



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SIXTH SESSION)

VOTES AND PROCEEDINGS

WEDNESDAY, JUNE 15, 2022 AT 2.30 P.M.

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Deputy Speaker.
3. **COMMUNICATION FROM THE CHAIR ON THE BUSINESS OF THE SENATE**

The Temporary Speaker (Sen. Rose Nyamunga, MP) issued the following communication from the Chair.

“Honourable Senators,

As you are aware the Senate is scheduled to proceed on a *Sine Die* Adjournment tomorrow, Thursday 16th June, 2022, pursuant to the Calendar of the Senate that was approved on 9th February, 2022.

Looking at the Order Paper this afternoon, we still have a lot of critical legislative business pending at Division. Key amongst this business are-

- i. the County Governments Additional Allocation Bill (Senate Bills No. 2 of 2022);
- ii. the County Governments Additional Allocation Cash Disbursement Schedule for Financial Year 2021/2022;
- iii. the County Governments Cash Disbursement Schedule for Financial Year 2022/2023;
- iv. County Governments Additional Allocation Cash Disbursement Schedule for Financial Year 2022/2023; and
- v. Approval of the revised debt ceiling for the national government

Failure by this August House to pass these pieces of legislative business will be a failure on our part to discharge our constitutional mandate and will cripple execution of the functions of county governments.

Honorable Senators,

I therefore urge each one of you to take it upon themselves to attend the Plenary Sitting tomorrow, Thursday, 16th June, 2022, to enable us to expedite the said

legislative business amongst others. At the Sitting tomorrow, we will also have an opportunity to reflect on our journey in the 12th Parliament and to bid each other farewell.

The House therefore stands guided.

I thank you.”

4. **PETITION**

The Deputy Speaker presented a Petition to the Senate by residents of Uasin Gishu County, concerning leadership wrangles and mismanagement in the department of Health in the County.

Pursuant to Standing Order 231, the Deputy Speaker allowed comments, observations or clarifications in relation to the Petition and subsequently committed it to the Standing Committee on Health, pursuant to Standing Order 232(1).

5. **PAPERS**

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

- i.) The Fourth Report of the Procedure and Rules Committee on the Review of the Standing Orders of the Senate.

(Sen. Farhiya Ali, MP, a Member of the Procedure and Rules Committee, on behalf of the Vice - Chairperson, Procedure and Rules Committee)

- ii.) The National Treasury and Planning report on the status of the Kenyan Economy (June, 2022).
- iii.) National Government Budget Implementation Review Report for the first nine months of FY 2021/2022, by the Office of the Controller of Budget.
- iv.) The Crops (Miraa) Regulations 2022, Legal Notice No. 101 of 9th June, 2022.
- v.) The Crops (Coffee) Regulations 2022, Legal Notice No. 102 of 9th June, 2022.
- vi.) The County Government (Equitable Share) Cash Disbursement Schedule for Financial year 2022/2023.

(The Deputy Senate Majority Whip)

6. **NOTICE OF MOTION - ADOPTION OF THE FOURTH REPORT OF THE PROCEDURE AND RULES COMMITTEE ON THE REVIEW OF THE STANDING ORDERS OF THE SENATE**

(The Vice-Chairperson, Procedure and Rules Committee)

THAT, pursuant to Standing Orders 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 Tuesday, 14th June, 2022, and pursuant to the provisions of Article 124 (1) of the Constitution and Standing Orders 255 and 257-

- 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.

7. **NOTICE OF MOTION - ADOPTION OF REPORTS OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON CONSIDERATION OF REPORTS BY THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF VARIOUS COUNTY EXECUTIVES AND COUNTY ASSEMBLIES FOR FINANCIAL YEARS 2018/2019 AND 2019/2020**

(Chairperson, Sessional Committee on County Public Accounts and Investments)

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.

8. STATEMENTS**a) Pursuant to Standing Order 47(1)**

- i. The Senator for Narok County (Sen. Ledama Olekina, MP) made a statement concerning alleged mismanagement of the petroleum sector by officials in the Ministry of Petroleum and Mining.

Thereupon, the Senator informed the House that on 14th June 2022, the energy and Petroleum Regulatory Authority (EPRA) increased the price of fuel across the country. In the latest adjustment of fuel prices, a litre of petrol retails at Ksh. 160 in Nairobi while diesel and kerosene retails at Ksh. 140 and Ksh. 127 respectively. The Senator observed that the new prices were the highest that Kenyans had to pay for fuel and the consequence of which would be skyrocketing cost of living.

