



REPUBLIC OF KENYA

**TWELFTH PARLIAMENT – (FIFTH SESSION)**

**VOTES AND PROCEEDINGS**

**THURSDAY, OCTOBER 07, 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 Speaker.
3. **COMMUNICATION ON VISITING DELEGATION FROM THE NANDI COUNTY ASSEMBLY COMMITTEE ON LABOUR, JUSTICE AND LEGAL AFFAIRS**

The Speaker conveyed the following Communication from the Chair -

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, visiting Members of the Nandi County Assembly Committee on Labour, Justice and Legal Affairs.

I request each Member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition.

NO	NAME	DESIGNATION
1.	Hon. Joshua Ng’etich	Chairperson – Committee on Labour, Justice and Legal Affairs
2.	Hon. David Bwambok	Vice Chairperson
3.	Hon. Dorcas Kirwa	Member
4.	Hon. Trufosa Kutto	Member
5.	Hon. Charles Maiyo	Member
6.	Hon. Cleophas Too	Member
7.	Hon. Pius Sing’oei	Member

They are accompanied by;

1. Ms. Isabella Maiyo  
Director, Legislative and Committee Services
2. Mr. Bonface Kiptoo  
Head of Committee Services
3. Mr. Edwin Serem  
Head of ICT
4. Mr. Victor Siele  
Committee Clerk
5. Mr. Miriam Metto  
Legal Counsel

6. Mr. Emmanuel Rotich Serjeant at Arms

Honorable Senators,

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

Thank you!"

4. **PETITIONS**

The following Petitions were presented to the Senate –

- (i) Pursuant to Standing Order 230(2) (b), the Speaker, reported to the Senate a petition by Mr. Mikeson Mugo and other patients living with Autoimmune Diseases concerning payment of Medical and Healthcare costs and provision of health cover for persons living with Autoimmune Diseases by the National Hospital Insurance Fund (NHIF).

Pursuant to Standing Order 231, the Speaker invited Senators to make comments, observations or seek clarification in relation to the Petition and, subsequently committed it to the Standing Committee on Health, pursuant to Standing Order 232(1).

- (ii) Pursuant to Standing Order 230(2) (b), the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP), reported to the Senate a petition by Mr. Taratisio Ileri Kawe concerning amendment to the Constitution of Kenya and other relevant Laws on the election of a Deputy President and a Deputy Governor.

Pursuant to Standing Order 231, the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP) invited Senators to make comments, observations or seek clarification in relation to the Petition and, subsequently committed it to the Standing Committee on Justice, Legal Affairs and Human Rights, pursuant to Standing Order 232(1).

- (iii) Pursuant to Standing Order 230(2) (b), the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP), reported to the Senate a petition by Mr. Isaac Siko Nyakeriga concerning nonpayment of salary and failure to confirm his appointment by the Kisii County Government.

Pursuant to Standing Order 231, the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP) invited Senators to make comments, observations or seek clarification in relation to the Petition and, subsequently committed it to the Standing Committee on Labor and Social Welfare, pursuant to Standing Order 232(1).

5. **PAPERS**

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

- i) The 2021 Budget Review and Outlook Paper for the Financial Year 2022/2023 and the Medium Term Budget.
- ii) The Public Debt Management Report for the Financial Year 2020/2021.
- iii) Statement on the Business of the Senate for the week commencing Tuesday, 12<sup>th</sup> October, 2021.

*(The Deputy Senate Majority Leader)*

6. **COMMUNICATION ON THE ANNUAL REPORT BY THE NATIONAL TREASURY ON PUBLIC DEBT MANAGEMENT FOR FINANCIAL YEAR 2020/2021 AND THE 2021 BUDGET REVIEW AND OUTLOOK PAPER FOR THE FINANCIAL YEAR 2022/2023 AND THE MEDIUM TERM BUDGET**

The Speaker conveyed the following Communication from the Chair:-

“Honourable Senators,

Vide a letter referenced DMD 4/128, dated 30<sup>th</sup> September, 2021, the National Treasury submitted to the Senate, the Annual Report on Public Debt Management for Financial Year 2020/2021, and the 2021 Budget Review and Outlook Paper for the Financial Year 2022/2023 and the Medium Term Budget.

