were – although I am not sure – were there. I know they normally come at the end because the Standing Orders can only be good for amendment for the purposes of the next Senate. In this case, it is the 13th Parliament.

Mr. Speaker, Sir, however, I think because of the importance and primacy of Standing Orders, I for once, feel a little bit aggrieved because I have not had an opportunity to really scrutinise the work of the Committee on Procedure and Rules. In fact, Sen. Wako confronted me when the Senator for Uasin Gishu County was moved to be the Deputy Speaker. He asked me why I had left this out. He forgot that he was a Member of the Committee.

Since the rules of the House bind all of us, it is unfair for them to be brought on the last day. I think this is the way people misgovern. I know I should have passed this suggestion to the Committee. This has been done in Parliament before and it happens in courts. When you want to sneak something in, you bring it at the last minute. People will not look at it and at the end of the day, you find you have made a terrible mistake and error that you cannot correct. In the next Session, they will do the same thing and wait. They will live with our mistakes to the end.

I am just saying that we go on record, so that nobody would think a lawyer of Sen. Mutula Kilonzo Jnr.'s stature, agreed with this without an element of scrutiny. I have no alternative but to support.

I have belief in the Deputy Speaker and the Speaker who are Members of this Committee. However, belief alone sometimes is not good enough. Even the Pope is believed but sometimes his work attracts scrutiny, if he is in the orders of managing humanity and particularly managing Members of the House.

I support. I have seen some very good provisions here.

Sen. Wako: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is your point of Order, Sen. Wako?

Sen. Wako: Mr. Speaker, Sir, having made a very compelling case beyond reasonable doubt as to why we should not approve this thing now, is the Senate Minority Leader in order to say that he has no alternative but to support? You have an alternative to say 'no' and lead the Minority in opposing this thing.

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, I am saying so because when you have a child, it is your child. When a child is born without a leg or an eye, you do not throw it out. You try and find out how to live with it. This is a product of a Committee of the House so I am prepared to live with it.

The Speaker (Hon. Lusaka): Sen. Poghio, please proceed.

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, I add my voice to that of the various Members who have spoken. I do support these changes because our tradition as it has been said is we prepare and amend these Standing Orders for the convenience of the House.

However, we also make sure that they are in practise in the next House. For that reason alone, we support so that those in the next House can scrutinise what has been done and they can have the pleasure of going back to scrutinise it. The other thing is that we trust you and your Committee, which is made up of yourself, and other Members of the panel. We hope that they are not too many problems with eyes, legs and arms like my colleagues fear. I hope the child is fine.

Mr. Speaker, Sir, this is probably your last duty as Speaker of this House. We know you are going into another office. You are at a place where you can speak equivocally that you have done a good job and it is a good document.

I hope that we can all support it.

The Speaker (Hon. Lusaka): Finally, Sen. Sakaja, please proceed.

Sen. Sakaja: Mr. Speaker, Sir, I had earlier pressed for a Point of Order but we can just prosecute my point as I make my submissions.

It has been the tradition of the House to bring Standing Orders towards the tail end for the next House. I believe that is what happened last time and that is also what happened in the National Assembly where I served in the last term.

I have one concern which when the mover replies, will guide how I vote. Since 31st August, 2017, when we were sworn in as Senators, every one or two weeks when Members stood up to contribute, we have always asked why we do not have an Implementation Committee. We are leaving the Senate today with a lot of unfinished business that we have passed in our respective Committees.

I have personally done a lot in the Committee on Labour and Social Welfare, the Committee on Justice Legal Affairs and Human Rights and in all the other committees that I have sat in. Members have continuously expressed that if there had been an Implementation Committee to make sure the resolutions of this House are followed up consistently, then it would make the Senate more effective.

Mr. Speaker, Sir, it will be good to get an explanation from the mover why that has not been considered. If the purpose of amending Standing Orders is to ensure a more efficient running of the House and for the next House, that would have been the first and maybe even only amendment. It is the most necessary amendment.

We have passed honorarium for former Councillors but they have not gotten a shilling. We passed a report on Solai Dam, we saw what happened. We have passed serious reports on our girls going to Saudi Arabia, being butchered and sent back in body bags. There is no Implementation Committee in this House. I would like to understand because maybe what you need to add is the process of amending Standing Orders because it is opaque, it is done behind closed doors then the report is rushed on the last day.

I do not know how many Members here, including the Leadership were part of the amendments. Sen. Orengo has confessed that he has just seen the report today yet he is the Senate Minority Leader. I know he does not have much interest in how the Senate operates, moving forward. In fact, Sen. Orengo, Sen. Mutula Kilonzo Jnr., and myself, who intend to be in the Executive as governors, have interest in how you operate for those coming back. However, we cannot be passing such important rules in such an opaque manner.

Mr. Speaker, Sir, let us understand what was the reasoning. I am sure that was something that was conversed in that committee. Why do we not have an Implementation Committee? The effectiveness of the Senate going forward is not on the high-sounding declarations made on this Dispatch Box and on every Members' seat. It is on what we are able to do and implement.

Beyond that, it was good that we were able to get the Swahili version of our Standing Orders. I believe that was passed. That is a noble thing. We also need to understand how to communicate better. We could have appointed a Swahili day. We could have amended the Standing Orders to state that Thursday afternoons, debate be in Swahili. I am sure Sen. Faki, Sen. Madzayo and those of us who support the growth of Swahili language would support that.

A good explanation as to why that has not been considered would be important before we vote. Possibly, in the next House, for those who are coming back like Sen. Faki and Sen. Madzayo, you might need to do another review of the Standing Orders at the beginning. For those of you who have the institutional memory from this House, you can guide your colleagues who join you when you come back on what you need to adjust on when the term begins.

Beyond that, it is grammatical errors and it is not the kind of report we expected given our weekly misgivings and issues raised by Members whenever we have an issue in this House. That should have been taken into consideration.

Finally, the next time this is done, all Senators should be alerted that there is a process of amendment of Standing Orders. If that happened, I am not aware. Members should be asked if they have recommendations on what needs to be amended and give them in. Then we probably have a *kamukunji* where we discuss what has worked, what has not worked and what we should improve on. That would lead to a more effective Senate, moving forward.

The Speaker (Hon. Lusaka): I had said finally but I can see Sen. Mutula Kilonzo Jnr. Please proceed.

Sen. Mutula Kilonzo Jnr: Mr. Speaker, Sir, I echo the sentiments of my colleagues that that portion where the committee should have conducted public participation of the Senators was not done. The areas mentioned by Sen. Sakaja are important.

As Sen. Sakaja has mentioned, Solai Dam and others, I would have loved to see an amendment to the procedure of impeachment of governors during plenary. There is a camera session that does not make sense. That should have either been amended or removed.

The Implementation Committee would have been important because for the effectiveness of this House, we have had problems. I would have loved to see a better way of working with the Parliamentary Budget Office in this one.

Therefore, those being the concerns, we support but hope that next time, there will be an element of consultation amongst ourselves with the relative experience of being here for 10 years with Sen. Orengo and others. I do not know when that would be, we would not be here. One or two comments would have been useful.

To explain his point, the Committee on Finance and Budget has prepared an exit report on the challenges we have had so that it can inform the next Senate. Therefore, the amendment of the Standing Orders should also inform the Senate of the challenges the first and second Senate have had so that the next Senators who are not going to be Sen Orengo, Sen. Sakaja, Sen. Wako, myself or many others, are going to face.

The third Senate is going to face many challenges. If you recall, starting with the Miscellaneous Amendment that was passed to remove the mandate of the Senate in interrogating commissions under Article 153. There is a push by people who do not like devolution to make sure that the Senate becomes weaker and weaker. We must claim jurisdiction. Look for it, even if it is not there and put it there so that the law can consequently be amended so that the Senators can be effective on audit and other matters, which have gone unhandled.

The governor of Machakos County has the most arrest warrants since the invention of arrest warrants yet nothing has happened since. Therefore, those weaknesses should have been addressed in this Standing Orders.

The Speaker (Hon. Lusaka): Finally, Sen. Shiyonga you have the Floor.