The Senator highlighted that the Ministry of Petroleum and Mining had a role to play in addressing the rising fuel prices and the Ministry ought to explain to Kenyans the additional measures put in place to lower and stabilize fuel prices. The Senator blamed the Ministry for doing nothing significant to address the crisis, noting that the Principal Secretary in the ministry was on record indicating that while there was oil in Turkana, we cannot refine it because the quantities do not allow.

The Senator observed that National Oil Corporation, a government agency, had been deliberately sabotaged and inefficient so that private oil marketers could profit. The Senator argued that were National Oil Corporation involved in the importation of oil, the price of fuel would be Ksh 30 – 40 less as a result of contracts that would facilitate long term supply at discounted rates as a matter of national interest and maintaining strategic reserves. The Senator blamed the PS for standing in the way of National Oil, preventing it for engaging with strategic investors who are willing to give National Oil a life line.

The Senator called for an urgent need to address the fuel crisis in the country lest the cost of living would be unbearable for many Kenyans.

Following comments by Senators, the Deputy Speaker committed the Statement to the Standing Committee on Energy pursuant to Standing Order 47 (3).

- ii. Nominated Senator (Sen. (Dr.) Gertrude Musuruve, MP) made a statement concerning the International Albinism Awareness Day.

Thereupon, the Senator informed the House that every year on June 13th, the International Albinism Awareness Day (IAAD) was observed to celebrate the rights of people with albinism and raise awareness on their

health condition. She informed the Senate that albinism happens due to lack of pigmentation (melanin) in the hair, skin and eyes which makes a person susceptible to sunlight and bright lights.

The Senator observed that there were reports of violent attacks and murders of people with albinism in many countries. The attacks were fueled by the false belief that people with albinism possessed magical powers. She noted that in 2015, 70 people were killed and many more were harmed due to lack of information on the condition. She lauded the efforts by governmental and non – governmental organizations in addressing the threat.

The Senator commended persons with albinism who had defied all odds and proved to the world that they were able to live a life that is productive despite their disadvantage. The Senator celebrated notable Kenyans like Mr. Alex Munyere, one of the founders of the Albinism Society of Kenya for spearheading the fight for people with albinism, Sen. (Dr.) Isaac Mwaura, MP., Justice Grace Mumbi Ngugi, a judge of the High Court of Kenya, who defied the odds and rose up the academic ladder, and who is also a co-founder of the Albinism Foundation of East Africa.

b) Pursuant to Standing Order 48(1)

- i. The Nominated Senator (Sen. Iman Falhada Dekow, MP) sought a Statement from the Standing Committee on Health on the state of healthcare Services at the Garissa County Referral Hospital.
- ii. The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Finance and Budget regarding the state of governance and management matters at the Kisii County Government.
- iii. The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Devolution and Inter-governmental Relations regarding the conferment of municipality status upon Ogembo urban area by the Kisii County Government, Contrary to the Urban Areas and Cities Act.

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

(The Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 8th June, 2022)

(Division)

Order deferred.

10. **MOTION - ADOPTION OF 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**

(Chairperson, Standing Committee on Finance and Budget)

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.

(Resumption of debate interrupted on Tuesday, 14th June, 2022)

(Division)

Order deferred.

11. **MOTION - APPROVAL OF THE REVISED DEBT CEILING FOR THE NATIONAL GOVERNMENT**

(Chairperson, Sessional Committee on Delegated Legislation)

THAT, the Senate adopts the Report of the Sessional Committee on Delegated Legislation on the consideration of the Public Finance Management (National Government) (Amendment) Regulations, Legal Notice No. 89 of 2022, laid on the Table of the Senate on Tuesday, 14th June, 2022, and that pursuant to the provisions of section 50(2) of the Public Finance Management Act, the Senate **approves** the amendments to the Public Finance Management (National Government) Regulations, 2015 (Principal Regulations), as effected through Legal Notice No. 89 of 2022, thus varying the Public Debt Ceiling to an amount not exceeding ten trillion shillings.

(Resumption of debate interrupted on Tuesday, 14th June, 2022)

(Division)

Order deferred.