Section 200 (1) and (2) of the Public Finance Management Regulations, 2015 provides that-

“

- (1) Not later than three months after the end of each financial year, the Cabinet Secretary shall prepare and submit an annual report to Parliament on public debt in the format set by the Cabinet Secretary.*
- (2) The annual public debt report under paragraph (1) shall include the following information—*
  - (a) Review of previous year’s financing of budget deficit;*
  - (b) composition of External debt;*
  - (c) publicly guaranteed debt;*
  - (d) on-lent loans and contingent liabilities;*
  - (e) debt strategy and debt sustainability;*
  - (f) outlook for the medium term; and*

*(g) any commitment fees and penalties paid on any undisbursed amounts of a loan.”*

Section 26 (3) of the Public Finance Management Act 2012 provides that;

*“(3) Not later than seven days after the Budget Review and Outlook Paper has been approved by Cabinet, the National Treasury shall—*

*(a) submit the Paper to the Budget Committee of the National Assembly to be laid before each House of Parliament; and*

*(b) publish and publicise the Paper not later than fifteen days after laying the Paper before Parliament.”*

Honourable Senators,

These reports are consequently committed to the Standing Committee on Finance and Budget which may scrutinize the contents and make observations and recommendations thereon by way of a Report to the Senate.

I thank you.”

7. **NOTICE OF MOTION - APPROVAL OF SENATORS TO SERVE IN THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS**

(The Deputy Senate Majority Leader)

THAT, NOTWITHSTANDING the resolutions of the Senate made on 14<sup>th</sup> December, 2017; 14<sup>th</sup> February, 2018; 21<sup>st</sup> February, 2018; 21<sup>st</sup> November, 2018; 20<sup>th</sup> March, 2019; 19<sup>th</sup> June, 2019; 28<sup>th</sup> April, 2020; and 24<sup>th</sup> June, 2020 on the approval of Senators to serve in various Standing Committees of the Senate, and pursuant to Standing Orders 189, 218, and the Second Schedule to the Standing Orders, the Senate approves the following Senators to serve in the Standing Committee on Devolution and Intergovernmental Relations –

- (i) Sen. Haji Abdul Mohammed, MP;
- (ii) Sen. Isaac Ngugi Githua, MP; and
- (iii) Sen. Muthama Agnes Kavindu, MP.

8. **STATEMENTS**

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

- (i) Nominated Senator (Sen. (Arch.) Sylvia Kasanga, MP) made a statement on the commemoration of the World Mental Health Day, 2021.

Thereupon, the Senator informed the Senate that the World Mental Health Day is commemorated on 10<sup>th</sup> October every year. She informed the House that the day was first celebrated in 1992 at the initiative of the World Federation for Mental Health to create awareness on mental health.

The Senator stated that Kenya was ranked sixth among African countries with the highest number of depression cases by a 2017 World Health Organization report. The report further stated that one in four people in Kenya is likely to suffer from a mental illness. Information from the Kenya Mental Health Policy (2015-2030) indicated that mental disorder cases had risen exponentially in Kenya such that 20-25% of outpatients seeking primary healthcare present symptoms of one mental illness or another.

The Senator observed that as the country commemorates the World Mental Health Day, it was important to note that owing to the COVID-19 pandemic situation, there has been an increase in mental health illnesses due to stress and anxiety associated with the impact of the pandemic on job losses, failed careers, dwindling income and marital disputes.

Sen. Kasanga appreciated the effort the Government was making in curbing this rising trend of mental illness and informed the House that on Wednesday 9<sup>th</sup> June, 2021, the Ministry of Health launched the Kenya Mental Health Action Plan (2021-2025), that will provide a framework for both National and County Governments and stakeholders to implement the Mental Health Policy through strategic objectives with specified priority targets and indicators.

In conclusion, the Senator appreciated the support Senators gave when contributing to the Mental Health (Amendment) Bill (Senate Bills No. 28 of 2020) which was passed by the Senate and referred to the National Assembly. She called upon the Ministry of Health and the county governments to expand mental health funding and human resource as this area of health was underfunded resulting in difficulties in implementation of programs geared towards improvement of mental health services.

- (ii) Nominated Senator (Sen. (Dr.) Gertrude Musuruve Inimah, MP) made a statement concerning commemoration of the World Teachers' Day.