Sen. Shiyonga: Mr. Speaker, Sir, I stand to support that Implementation Committee was important at the beginning of this Senate. When the Standing Orders are reviewed, I pray that those who will be in this Senate, because I am vying and if elected I will go the other House---

If we have an Implementation Committee in place, rest assured that all the queries will be replied to or responses will be availed. They will follow up and ensure that any recommendations by a committee or the House are implemented.

Without having Implementation Committee in place, we have missed a lot because we do not know where some of the Bills, recommendations and observations made on the Floor of this House ended. Therefore, we should have Implementation Committee.

Members of that committee should serve for a period of time. It should be a Sessional Committee whereby Members perform to the best of their ability. The Implementation Committee will provide answers to most of the issues raised.

Mr. Speaker, Sir, I support that the next Senate should have a sessional Implementation Committee to help the House achieve its objectives.

I thank you.

The Speaker (Hon. Lusaka): I now call upon the Mover to reply.

The Deputy Speaker (Sen. (Prof.) Kamar): Mr. Speaker, Sir, first, I agree with Members that the procedure of amending the Standing Orders needs to be established. Maybe we should have a *kamukunji*, so that everybody is aware and can participate.

Mr. Speaker, Sir, you made a communication around mid-2021. You communicated to the House that the process of amending the Standing Orders would start. That was announced in this House and everybody was invited to give their submissions. Some Members actually gave their submissions. What was being discussed and collated by the committee was part of what arose from that Communication from the Chair.

I had mentioned something about the contribution from Sen. Cheruiyot. Timing remains an issue. Do we want to do it before we know Members well? Maybe midstream would be better. However, we will leave it to Members of the Thirteenth Parliament to choose the most appropriate time to do it. However, that should not stop us.

I mentioned about four amendments that took place. We had an amendment in 2018, another one in 2019 and the last one in 2020. It did not stop us from introducing some amendments to enable us proceed.

I will leave it at that but we should look at the timing. However, the Speaker made an announcement in time. Maybe some Members did not know.

Two issues have been raised here. We have the issue of the East African Community (EAC) that was raised by Sen. Wako. It came to the Committee where we discussed and left it for the next group. That was a suggestion. We looked at the pros and cons and financing of various committees and it appeared---

(Interruption of debate on Motion)

The Speaker (Hon. Lusaka): Sen. Mutula Kilonzo Jnr., what is your intervention?

PROCEDURAL MOTION

EXTENSION OF SITTING TIME

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, it is now 5:55 p.m. but it appears the time remaining is less before we conclude the business of the Senate.

I rise to move, pursuant to Standing Order No.31(4), that the sitting of the Senate be extended until conclusion of the business appearing on the Order Paper. I request Sen. Orengo to second.

The Senate Minority Leader (Sen Orengo): Mr. Speaker, Sir, I second.

The Speaker (Hon. Lusaka): Hon. Senator, I now want to propose the question.

(Question proposed)

(Question put and agreed to)

(Resumption of debate on Motion)

Sen. (Prof.) Kamar, please proceed.

The Deputy Speaker (Sen. (Prof.) Kamar): Mr. Speaker, Sir, let me point out two areas which have been mentioned. These are the EAC and the need to have a Regional Integration Committee, which were brought before the committee. We looked at the pros and cons and finances that we have and how they will be facilitated because the Committee should be facilitated well. That was proposed but it was looked at from the expense point. We told the Senator that we were looking at how we can manage more committees.

When it came to the other committee, which has been mentioned here, that is the Implementation Committee, again we looked at it in terms of the practicability of having more committees. The reason we did not have the Implementation Committee is because there were different views. When we received different correspondences from different Members, one of the views was that the same was canvassed in the Liaison Committee.

We all know that Liaison Committee is made up of Chairpersons. Most of the Chairs were of the opinion that each committee should follow up its own issues. That was raised in one of the *kamukunjis*. Again, I recommend to Members of the Thirteenth Parliament to relook at it and discuss openly.

I agree that we need to have a proper process of ensuring that all our views are taken into consideration. Beyond just a Communication from the Chair, we should have a *kamukunji* to discuss so that something is good for everybody.

Mr. Speaker, Sir, with those remarks, I beg to reply.

The Speaker (Hon. Lusaka): Before I put the question, I would like to inform you that I chair that Committee. Like my able deputy has said, I made a Communication here. I know we have had a lot of distractions and it may have escaped our attention to give our views but all the same, we are happy that we came up with what we have done. Those who will be here in the next Parliament should fill in the gaps, which you have pointed out.

(Question put and agreed to)

The Speaker (Hon. Lusaka): For the convenience of the House, Orders to be read will be from Nos. 22 to 30.

Clerk proceed.

COMMITTEE OF THE WHOLE

(Order for Committee read)

(The Speaker (Hon. Lusaka) left the Chair)

IN THE COMMITTEE

(The Chairperson (Sen. (Prof.) Kamar) in the Chair)

The Chairperson (Sen. (Prof.) Kamar): Order Members. I do not want to come between you and your wonderful dinner. So, I will take you through this very fast. Hon. Members in the House and those online should be ready to vote.

Hon. Members, the Division Bell will be rung for three minutes.

(The Division Bell was rung)

Hon. Members, if you are online please be ready because we are going to vote very shortly. Those who are inside, please take your seats.

Hon. Members, the Whip still wants three more minutes. I give him three more minutes.

(The Division Bell was rung)

The Chairperson (Sen. (Prof.) Kamar): Hon. Senators, we are in the Committee of the Whole for Order Nos. 22 to 30 but we would like to start with Order Nos. 28, 29 and 30, so that we move them to the Division.

Hon. Senators, we are starting with the Sugar Bill, followed by the Children's Bill and then we move to the County Governments Additional Allocation Bill. Once, we are done with those we will note them on the list for Divisions and then we will do our Divisions all together.

Hon. Senators, let us start with Order No. 29, the Sugar Bill.

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

Clause 2

(Question, that Clause 2 be part of the Bill, proposed)

Chairperson of the Committee of Agriculture please proceed.

Sen. Ndwiga: Madam Chairperson, I hope to withdraw the amendments.

The Chairperson (Sen. (Prof.) Kamar): Sorry Senator, we are starting with the Sugar Bill. Who is the mover?

Clause 3-5

(Question, that Clauses 3, 4 and 5 be part of the Bill, proposed)

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.

Clause 6

Sen. Wambua: Madam Chairperson, I beg to move—

THAT, Clause 6 of the Bill be amended in sub clause (1) by deleting paragraph (a) and substituting therefore the following new paragraph—

(a) a chairperson appointed by the President by notice in the *Gazette*.

(Question of the amendment proposed)

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.

Clause 7

(Question, that Clause 7 be part of the Bill, proposed)

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.

Clause 8

Sen. Wambua: Madam Chairperson, I beg to move-
THAT, Clause 8 of the Bill be amended in the introductory phrase by deleting the word “of” appearing immediately after the words “of the Board”.

(Question of the amendment proposed)

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.

Clause 9

Sen. Wambua: Madam Chairperson, I beg to move-
THAT Clause 9 of the Bill be amended in paragraph (a) by deleting the words “growers and millers” appearing immediately after the words “or levies upon” and substituting therefor the words “value chain players”.

(Question of the amendment proposed)

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.

Clauses 10-20

*(Question, that Clauses, 10, 11, 12, 13, 14, 15, 16,
17, 18, 19 and 20 be part of the Bill, proposed)*

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.

Clauses 21-24

(Question, that Clauses 21, 22, 23 and 24 be part of the Bill, proposed)

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.

Clauses 25

Sen. Wambua: Madam Chairperson, I beg to move-

THAT Clause 25 of the Bill be amended —

- (a) by numbering the existing provision as subclause (1);
- (b) in sub clause (1) by —
 - (i) deleting the word “Cabinet Secretary” appearing immediately after the words “appointed by the” in paragraph (a) and substituting therefor the words “President by notice in the *Gazette*”;
 - (ii) inserting the following new paragraphs immediately after paragraph (b) —
 - (ba) one person nominated by the Council of County Governors; and
 - (bb) one person, who has knowledge and experience in matters relating to sugar technology and value addition, elected by sugar millers;
 - (ii) inserting the words “and secretary to the Board” immediately after the words “an ex official member”;
 - (b) inserting the following new sub clause immediately after sub clause (1) —
 - (2) The Cabinet Secretary shall appoint the members under subsection (1)(b), (ba) and (bb) by notice in the *Gazette*.

