



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (FIFTH SESSION)**

**VOTES AND PROCEEDINGS**

**THURSDAY, SEPTEMBER 09, 2021 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. STATEMENTS**

**a) Pursuant to Standing Order 47(1)**

- (i) The Senator for Laikipia County (Sen. John Kinyua Nderitu, MP) made a statement on an issue of general topical concern concerning the incessant insecurity caused by banditry in Laikipia County.

Thereupon, the Senator informed the Senate that bandits have taken over in Ol-Moran area of Laikipia County and that they are visiting terror on innocent residents with impunity. The Senator informed the House that in the last one month, several people have been killed, over 40 families have been displaced and an unknown number of cattle had been stolen due to insecurity in the region. Further, the Senator stated that tension in Ol-Moran was high with villagers fleeing their homes following weekend attacks that saw armed bandits torch more than 50 houses in Kisii Ndogo village.

The Senator stated that government response needed to be beefed up in Laikipia County as residents continued to bear the brunt of the bandit attacks. The Senator observed that since the withdrawal of the home-based National Police Reserve (NPR), the security situation had deteriorated in the affected parts of the County.

In conclusion, he called upon the government to make more strategic and tangible interventions including provision of relief services such as food, shelter and clothing, to the thousands of displaced residents, who were seeking refuge at Ol-Moran Catholic and Deliverance Churches.

Following concerns raised by Senators, the Deputy Speaker referred the statement to the Standing Committee on National Security, Defense and Foreign Relations for consideration.

- (ii) The Senator for Kitui County (Sen. Enoch Wambua, MP) issued a statement of general topical importance, concerning the drought situation in the country.

Thereupon, the Senator informed the Senate that in July, 2021, the National Drought Management Authority (NDMA) declared drought a national disaster. The Authority highlighted 12 drought-affected counties which are Turkana, Mandera, Garissa, Wajir, Baringo, Kilifi, Tana River, Kwale, Marsabit, Kitui, Kajiado and Isiolo Counties. As a result, the Senator noted that more than 2 million people were facing starvation, with cases of inter-communal, resource-based conflicts reported owing to dwindling pasture and water.

The Senator highlighted that the drought situation in Kitui County was dire and was taking a big toll on the people, especially school going children, women, the elderly, Persons with Disabilities (PWDs) and livestock. The Senator expressed concern that it was time for both the national and county governments, particularly the Kitui County Government, to put in place measures to provide food assistance and cash transfers targeting food-insecure households.

In conclusion he urged the National Assembly to prioritize the passage of the Mung Beans Bill (Senate Bills No. 9 of 2020) to ensure a legal framework for continued cultivation of the drought resistant crop.

**(b) Pursuant to Standing Order 48 (1)**

- i) Nominated Senator (Sen. Judith Pareno, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding the incessant human-elephant conflict in Najile area of Ewuaso Kidong, Olokingi'a and Sairashie in Kajiado County.
- ii) The Senator for Kitui County (Sen. Enoch Wambua, MP) sought a statement from the Standing Committee on Health regarding the state of healthcare in public hospitals in Kitui County.

**(c) Pursuant to Standing Order 52(1)**

The Senate Majority Whip issued a Statement on the Business of the Senate for the week commencing Tuesday 14<sup>th</sup> September, 2021.

4. **PAPER**

The following paper was laid on the Table of the Senate -

Statement on the Business of the Senate for the week commencing Tuesday 14<sup>th</sup> September, 2021.

*(The Senate Majority Whip)*

5. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR THE FINANCIAL YEAR 2021/2022 AND APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR THE FINANCIAL YEAR 2021/2022**

Motion made and Question proposed;

**THAT**, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Cash Disbursement Schedule for Financial year 2021/2022, laid on the Table of the Senate on Tuesday, 7<sup>th</sup> September, 2021, 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 Schedule for Financial Year 2021/2022.

*(The Chairperson, Standing Committee on Finance and Budget – 07.09.2021)*

Debate interrupted on Wednesday, 8<sup>th</sup> September, 2021 resumed on a Division;

The Deputy Speaker, directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17<sup>th</sup> April, 2020, and that the Division bell be rung for three minutes;

After the expiry of three minutes, the Deputy Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Samson Cherarkey, MP - AYES
2. Sen. Beatrice Kwamboka, MP - NOES

The Deputy Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

**AYES - 29****NOES - 0****ABSTENTION - 0**AYES

1. Sen. Boy Issa Juma- voted virtually
2. Sen. Cherakey Samson Kiprotich
3. Sen. Haji Abdul Mohammed- voted virtually
4. Sen. Hargura Godana
5. Sen. Kamar Margaret Jepkoech
6. Sen. Khaniri George
7. Sen. Kibiru Charles Reubenson
8. Sen. Kihika Susan Wakarura
9. Sen. Kimani Wamatangi Paul
10. Sen. Langat Christopher Andrew
11. Sen. Lelegwe Ltumbesi- voted virtually
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Mbito Michael Maling'a- voted virtually
15. Sen. Mbogo George Ochilo Ayacko
16. Sen. Seneta Mary Yiane- on behalf of the Kajiado County delegation
17. Sen. Murkomen Onesimus Kipchumba
18. Sen. Muthama Agnes Kavindu
19. Sen. Mutula Kilonzo Junior- voted virtually
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki- voted virtually
22. Sen. Nderitu John Kinyua
23. Sen. Ndwiga Peter Njeru
24. Sen. Olekina Ledama- voted virtually
25. Sen. Ongeru Samson Kegengo - voted virtually
26. Sen. Outa Fredrick Otieno - voted virtually
27. Sen. Poghio Samuel Lesuron- voted virtually
28. Sen. Omanga Millicent- on behalf of the Nairobi County delegation
29. Sen. Wambua Enoch Kiio

Question agreed to.

