



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FIFTH SESSION)

VOTES AND PROCEEDINGS

THURSDAY, SEPTEMBER 30, 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 Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP).
3. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE PASSAGE OF THE KENYA NATIONAL BLOOD TRANSFUSION SERVICE BILL (NATIONAL ASSEMBLY BILLS NO. 6 OF 2020)**

The Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP) conveyed the following Message from the Chair -

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3), I have received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Kenya National Blood Transfusion Service Bill (National Assembly Bill No. 6 of 2020).

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

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

WHEREAS, the Kenya National Blood Transfusion Service Bill (National Assembly Bill No. 6 of 2020) was published vide Kenya Gazette Supplement No. 28 of 23rd March, 2020 as a Bill proposing to establish the Kenya National Blood Transfusion Service; to provide for the regulation of the activities relating to blood donation, testing, processing, safeguarding, transfusion, quality control and for connected purposes;

AND WHEREAS, the National Assembly considered the Bill and passed the said Bill on Wednesday, 7th July 2021 with amendments in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110 (4) of the Constitution and Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

Honourable Senators,

You will recall that following the High Court ruling on 29th October, 2020, on Constitutional Petition No. 284 of 2019, implementation of the judgment by the Senate commenced. Notably, the High Court ordered that all Bills for which the concurrence process contemplated under Article 110(3) of the Constitution could not be demonstrated be ceased and that the said concurrence process be adhered to before introduction of such Bills in either House of Parliament.

Honourable Senators,

The Kenya National Blood Transfusion Service Bill (National Assembly Bill No. 6 of 2020) is one such Bill, for which the concurrence process pursuant to Article 110(3) of the Constitution had not been demonstrated by the time the High Court gave its judgment. As such, the Bill ought to be aligned to Article 110(3) of the Constitution, following which the Bill will be read a First Time in the Senate.

In view of the foregoing, the Kenya National Blood Transfusion Service Bill (National Assembly Bill No. 6 of 2020), as received from the National Assembly vide the Message dated Monday, 20th September, 2021, will not be proceeded with in the Senate.

I thank you!”

4. **PAPERS**

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

- i. Report of the Auditor General on the Financial Statements of Olkejuado Water and Sewerage Company Limited for the year ended 30th June, 2019.
- ii. Report of the Auditor General on the Financial Statements of Nyamira County Executive Mortgage Scheme Fund for the Year ended 30th June, 2019.

- iii. Report of the Auditor General on the Financial Statements of Kiambu County Alcoholic Drinks Control Fund for the year ended 30th June, 2019.
- iv. Statement on the Business of the Senate for the week commencing Tuesday, 5th October, 2021.

(The Senate Minority Leader)

5. **STATEMENT PURSUANT TO STANDING ORDER 52(1)**

The Senate Minority Leader issued a Statement on the Business of the Senate for the week commencing Tuesday, 5th October, 2021.

6. **MOTION – ADOPTION OF REPORT OF THE SESSIONAL COMMITTEE ON DELEGATED LEGISLATION ON THE PUBLIC FINANCE MANAGEMENT (EQUALIZATION FUND ADMINISTRATION) REGULATIONS, 2021 AND APPROVAL OF THE PUBLIC FINANCE MANAGEMENT (EQUALIZATION FUND ADMINISTRATION) REGULATIONS, 2021**

(The Chairperson, Sessional Committee on Delegated Legislation)

Order read;

THAT, the Senate adopts the Report of the Sessional Committee on Delegated Legislation on the Public Finance Management (Equalization Fund Administration) Regulations, 2021, Legal Notice No. 54 of 2021, laid on the Table of the Senate on Tuesday, 28th September, 2021; and pursuant to Section 205 (4) of the Public Finance Management Act, approves the Public Finance Management (Equalization Fund Administration) Regulations, 2021, Legal Notice No. 54 of 2021.

(Resumption of debate interrupted on Wednesday, 29th September, 2021)

(Division)

Order deferred.

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

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

(Resumption of debate interrupted on Wednesday, 29th September, 2021)

(Division)

Order deferred.

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

(The Senate Majority Leader)

Order for Second Reading read;

Order deferred.

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

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

Order for Second Reading read;

Order deferred.

10. **THE COUNTY BOUNDARIES BILL, SENATE BILLS NO. 20 OF 2021**

(Sen. Mutula Kilonzo Jr, MP)

Order for Second Reading read;

Order deferred.

11. **THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 17 OF 2021)**

(Sen. Ledama Olekina, MP)

Order for Second Reading read;

Order deferred.

12. **THE HERITAGE AND MUSEUM BILL (SENATE BILLS NO. 22 OF 2021)**

(Sen. (Dr.) Alice Milgo, MP)

Order for Second Reading read;

Order deferred.

13. **PROCEDURAL MOTION - ELECTION OF A SENATOR TO PRESIDE OVER SITTINGS OF THE HOUSE PURSUANT TO STANDING ORDER 15**

Motion Made and Question proposed -

THAT, pursuant to Article 107(1) (c) of the Constitution and Standing Order 15, the Senate elects Sen. (Dr.) Agnes Zani, MP, to preside over the sitting of the Senate for the remainder of the day, in the absence of the Speaker and Deputy Speaker.

(Sen. Samson Cherarkey, MP)

There being no Senator wishing to contribute;

Pursuant to Standing Order No. 79 (1), 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, pursuant to Article 107(1) (c) of the Constitution and Standing Order 15, the Senate elects Sen. (Dr.) Agnes Zani, MP, to preside over the sitting of the Senate for the remainder of the day, in the absence of the Speaker and Deputy Speaker.

14. **THE KENYA CITIZENSHIP AND IMMIGRATION (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2021)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, The Kenya Citizenship and Immigration (Amendment) Bill (Senate Bills No. 33 of 2021) be now read a Second time.

(Sen. (Dr.) Irungu Kang'ata, MP)

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Raising a point of order pursuant to Standing Order 61 (3), the Mover, requested the Temporary Speaker to defer putting of the question to another day;

And the Temporary Speaker (Sen. (Dr. Agnes Zani, MP), acceding to the request, deferred putting of the question to tomorrow.

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

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Law of Succession (Amendment) Bill (Senate Bills No. 15 of 2021) be now read a Second time.

(Sen. Abshiro Halake, MP – 04.08.2021)

Debate interrupted on Wednesday, 4th September, 2021 resumed;

And the time being thirty Minutes past Six O'clock, the Temporary Speaker (Sen. (Dr.) Agnes Zani, MP) adjourned the Senate without question put, pursuant to the Standing Orders.

16. **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 05, 2021 at 2:30 p.m.*

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