(Question of the amendment proposed)

The Chairperson (Sen. (Prof) Kamar): The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries, please approach the Chair for clarification.

(Hon. Senators consulted the Chairperson)

Take your seats hon. Senators. We want to make progress.

(Loud consultations)

Hon. Senators, we are now ready to proceed. We have had very good and smooth consultations.

Mover, Are you on a point of order?

Sen. Wambua: Yes, Madam Chairperson. I rise on a point of order, pursuant to Standing Order No. 148.

I beg to move —

THAT the Committee of the Whole do report progress on its consideration of the Sugar Bill (National Assembly Bill No. 68 of 2019) and seek leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

Let us move to Order No. 30. Proceed, Senate Majority Leader.

(Loud consultations)

THE CHILDREN BILL (NATIONAL ASSEMBLY
BILLS NO. 38 OF 2021)

The Chairperson (Sen. (Prof.) Kamar): Hon. Senators, we are considering in the Committee of the Whole, The Children Bill (National Assembly Bill No. 38 of 2021).

Clauses 3 - 50

*(Question that Clause 3 to 50 be
part of the Bill, proposed)*

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.

Clauses 51 - 100

*(Question that Clauses 51 to 100
be part of the Bill, proposed)*

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.

Clauses 101 - 150

*(Question that Clauses 101 to 150
be part of the Bill, proposed)*

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.

Clauses 151 - 200

*(Question that Clauses 151 to 200
be part of the Bill, proposed)*

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.

Clauses 201 - 250

*(Question that Clauses 201 to 250
be part of the Bill, proposed)*

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.

Schedule 1 - 8

(Question, that the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Schedules be part of the Bill, proposed)

Division will be at the end

Clause 2, the Title and Clause 1

(Question, that Clause 2, the Title and Clause 1 be part of the Bill, proposed)

Division will be at the end.

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATION BILL
(SENATE BILLS NO. 2 OF 2022)

The Chairperson (Sen. (Prof.) Kamar): Hon. Senators, we are now considering the County Governments Additional Allocation Bill (Senate Bills No.2 of 2022).

Clause 3

(Question, that Clause 3 be part of the Bill, proposed)

Division will be at the end.

Clause 4

The Chairperson (Sen. (Prof.) Kamar): The mover, chairperson, Committee on Finance and Budget to move amendments.

Sen Farhiya: Madam Chairperson, I beg to move:

THAT, Clause 4 of the Bill be amended in Sub-Clause (1)-

- (a) by deleting the word “grants” appearing immediately after the word “additional” and substituting therefor the word “allocations” appearing in the opening phrase;
- (b) by inserting the words “the national government and” immediately after the words “allocations from” in paragraph (a); and
- (c) by inserting the words “additional allocations in form of” immediately before the words “loans and grants” in paragraph (c).

(Question of the amendment proposed)

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.

Clause 5

Sen Farhiya: Madam Chairperson, I beg to move:

THAT Clause 5 of the Bill be amended-

- (a) in subsection (2)-
 - (i) by deleting the words “Column L” appearing immediately after the words “shall be set out in” and substituting therefor the words “Column M” in the opening phrase;
- (ii) by deleting paragraph (f) and substituting therefor the following new paragraph-
 - (f) conditional allocations from a World Bank credit to finance Locally-Led Climate Action Program, (FLLoCA) for County Climate Institutional Support (CCIS) as set out in Column G of the Second Schedule.
- (iii) by inserting the following new paragraph immediately after paragraph (j)-
 - (k) conditional allocations financed by a grant from the World Bank to finance Locally-Led Climate Program (FLLoCA) for County Climate Resilience Investment (CCRI) grant as set out in Column L.
- (b) by inserting the following new paragraph immediately after subsection (2)

(2A) Conditional allocations under subsection 2(k) shall be allocated among county governments on the basis of a criteria to be determined as follows-

- (a) The accounting officer responsible for the conditional allocation shall in each eligible county government carry out or cause to be carried out, in accordance with the intergovernmental agreement between the National Government and each eligible county government, an assessment to determine the eligible county governments’ performance score for purposes of determining the Performance allocation for the financial year 2022/2023.
- (b) The allocation to the eligible county governments shall be on the basis of the criteria comprising the performance score determined under paragraph (a) and the Revenue Sharing formula approved by Parliament in accordance with Article 217 of the Constitution; and
- (c) The Cabinet Secretary shall publish in the Kenya Gazette the allocations determined in terms of paragraph (b).

(Question of the amendment proposed)

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.

Clause 6

Sen Farhiya: Madam Chairperson, I beg to move:

That Clause 6 of the Bill be amended by deleting the word “conditional” appearing immediately after the words “transfers of all” and substituting therefor the word “additional”.

(Question of the amendment proposed)

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.

New Clause 5A

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Sen Farhiya: Madam Chairperson, I beg to move-
THAT, the Bill be amended by inserting the following Clause 5A immediately after Clause 5-

Equalization Fund.	5A. Additional allocations to the respective county government from the Equalization Fund for the financial year 2022/23 shall be as set out in the Third Schedule.
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(Question of the New Clause 5A proposed)

(New Clause 5A Read the First Time)

(Question, that the New Clause 5A be read a Second Time, proposed)

(Question, that the New Clause 5A be part of the Bill, proposed)

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.

First Schedule

Sen. Farhiya: Madam Chairperson, I beg to move:
That, the Bill be amended by deleting the First Schedule and substituting therefor the following New Schedule—

FIRST SCHEDULE

Conditional allocations to County Governments from National Government Revenue in Financial year 2022/23 (Kenya Shillings)

Additional allocations to County Governments from National Government Revenue in Financial year 2022/23 (Kenya Shillings)					
S/N	County	FY 2021/22	FY 2022/23		
		Total Conditional Grants from the National Government Revenue	Supplement for construction of county headquarters	Conditional Grant- Leasing of Medical Equipment	Total Conditional Grants from the National Government Revenue
		Column A	Column B	Column C	Column D
1	Baringo	153,297,872	-	110,638,298	110,638,298
2	Bomet	153,297,872	-	110,638,298	110,638,298
3	Bungoma	153,297,872	-	110,638,298	110,638,298
4	Busia	153,297,872	-	110,638,298	110,638,298

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5	Elgeyo/Marakwet	153,297,872	-	110,638,298	110,638,298
6	Embu	153,297,872	-	110,638,298	110,638,298
7	Garissa	153,297,872	-	110,638,298	110,638,298
8	Homa Bay	153,297,872	-	110,638,298	110,638,298
9	Isiolo	221,297,872	102,000,000	110,638,298	212,638,298
10	Kajiado	153,297,872	-	110,638,298	110,638,298
11	Kakamega	153,297,872	-	110,638,298	110,638,298
12	Kericho	153,297,872	-	110,638,298	110,638,298
13	Kiambu	153,297,872	-	110,638,298	110,638,298
14	Kilifi	153,297,872	-	110,638,298	110,638,298
15	Kirinyanga	153,297,872	-	110,638,298	110,638,298
16	Kisii	153,297,872	-	110,638,298	110,638,298
17	Kisumu	153,297,872	-	110,638,298	110,638,298
18	Kitui	153,297,872	-	110,638,298	110,638,298
19	Kwale	153,297,872	-	110,638,298	110,638,298
20	Laikipia	153,297,872	-	110,638,298	110,638,298
21	Lamu	191,297,872	24,000,000	110,638,298	134,638,298
22	Machakos	153,297,872	-	110,638,298	110,638,298
23	Makueni	153,297,872	-	110,638,298	110,638,298
24	Mandera	153,297,872	-	110,638,298	110,638,298
25	Marsabit	153,297,872	-	110,638,298	110,638,298
26	Meru	153,297,872	-	110,638,298	110,638,298
27	Migori	153,297,872	-	110,638,298	110,638,298
28	Mombasa	153,297,872	-	110,638,298	110,638,298
29	Muranga	153,297,872	-	110,638,298	110,638,298
30	Nairobi	153,297,872	-	110,638,298	110,638,298
31	Nakuru	153,297,872	-	110,638,298	110,638,298
32	Nandi	153,297,872	-	110,638,298	110,638,298
33	Narok	153,297,872	-	110,638,298	110,638,298
34	Nyamira	153,297,872	-	110,638,298	110,638,298
35	Nyandarua	228,297,872	121,000,000	110,638,298	231,638,298
36	Nyeri	153,297,872	-	110,638,298	110,638,298
37	Samburu	153,297,872	-	110,638,298	110,638,298
38	Siaya	153,297,872	-	110,638,298	110,638,298
39	Taita Taveta	153,297,872	-	110,638,298	110,638,298
40	Tana River	228,297,872	104,000,000	110,638,298	214,638,298
41	TharakaNithi	229,297,872	103,000,000	110,638,298	213,638,298
42	Trans Nzoia	153,297,872	-	110,638,298	110,638,298
43	Turkana	153,297,872	-	110,638,298	110,638,298
44	Uasin Gishu	153,297,872	-	110,638,298	110,638,298
45	Vihiga	153,297,872	-	110,638,298	110,638,298

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(Question of the amendment proposed)

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.