**RESOLVED ACCORDINGLY**

**THAT**, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Cash Disbursement Schedule for Financial year 2021/2022, laid on the Table of the Senate on Tuesday, 7<sup>th</sup> September, 2021, 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 Schedule for Financial Year 2021/2022.

6. **THE COUNTY GOVERNMENTS GRANTS BILL (SENATE BILLS NO. 35 OF 2021)**

Motion made and Question proposed;

THAT, the County Governments Grants Bill (Senate Bills No. 35 of 2021) be now read a Second Time.

*(The Chairperson, Standing Committee on Finance and Budget – 08.09.2021)*

Debate interrupted on Wednesday, 8<sup>th</sup> September, 2021 resumed on a Division;

The Deputy Speaker, directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17<sup>th</sup> April, 2020, and that the Division bell be rung for three minutes;

After the expiry of three minutes, the Deputy Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Samson Cherarkey, MP - AYES
2. Sen. Beatrice Kwamboka, MP - NOES

The Deputy Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

**AYES - 33**

**NOES - 0**

**ABSTENTION - 0**

AYES -

1. Sen. Halake Abshiro Soka – voted virtually on behalf of the Isiolo County delegation
2. Sen. Boy Issa Juma- voted virtually
3. Sen. Cherakey Samson Kiprotich
4. Sen. Haji Abdul Mohammed- voted virtually
5. Sen. Hargura Godana
6. Sen. Kajwang’ Moses Otieno- voted virtually
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
10. Sen. Kihika Susan Wakarura
11. Sen. Kimani Wamatangi Paul

12. Sen. Kirinyaga Ephraim Mwangi Maina - voted virtually
13. Sen. Langat Christopher Andrew
14. Sen. Lelegwe Ltumbesi- voted virtually
15. Sen. Madzayo Stewart Mwachiru
16. Sen. Mahamud Mohamed Maalim
17. Sen. Mbito Michael Maling'a- voted virtually
18. Sen. Mbogo George Ochilo Ayacko
19. Sen. Moi Gideon Kipsielei Towett- voted virtually
20. Sen. Seneta Mary Yiane- on behalf of the Kajiado County delegation
21. Sen. Murkomen Onesimus Kipchumba
22. Sen. Muthama Agnes Kavindu
23. Sen. Mutula Kilonzo Junior- voted virtually
24. Sen. Mwaruma Johnes Mwashushe
25. Sen. Mwinyihaji Mohamed Faki- voted virtually
26. Sen. Nderitu John Kinyua
27. Sen. Ndwiga Peter Njeru
28. Sen. Olekina Ledama
29. Sen. Ongeru Samson Kegengo - voted virtually
30. Sen. Outa Fredrick Otieno
31. Sen. Poghio Samuel Lesuron- voted virtually
32. Sen. Omanga Millicent- on behalf of the Nairobi County delegation
33. Sen. Wambua Enoch Kiio

Question agreed to.

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

**7. THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 5 OF 2021)**

Motion made and Question proposed;

THAT, the Kenyan Sign Language Bill (Senate Bills No. 5 of 2021) be now read a Second Time.

*(Sen. (Dr.) Getrude Musuruwe, MP and Sen. (Prof.) Margaret Kamar, MP –  
08.09.2021)*

Debate interrupted on Wednesday, 8<sup>th</sup> September, 2021 resumed on a Division;

The Deputy Speaker, directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17<sup>th</sup> April, 2020, and that the Division bell be rung for three minutes;

After the expiry of three minutes, the Deputy Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Samson Cherarkey, MP - AYES
2. Sen. Beatrice Kwamboka, MP - NOES

The Deputy Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

**AYES - 31**

**NOES - 0**

**ABSTENTION - 0**

AYES

1. Sen. Halake Abshiro Soka – voted virtually on behalf of the Isiolo County delegation
2. Sen. Boy Issa Juma- voted virtually
3. Sen. Cherakey Samson Kiprotich
4. Sen. Haji Abdul Mohammed- voted virtually
5. Sen. Hargura Godana
6. Sen. Kajwang’ Moses Otieno- voted virtually
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
10. Sen. Kihika Susan Wakarura
11. Sen. Kimani Wamatangi Paul
12. Sen. Kirinyaga Ephraim Mwangi Maina - voted virtually
13. Sen. Langat Christopher Andrew
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mahamud Mohamed Maalim
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Moi Gideon Kipsielei Towett- voted virtually
18. Sen. Seneta Mary Yiane- on behalf of the Kajiado County delegation
19. Sen. Murkomen Onesimus Kipchumba
20. Sen. Muthama Agnes Kavindu
21. Sen. Mutula Kilonzo Junior- voted virtually
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki- voted virtually
24. Sen. Nderitu John Kinyua
25. Sen. Olekina Ledama
26. Sen. Ongeri Samson Kegengo - voted virtually
27. Sen. Outa Fredrick Otieno
28. Sen. Poghisio Samuel Lesuron- voted virtually
29. Sen. Omanga Millicent- on behalf of the Nairobi County delegation
30. Sen. Wambua Enoch Kiio

31. Sen. Wetang'ula Moses Masika

Question agreed to.