Thereupon, the Senator informed the Senate that on 5<sup>th</sup> of October every year, the world celebrates the International Teachers' Day. The day was set aside to commemorate the anniversary of the adoption of the 1966 ILO/UNESCO recommendations concerning the status of teachers. Further, the day sets international benchmarks regarding the rights and responsibilities of teachers and standards for their initial preparation, recruitment, and employment, further education, teaching and learning conditions.

The Senator noted that, the World Teachers' Day provides an opportunity to celebrate the teaching profession worldwide, take stock of achievements and draw attention to the voices of teachers, who are at the heart of efforts to achieve the global education target of *leaving no one behind*. She also noted that, the day highlights the critical role played by teachers in achieving inclusive and quality education for all.

She informed the House that as the world continues to celebrate the World Teachers' Day, the role played by teachers in imparting knowledge could not be gainsaid especially during the prevailing COVID-19 global pandemic. She lauded the commitment and efforts of Kenyan teachers to continue their work during the pandemic. She called upon the National government to invest more in the teaching profession by allocating more funds towards teacher training, capacity building and promotion of teachers.

In conclusion, the Senator decried disparities in the payment made to Early Childhood Development (ECD) teachers, noting that the amounts were too low and not enough to enable teachers meet their daily needs. She called upon the county governments to review and harmonize the remuneration structure for ECD teachers.

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

- a) The Senator for Nandi County (Cherarkey Samson, MP) sought a statement from the Standing Committee on Labour and Social Welfare concerning management of *Inua Jamii* programme by the Kenya Commercial Bank (KCB).
- b) Nominated Senator (Sen. (Dr.) Getrude Musuruve, MP) on behalf of Nominated Senator (Sen. Mary Seneta, MP) sought a statement from the Standing Committee on Health concerning construction of healthcare centers in Kajiado County funded by the African Development Bank (ADB) through the Ministry of Health.

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

The Deputy Senate Majority Leader issued a Statement on the Business of the Senate for the week commencing Tuesday, 12<sup>th</sup> October, 2021.

9. **MOTION - APPROVAL OF SENATORS TO SERVE IN THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS**

Order read;

Motion made and Question proposed;

THAT, NOTWITHSTANDING the resolutions of the Senate made on 14<sup>th</sup> December, 2017; 14<sup>th</sup> February, 2018; 21<sup>st</sup> February, 2018; 21<sup>st</sup> November, 2018; 20<sup>th</sup> March, 2019; 19<sup>th</sup> June, 2019; 28<sup>th</sup> April, 2020; and 24<sup>th</sup> June, 2020 on the approval of Senators to serve in various Standing Committees of the Senate, and pursuant to Standing Orders 189, 218, and the Second Schedule to the Standing Orders, the Senate approves the following Senators to serve in the Standing Committee on Devolution and Intergovernmental Relations –

- (i) Sen. Haji Abdul Mohammed, MP;
- (ii) Sen. Isaac Ngugi Githua, MP; and
- (iii) Sen. Muthama Agnes Kavindu, MP.

*(The Deputy Senate Majority Leader)*

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Before the Question was put, and pursuant to Standing Order No. 79, the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP) informed the House that the Motion did not affect counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

THAT, NOTWITHSTANDING the resolutions of the Senate made on 14<sup>th</sup> December, 2017; 14<sup>th</sup> February, 2018; 21<sup>st</sup> February, 2018; 21<sup>st</sup> November, 2018; 20<sup>th</sup> March, 2019; 19<sup>th</sup> June, 2019; 28<sup>th</sup> April, 2020; and 24<sup>th</sup> June, 2020 on the approval of Senators to serve in various Standing Committees of the Senate, and pursuant to Standing Orders 189, 218, and the Second Schedule to the Standing Orders, the Senate approves the following Senators to serve in the Standing Committee on Devolution and Intergovernmental Relations –

- (i) Sen. Haji Abdul Mohammed, MP;
- (ii) Sen. Isaac Ngugi Githua, MP; and
- (iii) Sen. Muthama Agnes Kavindu, MP.

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

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Health (Amendment) Bill (Senate Bills No. 26 of 2020) be now read a Second time.

*(Sen. (Dr.) Abdullahi Ali, MP – 05.10.2021)*

Debate interrupted on Wednesday, 6<sup>th</sup> October, 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.

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

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

*The Speaker will take the Chair on  
Tuesday, October 12, 2021 at 2.30 p.m.*

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