Second Schedule

Sen. Farhiya: Madam Chairperson, I beg to move:

THAT the Bill be amended by deleting the Second Schedule and substituting therefor the following new schedule

SECOND SCHEDULE

**Additional Allocations from proceeds of loans or grants
from Development Partners in Financial Year 2022/23**

(Figures are in Kenya Shillings)

Additional allocations from loans and grants from development partners for financial year 2022/2023 (Figures in Kenya Shillings)														
		FY 2021/22	FY 2022/23											
County		Total Loans and Grants	IDA (World Bank) credit (National Agricultural and Rural Inclusive Growth Project (NARIGP))	IDA (World Bank) - Kenya Climate Smart Agriculture Project (KCSAP)	EU Grant (Instruments for Devolution Advice and Support IDEAS)	IDA (World Bank) credit: Water & Sanitation Development Project (WSDP)	DANIDA Grant - Primary Health Care in Devolved	IDA (World Bank) Credit (Financing Locally-led Climate Action (FLLoCA) Program, County Climate Institutional Support (CCIS) Grant (Level	Sweden- Agricultural Sector Development Support Programme (ASDSP) II	German Development Bank (KfW)- Drought Resilience Programme in Northern Kenya (DRPNK)	World Bank - Emergency Locust Response Project (ELRP)	World bank - Kenya Informal Settlement Improvement Project (KISIP II)	IDA (World bank) Credit (Financing Locally-Led Climate Action Program, FLLoCA)	Total Loans and Grants
		Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M
1	Baringo	528,317,166	100,298,617	95,457,110	15,626,168	-	10,738,700	11,000,000	15,157,989		-69,207,700	-	-	317,486,284
2	Bomet	653,181,658	-	83,323,430	-	-	11,605,800	11,000,000	15,590,699	-	-	-	-	121,519,929
3	Bungoma	542,772,196	-	-	-	-	18,742,700	11,000,000	15,837,026	-	-	-36,424,018	-	82,003,744
4	Busia	447,133,112	-	125,328,154	-	-	12,673,000	11,000,000	15,096,539	-	-	-	-	164,097,693
5	Elgeyo/Marakelet	702,054,383	-	85,593,752	-	-	8,137,400	11,000,000	14,162,596	-	-75,879,000	8,324,295	-	203,097,043
6	Embu	453,821,524	260,577,564	-	-	-	9,071,200	11,000,000	17,252,897	-	-67,688,700	-	-	365,590,361
7	Garissa	1,087,727,785	-	75,269,050	-	450,000,000	14,807,400	11,000,000	19,237,689	-	-80,912,850	-	-	651,226,989
8	Homa Bay	454,463,421	169,429,682	-	-	-	14,207,100	11,000,000	16,961,327	-	-	-150,000,000	-	361,598,109
9	Isiolo	592,196,554	-	59,773,034	-	-	8,937,800	11,000,000	15,458,346	-	-84,469,550	-	-	179,638,730

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10	Kajiado	576,204,540	-	75,231,220	-	-	13,540,100	11,000,000	15,549,570	-	-	-	-	115,320,890
11	Kakamega	691,090,920	-	99,110,439	-	-	21,944,300	11,000,000	16,691,828	-	-	-	-	148,746,567
12	Kericho	569,054,323	-	72,680,579	-	-	11,339,000	11,000,000	16,995,122	-	-	-	-	112,014,701
13	Kiambu	589,239,254	400,318,542	-	-	-	19,876,600	11,000,000	17,814,189	-	-	-42,456,908	-	491,466,239
14	Kilifi	2,154,008,617	219,997,606	-	-	2,000,000,000	22,011,000	11,000,000	16,633,495	-	-	-200,000,000	-	2,469,642,101
15	Kirinyaga	573,638,600	148,043,801	-	-	-	8,937,800	11,000,000	15,419,509	-	-	-	-	183,401,110
16	Kisii	575,643,577	131,476,562	-	-	-	16,408,200	11,000,000	15,840,849	-	-	-	-	174,725,611
17	Kisumu	769,632,733	-	70,007,432	15,626,168	-	14,407,200	11,000,000	17,503,544	-	-	-278,640,055	-	407,184,399
18	Kitui	505,225,111	153,298,172	-	-	-	18,609,300	11,000,000	17,077,037	-	-70,223,000	-	-	270,207,509
19	Kwale	1,084,696,427	129,364,832	-	-	1,150,000,000	16,408,200	11,000,000	16,384,932	-	-	-	-	1,323,157,964
20	Laikipia	594,808,504	-	66,193,250	-	-	8,804,400	11,000,000	14,580,064	-	-	-	-	100,577,714

21	Lamu	387,821,812	-	5,236,636	-	-	5,469,400	11,000,000	15,214,470	-	-	200,000,000	-	236,920,506
22	Machakos	563,831,924	-	68,040,614	-	-	16,341,500	11,000,000	15,404,784	-	67,674,400	-	-	178,461,298
23	Makueni	600,213,719	182,245,441	-	-	-	15,607,800	11,000,000	16,187,773	-	-	-	-	225,041,014
24	Mandera	607,418,422	-	81,191,951	-	-	21,544,100	11,000,000	18,686,862	-	91,274,250	-	-	223,697,163
25	Marsabit	753,314,489	-	55,194,559	16,140,048	-	14,273,800	11,000,000	18,451,009	387,000,000	93,873,850	-	-	595,933,266
26	Meru	778,344,871	206,960,478	-	-	-	16,941,800	11,000,000	15,209,642	-	75,983,000	-	-	326,094,920
27	Migori	391,091,244	115,188,436	-	-	-	14,273,800	11,000,000	18,146,589	-	-	-	-	158,608,825
28	Mombasa	1,313,902,680	-	-	-	950,000,000	14,874,100	11,000,000	14,414,211	-	-	219,423,444	-	1,209,711,755
29	Murang'a	454,929,372	202,429,735	-	-	-	13,273,300	11,000,000	14,410,294	-	-	-	-	241,113,329
30	Nairobi City	866,791,349	-	-	-	-	33,550,100	11,000,000	20,945,243	-	-	350,000,000	-	415,495,343
31	Nakuru	819,285,259	92,144,660	-	-	-	22,077,700	11,000,000	15,827,494	-	-	300,000,000	-	441,049,854
32	Nandi	524,798,208	155,424,837	-	-	-	11,272,300	11,000,000	14,501,837	-	-	16,519,088	-	208,718,062