12. **MOTION - ADOPTION OF REPORTS OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON CONSIDERATION OF REPORTS BY THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF VARIOUS COUNTY EXECUTIVES AND COUNTY ASSEMBLIES FOR FINANCIAL YEARS 2018/2019 AND 2019/2020**

Motion made and Question proposed;

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.

(The Vice-Chairperson, Sessional Committee on County Public Accounts and Investments)

Debate arising;

And there being no other Senators wishing to contribute;

Mover replied;

Raising a point of order, the Mover requested the Temporary Speaker (Sen. Rose Nyamunga, MP) to defer putting of the Question to a later date, pursuant to Standing Order 61 (3).

And the Temporary Speaker (Sen. Nyamunga Rose, MP) acceding to the request, deferred putting of the Question to the next sitting.

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

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Children Bill (National Assembly Bill No. 38 Of 2021) be now read a Second Time.

(The Senate Majority Leader)

Debate arising;

And there being no Senator wishing to contribute;

Mover replied;

Raising a point of order, the Mover requested the Temporary Speaker (Sen. Rose Nyamunga, MP) to defer putting of the Question to a later date, pursuant to Standing Order 61 (3).

And the Temporary Speaker (Sen. Nyamunga Rose, MP) acceding to the request, deferred putting of the Question to the next sitting.

14. **COMMITTEE OF THE WHOLE**

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 37 OF 2021)

(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

(Resumption of debate interrupted on Wednesday, 22nd December, 2021 – Morning Sitting)

(Division)

Order deferred.

15. **COMMITTEE OF THE WHOLE**

THE LAW OF SUCCESSION (AMENDMENT) BILL, (SENATE BILLS NO. 15 OF 2021)

(Sen. Abshiro Halake, MP)

(Resumption of debate interrupted on Wednesday, 2nd March, 2022 – Morning Sitting)

(Division)

Order deferred.

16. **COMMITTEE OF THE WHOLE**

THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 21 OF 2021)

(Sen. Abshiro Halake, MP)

(Resumption of debate interrupted on Wednesday, 2nd March, 2022 – Morning Sitting)

(Division)

Order deferred.

17. **COMMITTEE OF THE WHOLE**
THE LIFESTYLE AUDIT BILL (SENATE BILLS NO. 36 OF 2021)
(Sen. (CPA). Farhiya Haji, MP)
(Resumption of debate interrupted on Tuesday, 1st March, 2022)
(Division)
Order deferred.
18. **COMMITTEE OF THE WHOLE**
THE SPECIAL NEEDS EDUCATION BILL (SENATE BILLS NO. 44 OF 2021)
(Sen. (Dr.) Getrude Musuruve and Sen. (Prof.) Margaret Kamar, MP)
(Resumption of debate interrupted on Wednesday, 2nd March, 2022 – Morning Sitting)
(Division)
Order deferred.
19. **COMMITTEE OF THE WHOLE**
THE IRRIGATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2021)
(The Senate Majority Leader)
(Resumption of debate interrupted on Wednesday, 4th May, 2022)
(Division)
Order deferred.
20. **COMMITTEE OF THE WHOLE**
THE COMMUNITY GROUPS REGISTRATION BILL (NATIONAL ASSEMBLY BILLS NO. 20 OF 2021)
(The Senate Majority Leader)
(Resumption of debate interrupted on Tuesday, 14th June, 2022)
(Division)
Order deferred.
21. **COMMITTEE OF THE WHOLE**
THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2021)
(The Senate Majority Leader)
(Resumption of debate interrupted on Tuesday 14th June, 2022)
(Division)
Order deferred.

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

(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 14th June, 2022)

(Division)

Order deferred.

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

(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 14th June, 2022)

(Division)

Order deferred.

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

(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 14th June, 2022)

(Division)

Order deferred.

25. **COMMITTEE OF THE WHOLE**
THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATION BILL (SENATE
BILLS NO. 2 OF 2022)

(The Chairperson, Standing Committee on Finance and Budget)

Order deferred.

26. **COMMITTEE OF THE WHOLE**
THE SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 68 OF 2019)

(The Senate Majority Leader)

Order deferred.

27. **COMMITTEE OF THE WHOLE**
THE CHILDREN BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2021)

(The Senate Majority Leader)

Order deferred.

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

28. SENATE ROSE – at twenty- two minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Thursday, June 16th, 2022 at 2:30 p.m.*

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