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

8. **MOTION - ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE ON DELEGATED LEGISLATION, ON THE PUBLIC FINANCE MANAGEMENT (SINKING FUND) GUIDELINES, 2021**

(Chairperson, Sessional Committee on Delegated Legislation)

Order read;

**THAT**, the Senate adopts the Report of the Sessional Committee on Delegated Legislation on the Consideration of the Public Finance Management (Sinking Fund) Guidelines, 2021 laid on the Table of the Senate on Wednesday, 8<sup>th</sup> September, 2021, and that pursuant to Section 18 of the Statutory Instruments Act, Section 205 of the Public Finance Management Act, and Standing Order 221(4)(b), **annuls** in its entirety, the Public Finance Management (Sinking Fund) Guidelines, 2021.

Order deferred.

9. **THE PUBLIC PRIVATE PARTNERSHIPS BILL (NATIONAL ASSEMBLY BILLS NO. 6 OF 2021)**

(The Senate Majority Leader)

*(Second Reading)*

Order deferred.

10. **THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 9 OF 2021)**

(Sen. Kipchumba Murkomen, MP)

*(Second Reading)*

Order deferred.

11. **THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 14 OF 2021)**

(Sen. Mutula Kilonzo Jr, MP and Sen. Sakaja Johnson, MP)

*(Second Reading)*

Order deferred.

12. **THE HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 26 OF 2020)**

(Sen. (Dr.) Abdullahi Ali, MP)

*(Second Reading)*

Order deferred.



13. **COMMITTEE OF THE WHOLE**  
**THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 28 OF 2020)**

(Sen. (Arch.) Sylvia Kasanga, MP)

Order deferred.

14. **COMMITTEE OF THE WHOLE**  
**THE BASIC EDUCATION BILL (SENATE BILLS NO. 4 OF 2021)**

(Sen. Beatrice Kwamboka, MP)

Order deferred.

15. **COMMITTEE OF THE WHOLE**  
**THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL (SENATE BILLS NO. 32 OF 2020)**

(Sen. Mercy Chebeni, MP)

Order deferred.

16. **COMMITTEE OF THE WHOLE**  
**THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 31 OF 2020)**

(The Chairperson, Standing Committee on Finance and Budget)

Order deferred.

17. **MOTION – PROVISION OF COLOSTOMY BAGS TO COLON CANCER PATIENTS AND SURVIVORS IN COUNTY HOSPITALS**

Order read;

Motion made and Question proposed;

THAT, AWARE THAT the colon is part of the digestive system with a major role in the absorption of water, minerals and elimination of waste;

FURTHER AWARE THAT colon cancer can cause serious blockage of the colon that may necessitate removal of parts of the colon, the entire colon or the entire colon and the rectum;

COGNIZANT THAT persons who have gone through ileostomy, colostomy and urostomy need to use a bag to empty their wastes for the rest of their lives post-surgery;

CONCERNED THAT urine bags, adult diapers, artificial breasts, colostomy or ileostomy bags are not listed as goods exempt from tax or zero rated in the

First and Second Schedules of the VAT Act 2013, and therefore attract 16 per cent value added tax and customs duty;

ACKNOWLEDGING THAT Article 43(1a) of Constitution of Kenya states that everyone has a right to the highest attainable standards of health, and health is a devolved function and therefore under the mandate of the county governments;

NOW THEREFORE, the Senate calls upon the Ministry of Health and) in partnership with the Council of Governors to:

1. create and maintain a register of all the colon cancer patients and survivors in county hospitals, including the biodata of the histology of the patients;
2. provision of colostomy bags for those who are permanent users;
3. include the purchase of palliative care products in the health budgets of all county governments;
4. ensure all county hospitals stock these palliative care products to enable increased access and lower commercial prices; and
5. engage the Treasury and Kenya Revenue Authority (KRA) to waive taxes on long-term health consumables such as colostomy bags, prosthesis and others in the upcoming budgetary cycle to ease the burden on Kenyans.

*(Sen. (Dr.) Gertrude Musuruve Inimah, MP – 08.09.2021)*

Debate interrupted on Wednesday, 8<sup>th</sup> September, 2021, resumed;

And the time being thirty minutes past six O'clock, the Temporary Speaker (Sen. Judith Pareno, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

18. **SENATE ROSE** – at thirty minutes past Six O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Tuesday, September 14, 2021 at 2.30 p.m.*

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