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33	Narok	645,965,988	235,246,719	-	-	-	16,941,800	11,000,000	18,136,451	-	-	-	-	281,324,970
34	Nyamira	563,367,518	171,924,054	-	-	-	10,138,400	11,000,000	14,787,054	-	-	-	-	207,849,508
35	Nyandarua	683,889,689	-	75,718,650	11,000,000	-	10,271,800	11,000,000	14,157,337	-	-25,497,691	-	-	147,645,478
36	Nyeri	680,265,672	-	124,713,230	-	-	11,405,700	11,000,000	13,627,489	-	-102,139,147	-	-	262,885,566
37	Samburu	470,939,351	89,792,536	-	15,626,168	-	9,738,200	11,000,000	19,131,435	-	-91,588,750	-	-	236,877,089
38	Siaya	540,152,675	-	75,368,050	-	-	12,206,100	11,000,000	14,538,059	-	-	-	-	113,112,209
39	Taita Taveta	1,379,682,318	-	124,522,005	15,624,929	800,000,000	8,937,800	11,000,000	14,868,457	-	-60,000,000	-	-	1,034,953,191
40	Tana River	468,563,507	-	82,386,194	14,727,370	-	12,339,500	11,000,000	20,261,832	-	-	-	-	140,714,896
41	Tharaka Nithi	600,288,742	-	122,240,640	-	-	8,270,800	11,000,000	13,846,340	-	-68,827,500	80,575,354	-	304,760,634
42	Trans Nzoia	571,686,484	207,126,690	-	-	-	12,139,400	11,000,000	14,675,225	-	-200,000,000	-	-	444,941,315
43	Turkana	786,247,615	124,429,694	-	-	-	22,211,100	11,000,000	24,393,829	438,000,000	101,918,500	-	-	721,953,123
44	Uasin Gishu	608,853,967	-	84,379,280	-	-	13,340,000	11,000,000	14,385,267	-	-200,000,000	-	-	323,104,547
45	Vihiga	417,314,928	67,413,552	-	-	-	9,804,900	11,000,000	13,982,977	-	-	-	-	102,201,429
46	Wajir	1,160,065,1	-	78,101,121	15,626,168	550,000,000	18,009,000	11,000,000	22,904,132	-	-89,529,250	230,000,000	-	1,015,169,6

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		81				0						0		71
47	West Pokot	559,953,126	-	114,909,620	-	-	10,538,600	11,000,000	18,793,436	-	70,759,700	-	-	226,001,356
	Total	32,343,890,515	3,563,132,210	1,999,970,000	119,997,019	5,900,000,000	667,000,000	517,000,000	775,134,775	825,000,000	1,199,810,000	2,700,000,000	5,433,000,000	23,700,044,004

(Question of the amendment proposed)

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.

Clause 2, the Title and Clause 1

*(Question, that Clause 2, the Title and
Clause 1 be part of the Bill, proposed)*

The Chairperson (Sen. (Prof.) Kamar): Division will be at the end.
Sen. Farhiya, please come forward.

THE CHILDREN BILL (NATIONAL ASSEMBLY BILLS NO. 38 OF 2021)

Clauses 3 -10

*(Question that Clauses 3, 4, 5, 6, 7, 8, 9 and 10 be part
of the Bill proposed)*

The Chairperson (Sen. (Prof.) Kamar): Next

Clauses 11 - 16

*(Question that Clauses 11, 12, 13, 14, 15 and 16 be
part of the Bill proposed)*

New Clause 8A

The Chairperson (Sen. (Prof.) Kamar): Chairman of the Committee please proceed in reference to New Clause 8(a)

Sen. Wambua: Madam Chairperson, I propose that the amendment be withdrawn.

(Amendment withdrawn)

Clause 2

The Chairperson (Sen. (Prof.) Kamar): Mover, please proceed.

Sen. Wambua: Madam Chairperson, I propose that the amendments be dropped.

(Amendment withdrawn)

The Title and Clause 1

(Question that the Title and Clause 1 be part of the Bill proposed)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, the next Bill is the Community Groups Registration Bill (National Assembly Bills No.20 of 2021).

Hon. Members we are now ready for Divisions. Can we Whips continue to whip Members to prepare to vote.

The Senate Majority Leader, please approach the Chair.

(Consultations)

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

The Senate Majority Leader (Sen. Pogishio): Hon. Chairperson, pursuant to Standing Order No.148(1), I beg to move that the Committee of the Whole do report progress on its consideration of the Landlord and Tenant Bill (National Assembly Bills No. 3 of 2021) and seek leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

The Chairperson (Sen. (Prof.) Kamar): Hon. Senators, I hope you are ready. We will have the Division Bell rung for five minutes then have Divisions for the following. If you look at the Order Paper, you will understand where we are. We will have Divisions for Order Nos. 22, 23, 25, 26, 27, 28 and 30.

(The Division Bell was rung)

The Chairperson (Sen. Prof) Kamar): Whips, are you okay or you want the Bell to be rung for another three minutes?

(Sen. Mutula Kilonzo Jnr spoke off-record)

The Whip has asked for another three minutes.
Please take your seat. It will be fast.

(The Division Bell was rung)

Hon. Senators, we still need five minutes as we look for the Members who are online. There are eight Senators online. Log in if you are online. We must finish this in the next 10 minutes.

(The Division Bell was rung)

Hon. Senators, we will now start the vote. The Tellers are Sen. Kwamboka and Sen. Farhiya.

We are going to vote starting with The Irrigation (Amendment) Bill (National Assembly Bills No.12 of 2021).

Hon. Members, I am going to put the question then we vote.

We will do Roll Call voting.

(The Senators proceeded to vote by Roll Call)

Can the audio team check the system? Members are saying that they cannot hear us.

(Roll Call voting in progress)

The Chairperson (Sen. (Prof.) Kamar): We shall repeat for Members who were not online. For clarification purposes, the first two questions were withdrawn when the amendments were withdrawn. Therefore, the question was for all the Clauses as read out.

(The Senators proceed to vote by Roll Call)

Thank you, Hon. Senators, please, do not move. We are doing the mathematics now. Do not go far because we still have a number of votes to go through.

Hon. Senators, I would like Sen. Shiyonga and Sen. (Dr.) Milgo to come and take the next vote as Tellers, while the others do the vote counting then we proceed. We need two sets of Tellers now.

The next one is The Community Groups Registration Bill (National Assembly Bills No.20 of 2021).

The Tellers are Sen. Shiyonga and Sen. (Dr.) Milgo. We are voting for all clauses. It is, therefore, one vote for all the clauses.

I will now put the Question; that Clauses 3-4, First and Second Schedules, Clause 2, the Title and Clause 1 be part of the Bill.

(The Senators proceeded to vote by Roll Call)

(Roll Call voting in progress)

The Chairperson (Sen. (Prof.) Kamar): Hon. Senators, if you are online, please, hold on because we are going to vote for four Bills at the same time. I am going to read them.

Hon. Senators, please, pay attention because we are going to vote for four Bills. The first one is The Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bills No.32 of 2022).

I now put the question, which is, That Clauses 3-39, Clause 2, the Title and Clause 1 be part of the Bill.

The second one is The Sacco Societies (Amendment) Bill (National Assembly Bills No.55 of 2021).

I put the question, which is, That Clause 2, Clause 3, Clause 4, Clause 5, Clause 6, Clause 7, Clause 8, Clause 9, the Title and Clause 1 be part of the Bill.

The third one you will vote on is on The Sustainable Waste Management Bill (National Assembly Bills No.22 of 2021).

I put the question, which is, That Clauses 3-35, the First and the Second Schedules, Clause 2, the Title and Clause 1 be part of the Bill.

The fourth Bill is The Children Bill (National Assembly Bills No.38 of 2021). We shall vote for all the Clauses.

I put the question, which is, That Clauses 3-250, the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Schedules, Clause 2, the Title and Clause 1 be part of the Bill.

Now, we will go for Roll Call voting. Hon. Senators, you are voting on four Bills. Therefore, you will respond with 'I vote for all the four.'

Please, begin.

(The Senators proceeded to vote by Roll Call)

(Roll Call voting in progress)

The Chairperson (Sen. (Prof.) Kamar): Okay. Can we have the last vote? It is on The County Governments Additional Allocation Bill (Senate Bills No.2 of 2022).

Hon. Senators, this is the last one in the Committee Stage. We are going to vote on two questions.

The first question is That Clauses 4, 5, 6, First Schedule and Second Schedule be amended as proposed.

The second vote is on all the Clauses.

I put the Question; That that Clauses 3, 4 (as amended), Clause 5 (as amended), Clause 6 (as amended), Clauses 7, 8, New Clause 5(A), First Schedule (as amended), Second Schedule (as amended), Clause 2, The Title and Clause 1 be part of the Bill

(The Senators proceeded to vote by Roll Call)

(Loud consultations)

Hon. Senators, remember after the Committee of the Whole, The House will resume and we will need only one vote for the Third Reading.

(Roll Call voting in progress)

The Chairperson (Sen. (Prof.) Kamar): Hon. Senators, I want to announce the results. We will have one last vote for the Third Reading.

