



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FIFTH SESSION)

VOTES AND PROCEEDINGS

TUESDAY, SEPTEMBER 28, 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. **PAPERS**

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

- i) Report of the Sessional Committee on Delegated Legislation on the Consideration of the Public Finance Management (Equalization Fund Administration) Regulations, 2021, Legal Notice No. 54 of 2021.

(The Chairperson, Sessional Committee on Delegated Legislation)

- ii) Report of the Auditor General on the Financial Statements of Nyeri County Government Executive Car Loan and Mortgage Fund for the year ended 30th June, 2019.
- iii) Report of the Auditor General on the Financial Statements of Thika Water and Sewerage Company Limited for the year ended 30th June, 2019.
- iv) Report of the Auditor General on the Financial Statements of Kiambu County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2019.

(The Senate Majority Leader)

4. **NOTICE OF 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)

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.

5. **NOTICE OF MOTION - RESCINDING THE RESOLUTION OF THE SENATE ON APPROVAL OF SENATORS TO SERVE IN THE COMMITTEE OF POWERS AND PRIVILEGES**

(The Senate Majority Leader)

THAT, pursuant to Standing Order 58(2)(a) the Senate rescinds its resolution made on Thursday, 16th September, 2021 on the approval of Senators to serve in the Committee of Powers and Privileges.

6. **NOTICE OF MOTION - APPROVAL OF SENATORS TO SERVE IN THE COMMITTEE OF POWERS AND PRIVILEGES**

(The Senate Majority Leader)

THAT, NOTWITHSTANDING the resolution of the Senate made on 14th February, 2018, and 24th June, 2020, on the approval of Senators to serve in the Committee of Powers and Privileges, and pursuant to Section 15 (1) (b) (ii), of the Parliamentary Powers and Privileges Act, and Standing Order 189, the Senate approves the following Senators nominated to serve in the Committee of Powers and Privileges –

1. Sen. (Canon) Naomi Waqo, MP to replace Sen. (Dr.) Alice Milgo, MP;
2. Sen. Christine ZawadiGona, MP to replace Sen. KipchumbaMurkomen, EGH, MP; and
3. Sen. Abdulkadir Mohamed Haji, MP to replace Sen. Kimani Wamatangi, MP.

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

- (i) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) made a statement concerning the position of teachers in regards to the proposed compulsory Teacher Professional Development (TPD) programme as launched by the Teachers Service Commission (TSC).

Thereupon, the Senator informed the Senate that teachers across the country have expressed their displeasure at the compulsory retraining of teachers for Teachers Professional Development (TPD) training as recently launched and advertised by Teachers Service Commission (TSC).

He further informed the Senate that the proposed TPD training consists of 6 modules with each module containing 5 topics to be learnt in 5 years (a topic per year) This translates to 30 solid years of learning all the 6 modules of TPD. The cost of each topic in every module is currently pegged at KShs. 6000/= meaning every teacher has to spend a minimum of KShs. 30,000/= for every module on tuition fee alone.

He noted that the training is scheduled to take place in 4 institutions in Kenya, namely, Mt. Kenya University, Kenyatta University, Riara University and Kenya Education Management Institute (KEMI) which leads to the questions of how those four training institution were identified yet there are many institutions in Kenya with the capacity and ability to deliver such trainings.

In conclusion, the Senator requested the Standing Committee on Education to weigh in on the matter with a view to saving the teachers of Kenya for being unnecessarily subjected to this sporadic training which has not gained acceptance to the teaching fraternity and to mitigate any aspects of this matter being declared a trade dispute.

- (ii) Nominated Senator (Sen. (Dr.) Getrude Musuruve, MP) made a statement regarding the International Day of Older Persons which is aimed at raising awareness about issues affecting the elderly, such as senescence (elderliness) and elder abuse. Reiterating that it is a day to appreciate the contributions that older people make to society.

The Senator informed the Senate that Kenya had made tremendous efforts in advancing the rights of the elderly. In 2007, the government of Kenya, in a practical attempt to help the older persons, started the Older Persons Cash Transfer pilot project in Thika and Nyando and later

implemented it in Busia under the Rapid Response Initiative. This program later transitioned to the current “*INUA JAMII*” program. The program has embraced not only the elderly but also the vulnerable and Persons living with Disabilities (PWDs).

She further informed the Senate that in commemorating the International day of elderly, she was requesting all Kenyans to defend Article 57(a)-(d) of the Constitution by reaching out to the elderly and appreciating them. She stated that some of the ways of showing appreciation included spending time with them, being polite, asking for advice, eating together, discussing family heritage, history and traditions, calling them, visiting them and reassuring them of love and appreciation.

In conclusion, she asked the county governments to collate the biodata of all their elderly residents and build county recreational facilities for them as well establish social security and obligatory health services for them. She also called upon the National Government to strengthen the cash transfer program services by increasing the amount of money given to the elderly and making the program more efficient, transparent and effective in reaching the right beneficiaries.

b) Pursuant to Standing Order 48 (1)

- (i) The Senator for Bomet County (Sen. (Dr.) Christopher Langat, MP) sought a statement from the Standing Committee on Education, regarding the introduction of the in-service teachers training policy by the Teachers Service Commission
- (ii) The Senator for Nairobi City County (Sen. Sakaja Johnson, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the recent spate of arbitrary killings of innocent *bodaboda* riders across the county of Nairobi, alleged by rogue police officers.

8. THE ELECTIONS (AMENDMENT) (NO. 3) BILL (SENATE BILLS NO. 48 OF 2021)

(Sen. (Eng.) Ephraim Maina, MP)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Justice, Legal Affairs & Human Rights.

9. 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

Order read;

Motion made and Question proposed;

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.

(The Chairperson, Sessional Committee on Delegated Legislation)

Debate arising;

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

10. **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
Wednesday, September 29, 2021 at 2.30 p.m.*

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