THE IRRIGATION (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO. 12 OF 2021)

DIVISION

ROLL CALL VOTING

(Question, that New Clause 8A be read a Second time put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Halake, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Maina, Nyeri County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Onger, Kisii County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; and, Sen. Wako, Busia County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Deputy Speaker (Sen. (Prof.) Kamar): These are the results-

AYES:26

NOES:0

ABSENTIONS:0

The "Ayes" have it.

(Question carried by 26 votes to Nil)

DIVISION

ROLL CALL VOTING

(Question, that Clause 2 be amended as proposed put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Halake, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Maina,

Nyeri County; Sen. Malala, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Onger, Kisii County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; and, Sen. Wako, Busia County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Deputy Speaker (Sen. (Prof.) Kamar): These are the results-

AYES:26

NOES:0

ABSECTIONS:0

The “Ayes” have it.

(Question carried by 26 votes to Nil)

DIVISION

ROLL CALL VOTING

(Question, that Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, New Clause 8A, Clause 2 (as amended), the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegation)

AYES: Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Halake, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Linturi, Meru County; Sen. M. Kajwang’, Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Maina, Nyeri County; Sen. Malala, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Onger, Kisii County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; and, Sen. Wako, Busia County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Deputy Speaker (Sen. (Prof.) Kamar): These are the results-

AYES:26

NOES:0

ABSECTIONS:0

The “Ayes” have it.

(Question carried by 26 votes to Nil)

THE COMMUNITY GROUPS REGISTRATION BILL
(NATIONAL ASSEMBLY BILLS NO. 20 OF 2021)

DIVISION

ROLL CALL VOTING

(Question, that Clause 3-40, First and Second Schedule, Clause 2, The Tittle and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegation)

AYES: Abdul Haji, Garissa County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Dullo, Isiolo County; Sen. Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Ndwiga, Embu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisumu County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Seneta, Kajiado County; Sen. Sakaja, Nairobi City County; and; Sen. Wako, Busia County.

Teller of the Ayes: Sen. Milgo

NOES: Nil

Teller of the Noes: Sen. Shiyonga

The Deputy Speaker (Sen. (Prof.) Kamar): These are the results-

AYES:24

NOES:0

ABSENTIONS:0

The "Ayes" have it.

(Question carried by 24 votes to Nil)

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

(Question, that Clause 3-39, Clause 2, The Tittle and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegation)

AYES: Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. M. Kajwang', Homa

Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndwiga, Embu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghisio, West Pokot County; Sen. Seneta, Kajiado County; and, Sen. Wako, Busia County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Deputy Speaker (Sen. (Prof.) Kamar): These are the results-

AYES: 25

NOES: 0

ABSENTIONS: 0

The “Ayes” have it.

(Question carried by 25 votes to Nil)

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

DIVISION

ROLL CALL VOTING

(Question, that Clause 2, Clause 3, Clause 4, Clause 5, Clause 6, Clause 7, Clause 8, Clause 9, The Tittle and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegation)

AYES: Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndwiga, Embu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghisio, West Pokot County; Sen. Seneta, Kajiado County; and; Sen. Wako, Busia County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Chairperson (Sen. (Prof.) Kamar: These are the results-

AYES: 25

NOES: 0

ABSENTIONS: 0

The “Ayes” have it.

(Question carried by 25 votes to Nil)

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

DIVISION

ROLL CALL VOTING

(Question, that Clauses 3 - 35, First and Second Schedule, Clause 2, The Tittle and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegation)

AYES: Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndwiga, Embu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghisio, West Pokot County; Sen. Seneta, Kajiado County; and; Sen. Wako, Busia County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Chairperson (Sen. (Prof.) Kamar): These are the results-

AYES: 25

NOES: 0

ABSENTIONS: 0

The “Ayes” have it.

(Question carried by 25 votes to Nil)

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATION BILL
(SENATE BILLS NO.2 OF 2022)

DIVISION

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ROLL CALL VOTING

(Question, that Clauses 4, 5, 6, First Schedule, Second Schedule, be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr, Makueni County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Seneta, Kajiado County; Sen. Ndwiga, Embu County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghiso, West Pokot County; and, Sen. Wako, Busia County

Teller of the Ayes: Sen. Farhiya.

NOES: Nil

Teller of the Noes: Sen. Kwamboka.

The Chairperson (Sen. (Prof.) Kamar): Hon. Senators, the results of the Division are as follows:

AYES: 25

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 25 votes to Nil)

DIVISION

ROLL CALL VOTING

(Question, that Clause 3, Clause 4 (as amended), Clause 5 (as amended), Clause 6 (as amended), Clause 7, Clause 8, New Clause 5A, First Schedule (as amended), Second Schedule (as amended), Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr, Makueni County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Seneta, Kajiado

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County; Sen. Ndwiga, Embu County; Sen. (Prof.) Onger, Kisii County; Sen. Orengo, Siaya County; Sen. Poghisio, West Pokot County; and, Sen. Wako, Busia County.

Teller of the Ayes: Sen. Farhiya.

NOES: Nil

Teller of the Noes: Sen. Kwamboka.

The Chairperson (Sen. (Prof.) Kamar): Hon. Senators, the results of the Division are as follows;

AYES: 25

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 25 votes to Nil)

THE CHILDREN BILL (NATIONAL ASSEMBLY
BILLS NO.38 OF 2021)

DIVISION

ROLL CALL VOTING

*(Question, that Clauses 3 – 250, Schedules 1 – 8, Clause 2, Title and Clause 1
be part of the Bill, put and the Senate proceeded to
vote by county Delegations)*

AYES: Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jr, Makueni County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Seneta, Kajiado County; Sen. Ndwiga, Embu County; Sen. (Prof.) Onger, Kisii County; Sen. Orengo, Siaya County; Sen. Poghisio, West Pokot County; and, Sen. Wako, Busia County.

Teller of the Ayes: Sen. Farhiya.

NOES: Nil

Teller of the Noes: Sen. Kwamboka.

The Chairperson (Sen. (Prof.) Kamar): Hon. Senators, the results of the Division are as follows;

AYES: 25

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 25 votes to Nil)

Hon. Senators, we have finished all the seven Bills. We are now going to report progress.

I call upon the Senate Majority Leader.

THE IRRIGATION (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILLS NO. 12 OF 2021).

The Senate Majority Leader (Sen. Poghiso): Madam Chairperson, I beg to move-

-
THAT the Committee do report to the Senate its consideration of The Irrigation (Amendment) Bill (National Assembly Bills No. 12 of 2021) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Chairperson (Sen. (Prof). Kamar): The next one is The Community Groups Registration Bill (National Assembly Bills No.20 of 2021).

THE COMMUNITY GROUPS REGISTRATION BILL
(NATIONAL ASSEMBLY BILLS NO. 20 OF 2021)

The Senate Majority Leader (Sen. Poghiso): Madam Chairperson, I beg to move:

-
THAT the Committee do report to the Senate its consideration of The Community Groups Registration Bill (National Assembly Bills No. 20 of 2021) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

The Chairperson (Sen. (Prof). Kamar): Hon. Senators, we will now go to The Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bills No. 32 of 2021).

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

The Senate Majority Leader (Sen. Poghiso): Madam Chairperson, I beg to move that the Committee do report to the Senate its consideration of The Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bills No.32 of 2021) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

The Chairperson (Sen. (Prof.) Kamar): Hon. Senators, the next one is The Sacco Societies (Amendment) Bill (National Assembly Bills No. 55 of 2021).

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

The Senate Majority Leader (Sen. Poghio): Madam Chairperson, I beg to move that the Committee do report to the Senate its consideration of The Sacco Societies (Amendment) Bill (National Assembly Bills No.55 of 2021) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

The Chairperson (Sen. Prof.) Kamar): Hon. Senators, the next one is The Sustainable Waste Management Bill (National Assembly Bills No.22 of 2021).

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

The Senate Leader of Majority (Sen. Poghio): Madam Chairperson, I beg to Move that the Committee do report to the Senate its consideration of The Sustainable Waste Management Bill (National Assembly Bills No.22 of 2021) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

The Chairperson (Sen. Prof.) Kamar): The next one is The County Governments Additional Allocation Bill (Senate Bills No. 2 of 2022)

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATION BILL
(SENATE BILLS NO. 2 OF 2022)

The Senate Leader of Majority (Sen. Poghio): Madam Chairperson, I beg to Move that the Committee do report progress to the Senate on its consideration of The County Governments Additional Allocation Bill (Senate Bills No. 2 of 2022) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Chairperson (Sen. Prof.) Kamar): The last one is on The Children Bill (National Assembly Bill No.38 of 2021).

THE CHILDREN BILL (NATIONAL ASSEMBLY
BILLS NO. 38 OF 2021)

The Senate Leader of Majority (Sen. Poghio): Madam Chairperson, I beg to Move that the Committee do report progress to the Senate on its consideration of The Children Bill (National Assembly Bill No. 38 of 2021) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Speaker (Hon. Lusaka) in the Chair]

REPORTS AND CONSIDERATION OF REPORTS

THE IRRIGATION (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO. 12 OF 2021)

The Speaker (Hon. Lusaka): Order, Senators. Let me call the Chairperson of the Committee to report.

The Chairperson (Sen. (Prof.) Kamar): Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered The Irrigation (Amendment) Bill (National Assembly Bills No. 12 of 2021) its approval thereof with amendments.

The Speaker (Hon. Lusaka): May I call the Mover to move.

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, I beg to move that the House do agree with the Committee on the said report, and ask Sen. Omogeni to second.

Sen. Omogeni: Mr. Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Speaker (Hon. Lusaka): Mover, you may proceed.

The Senate Majority Leader (Sen. Poghisio): Mr. Speaker, Sir, I beg to move that The Irrigation (Amendment) Bill (National Assembly Bills No.12 of 2021 be now read a Third Time.

I ask Senator Omogeni to second.

Sen. Omogeni: Mr. Speaker, Sir, I second.

(Question proposed)

The Speaker (Hon. Lusaka): I defer the putting of the question.
Next Bill.

THE COMMUNITY GROUPS REGISTRATION BILL
(NATIONAL ASSEMBLY BILLS NO. 20 OF 2021)

The Chairperson (Sen. (Prof.) Kamar): Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered The Community Groups Registration Bill (National Assembly Bills No.20 of 2021) and its approval thereof without amendments.

The Speaker (Hon. Lusaka): Mover, you may proceed.

The Senate Majority Leader (Sen. Poghisio): Mr. Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

I ask Sen. Omogeni to second.

Sen. Omogeni: Mr. Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Speaker (Hon. Lusaka): Mover, you may proceed

The Senate Majority Leader (Sen. Poghisio): Mr. Speaker, Sir, I beg to move that The Community Groups Registration Bill (National Assembly Bills No.20 of 2021) be now read a Third Time, and ask Senator Omogeni to second.

Sen. Omogeni: Mr. Speaker, Sir, I second.

(Question proposed)

The Speaker (Hon. Lusaka): I defer the putting of the question.
Next Bill.

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

Sen. (Prof.) Kamar: Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered The Landlord and Tenant Bill (National Assembly Bills No.3 of 2021) and seeks leave to sit again tomorrow.

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

I request Sen. Kwamboka to second.

Sen. Kwamboka: Mr. Speaker, Sir, I second.

(Question proposed)

(Question put and agreed)

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

Sen. (Prof.) Kamar: Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered The Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bills No.32 of 2021) and its approval thereof without amendments.

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

I ask Sen. Kwamboka to second.

Sen. Kwamboka: Mr. Speaker, Sir, I second.

(Question proposed)

(Question put and agreed)

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, I beg to move that The Public Procurement and Assets Disposal (Amendment) Bill (National Assembly Bills No.32 of 2021) be now read a Third Time. I request Sen. Kwamboka to second.

Sen. Kwamboka: Mr. Speaker, Sir, I second.

(Question proposed)

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

Sen. (Prof.) Kamar: Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered The Sacco Societies (Amendment) Bill (National Assembly Bills No.55 of 2021) and its approval thereof without amendments.

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

I ask Sen. Kwamboka to second.

Sen. Kwamboka: Mr. Speaker, Sir, I second.

(Question proposed)

(Question put and agreed)

The Senate Majority Leader (Sen. Poghishio): Mr. Speaker, Sir, I beg to move that The Sacco Societies (Amendment) Bill (National Assembly Bills No.55 of 2021) be now read a Third Time.

I request Sen. Kwamboka to second.

Sen. Kwamboka: Mr. Speaker, Sir, I second.

(Question proposed)

The Speaker (Hon. Lusaka): I defer division to a later time.

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

Sen. (Prof.) Kamar: Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered the sustainable Waste Management Bill National Assembly Bills No.22 of 2021 and its approval thereof without amendments.

The Speaker (Hon. Lusaka): Mover.

The Senate Majority Leader (Sen. Pogishio): Mr. Speaker, Sir, I beg to move that the House do agree with the Committee on the said Report, and ask Sen. (Prof.) Ongeru to second.

Sen. (Prof.) Ongeru: Mr. Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Senate Majority Leader (Sen. Pogishio): Mr. Speaker Sir, I beg to move that The Sustainable Waste management Bill, (National Assembly Bills No. 22 of 2021) be now read a Third Time.

I request Sen. (Prof.) Ongeru to second.

Sen. (Prof.) Ongeru: I second.

The Speaker (Hon. Lusaka): I thought this was the Sacco Societies (Amendment) Bill?

The Senate Majority Leader (Sen. Pogishio): We are done with The Sacco Societies (Amendment) Bill.

(The Clerk-at-the Table consulted the Speaker)

(Question proposed)

I defer Division to another time.

The next Bill is The County Government Additional Allocation Bill.

THE COUNTY GOVERNMENT ADDITIONAL ALLOCATIONS BILL
(SENATE BILLS No.2 OF 2022)

Sen. (Prof.) Kamar: Mr. Speaker, Sir, I beg to report that The Committee of the Whole has considered The County Government Additional Allocations Bill (Senate Bills No.2 of 2022) and its approval thereof with amendments.

The Speaker (Hon. Lusaka): Mover

The Senate Majority Leader (Sen. Pogishio): Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said Report, and ask Sen. (Prof.) Ongeru to second.

Sen. (Prof.) Ongeru: Mr. Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Speaker (Hon. Lusaka): Mover.

The Senate Majority Leader (Sen. Pogishio): Mr. Speaker, Sir, I beg to move that The County Government Additional Allocation Bills Senate Bills No.2 of 2022 be now read a Third Time.

I ask Sen. (Prof.) Ongeru to second.

Sen. (Prof.) Ongeru: Mr. Speaker, Sir, I second.

(Question proposed)

I defer Division to another time.

The Speaker (Hon. Lusaka): The Next Bill is The Sugar Bill (National Assembly Bills No.68 of 2019).

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

Sen. (Prof.) Kamar: Mr. Speaker, Sir, I beg to report progress that the Committee of the Whole has considered The Sugar Bill (National Assembly Bills No.68 of 2019) and seeks leave to sit again tomorrow.

The Speaker (Hon. Lusaka): Mover.

The Senate Majority Leader (Sen. Pogishio): Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said report, and ask Sen. Faki to second.

Sen. Faki: Mr. Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

THE CHILDREN BILL (NATIONAL ASSEMBLY
BILL NO. 38 OF 2021)

Sen. (Prof.) Kamar: Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered The Children Bill (National Assembly Bills No.38 of 2021) and its approval thereof without amendments.

The Speaker (Hon. Lusaka): Mover.

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, I beg to move that the House do agree with the Committee on said report, and ask the Senate Minority Leader to second.

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, tiredly, I second.

(Question proposed)

(Question put and agreed to)

The Speaker (Hon. Lusaka): Mover.

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, I beg to move that The Children Bill (National Assembly Bills No.38 of 2021) be now read a Third Time. I ask the Senate Minority Leader to second.

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, I second.

(Question proposed)

The Speaker (Hon. Lusaka): Division will be at the end.

We are doing the Division on seven Bills. The Question has already been put. Therefore, let the Bell be rung for three minutes.

(The Division Bell was rung)

The Speaker (Hon. Lusaka): Let us have the Tellers come forward. Okay, let us now proceed to voting.

(Hon. Senators proceeded to vote by Roll Call)

Hon. Senators, take your seats.

The results of the divisions are as follows-

THIRD READINGS

THE IRRIGATION (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO. 12 OF 2021)

DIVISION

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ROLL CALL VOTING

(Question, that The Irrigation (Amendment) Bill (National Assembly Bills No.12 of 2021) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake; Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kajwang' M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Ngugi

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Hon. Senators, the results of the Division are as follows-

AYES: 24

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 24 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

THE COMMUNITY GROUPS REGISTRATION BILL
(NATIONAL ASSEMBLY BILLS No.20 OF 2021)

DIVISION

ROLL CALL VOTING

(Question, that The Community Groups Registration Bill (National Assembly Bills No.20 of 2021) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake; Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kajwang' M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos

County; Sen. Kibiru, Kirinyaga County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Ngugi

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Hon. Senators, the results of the Division are as follows-

AYES: 24

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 24 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

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

DIVISION

ROLL CALL VOTING

(Question, that The Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bills No.32 of 2021) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake; Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kajwang’ M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Ngugi

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Hon. Senators, the results of the Division are as follows-

AYES: 24

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 24 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

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

DIVISION

ROLL CALL VOTING

(Question, that The Sacco Societies (Amendment) Bill (National Assembly Bills No.55 of 2021) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake; Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kajwang’ M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Ngugi

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Hon. Senators, the results of the Division are as follows-

AYES: 24

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 24 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

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

DIVISION

ROLL CALL VOTING

(Question, that The Sustainable Waste Management Bill (National Assembly Bills No.32 of 2021) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake; Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kajwang' M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orendo, Siaya County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Ngugi

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Hon. Senators, the results of the Division are as follows-

AYES: 24

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 24 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATION
BILL (SENATE BILLS NO.2 OF 2022)

DIVISION

ROLL CALL VOTING

*(Question, that The County Governments Additional Allocation Bill
(Senate Bills No.2 of 2022) be now read a Third Time, put and
the Senate proceeded to vote by County Delegations)*

AYES: Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake; Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kajwang' M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orendo, Siaya County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Ngugi

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Hon. Senators, the results of the Division are as follows-

AYES: 24

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 24 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

THE CHILDREN BILL (NATIONAL
ASSEMBLY BILL No.38 OF 2021)

DIVISION

ROLL CALL VOTING

*(Question, that The Children Bill (National Assembly Bills
No.38 of 2021) be now read a Third Time, put and the
Senate proceeded to vote by County Delegations)*

AYES: Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake; Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kajwang' M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County;

Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Ngugi

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Hon. Senators, the results of the Division are as follows-

AYES: 24

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 24 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

The Speaker (Hon. Lusaka): Hon. Senators, I now defer all the other Orders, which have not been discussed.

What is it, Sen. Orengo?

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, there is a Motion that is coming, but the Motion I want to move will have an effect on the Motion for Adjournment of the Senate *sine die*.

MOTION

ALTERATION OF THE SENATE CALENDAR FOR THE SIXTH SESSION

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, I beg to move the following Motion-

THAT notwithstanding the resolution of the Senate made on 9th February, 2022 regarding the approval of the Calendar of the Senate for the Sixth Session, and Pursuant to Standing Order No.29(4), the Senate resolves-

(i) to alter its Calendar and defer the *sine die* adjournment schedule for today, Thursday, 16th June, 2022;

(ii) hold a sitting on Tuesday, 21st June, 2022 at 10.00 a.m. to transact business that shall be scheduled by the Senate Business Committee (SBC).

Mr. Speaker, Sir, I am moving this Motion because the last day of the Senate is very important. It would not be in the interest of the country to discuss such an important Motion for adjourning *sine die* because probably we will never be heard again until the election of the next Parliament, in which case, those who will be fortunate to be in this Senate, may have an opportunity to address the Senate.

It is wrong for a *sine die* Motion to be treated as a procedural Motion. I want us to borrow from what happened in the other House when they were adjourning *Sine Die*. Very important speeches were made.

Mr. Speaker, Sir, you made a very wonderful statement today, which had to do with the reasons we are adjourning *sine die*. I am talking of the achievements of the Senate and the business we have transacted in the last five years. It would be unfair to have one hour, all of us, to discuss this very important Motion.

On this day, I want to be understood by the people of this country. I need to do a summary of the five years that I have been here.

Mr. Speaker, Sir, thanks to you, Sen. Olekina, had the opportunity to address the House briefly. I propose that we alter the Calendar of the House and meet on Tuesday, 21st June, 2022, so that we have an opportunity to discuss the Motion for the adjournment of Parliament *sine die*.

Originally, the typed copy of my Motion reads 2.30 p.m., but under Standing Order No.1, I seek your indulgence that we should meet at 10.00 a.m. and at 2.30 p.m., so that each Member is not given three minutes. Each Member is entitled to about five minutes. There are a lot of things that are happening in this country that are bedeviling the nation.

I do not want to go home to Siaya County without talking about some of those problems and anticipating what we can do as a Senate, which is, adjourning because we have not dissolved. We can be recalled at any time if there is business.

However, without taking too much time on this, I believe this move is justified. I ask Members to support me and we adjourn until Tuesday.

The other thing that it will prove is somehow people believe that we are going on adjournment because we have been told to go. Who is telling us that we should go? We can meet next week or during the elections. The fact that Parliament is on until a new one is elected and sworn in is to enable it to work throughout. The Executive and Judiciary is working throughout. Why should Parliament adjourn *sine die*?

As the elected leaders and representatives, if there is an emergency or something that we need to talk about, we have to have special procedure to come back. I understand why we should adjourn *sine die*, but we should take it out of the notion. This is because people fought to have these provisions in the Constitution; that this Parliament is on until a new one is elected.

In the United States of America (USA), sometimes they meet beyond the elections. I hope that we do not have the notion that some other power is deciding when we come or go. This is a matter within our own authority and jurisdiction. We will tell the nation that we do not have to go home, but only when we elect to do so as representatives of the people.

I beg to move and ask the Senate Majority Leader to second.

The Senate Majority Leader (Sen. Poghisio): Mr. Speaker, Sir, I beg to second. I do not need to add to what the Senate Minority Leader, has alluded to. If I were able to reward this House, I would, because for the last two days it has worked so hard. There is a very clear indication that they are willing to work even more, except that this cannot be the day they conclude this business.

When we move the Motion for adjourning the House *sine die*, it should allow all Members to speak clearly to the nation and their own constituencies, so that they can be

heard clearly. It is a moment when we should have people express what Sen. Olekina expressed today, including as he did expressing the people whom he thinks have tortured him in this House and those who give him confidence.

Mr. Speaker, Sir, using your own powers, you can make it happen.

I second.

The Speaker (Hon. Lusaka): Before I propose, the Senate Minority Leader has raised very fundamental issues; things that have affected us and we have observed as Members of this Senate.

I remember, and I wish this to be on record, that when Third President, the late His Excellency Mwai Kibaki, was brought here to lie in State for three days, we took care of the body. However, no Member of the Senate, National Assembly or Speakers were given the opportunity to say anything during the funeral.

That was sad, for a President who had been a Member in this House for over 50 years. The Senate needs to find its space. It is important that we assert ourselves as a Senate, even as we go, that such mistakes should never be repeated in this country because these are institutions.

(Applause)

Institutions should not be looked at through the lenses of those who are there at that particular time. I thought that was sad because we should have been given an opportunity to mourn and even talk about the Third President, who had been in this House for over 50 years.

Therefore, it is very important that we have time for Senators to talk and agree on the timings that we have put. It will be the most unfortunate thing in this country for Senators like Sen. Orengo, who have been in Parliament for over 50 years to just disappear quietly. That cannot happen.

We have People like Sen. Wako, the longest serving Attorney-General in the Republic of Kenya. Nobody is going to break his record. We also have Sen. (Prof.) Ongeru and “scoop” who is trying to make a point.

We have many other Seniors, such as Sen. Madzayo the Judge, who has also been the Chairperson of the Agricultural Society of Kenya (ASK) show in the Republic of Kenya. To just disappear like that is not acceptable.

(Question proposed)

(Question put and agreed to)

The Speaker (Hon. Lusaka): Hon. Senators, the cocktail is there; that cannot be deferred. We shall hold another one on Tuesday.

ADJOURNMENT

The Speaker (Hon. Lusaka): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until Tuesday, 21st June, 2022, at 10.00 a.m.

The Senate rose at 9.45 p.m.