



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (FIFTH SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, SEPTEMBER 29, 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. **ADMINISTRATION OF OATH**

Pursuant to Article 74 of the Constitution and Standing Order 3(5), the Deputy Speaker administered Oath of Office to the Member of the Senate, to the Senator nominated to represent the youth, Githua Ngugi Isaac.

Thereafter, the Deputy Speaker allowed Senators to make their welcoming remarks and congratulatory messages to Sen. Githua Ngugi Isaac, MP, on his nomination as a Member of the Senate.

4. **COMMUNICATIONS FROM THE CHAIR**

The Deputy Speaker conveyed the following Communications from the Chair-

**(a) On prioritization and expediting of Legislative Business**

“Honourable Senators,

You will recall that at the commencement of Part 5 of the Fifth Session, on Tuesday, 7<sup>th</sup> September, 2021, I issued a Communication, where I noted that the tenure for this August House was soon coming to an end and I went on to point out that there was still a high number of Bills, Petition, Motions and Statements pending before the Senate thus the need to expedite this business collectively as a Senate, in committees and individual sponsors of business. This situation has not improved since then.

Honourable Senators,

At its meeting held on Tuesday, 28<sup>th</sup> September, 2021, the Senate Business Committee considered the status of legislative business and noted with grave concern the high number of Bills, Petitions, Motions and Statements

pending before the Senate and respective select committees. The Committee noted that there was some business in the Order Paper that had been listed for prolonged periods of time owing to the absence of the sponsors of the respective business to prosecute it. Further, it noted that, output by select committees on legislative business especially on Bills, Petitions and Statements was slow.

Honourable Senators,

To this end, the Senate Business Committee agreed on a strategy to execute the pending business within the short duration that we have. I therefore wish to convey the resolution of the Committee and direct that-

- (i) All select committees must have a standing agenda in their respective meetings on the status of legislative business, to serve as a reminder of the business pending before the Committee;
- (ii) The provisions under Standing Orders 143(1), 151(1) and 213(6), on the timelines of tabling reports by select committees and the manner of tabling in the absence of the Chairperson and the Vice-Chairperson, be applied;
- (iii) The provisions of Standing Order 59 (3) be applied which states as follows: *“Where no Senator moves a Motion at the time specified by or under these Standing Orders, such Motion shall not be published again in the Order Paper during the same Session except with the leave of the Speaker”*; and
- (iv) Sponsors of business to keep track of business listed in the Order Paper and avail themselves on the day when the business has been listed in the Order Paper in order to expedite it.

I so direct!”

**(b) On the 23<sup>rd</sup> Statutory Meeting of the Executive Committee and the 4<sup>th</sup> Meeting of the Ad Hoc Committee on Finance of the Forum of Parliamentary of Member States of the International Conference on the Great Lakes Region (FP-ICGLR)**

“Honourable Senators,

The Parliament of Kenya has the honor to host the 23<sup>rd</sup> Statutory Meeting of the Executive Committee and the 4<sup>th</sup> Meeting of the Ad Hoc Committee on Finance of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR) scheduled to be held from today, Wednesday, 29<sup>th</sup> September to Friday, 1<sup>st</sup> October, 2021, in Nairobi.

The Parliament of Kenya delegation will be led by the Senate Majority Leader. Sen. Samuel L. Poghiso, EGH, MP, who is the President of the Executive Committee of the FP-ICGLR.

Honourable Senators,

As you may be aware, the FP-ICGLR is an inter-parliamentary organization of twelve Parliaments of Member States of the International Conference on the Great Lakes Region (ICGLR) namely- the Republic of Angola; the Republic of Burundi; the Central African Republic; the Republic of Congo; the Democratic Republic of the Congo; the Republic of Kenya; the Republic of Rwanda; the Republic of Sudan; the Republic of South Sudan; the United Republic of Tanzania; the Republic of Uganda; and the Republic of Zambia.

The FP-ICGLR was established on 4<sup>th</sup> December, 2008, in Kigali, Rwanda, with the objective to among others, bring a significant parliamentary contribution in the implementation of the Pact on Security, Stability and Development in the Great Lakes Region. This Pact was signed here in Nairobi on 15<sup>th</sup> December, 2006, by the Heads of State and Government of the ICGLR Member States.

To assist the Forum to achieve its objectives, the Inter-Parliamentary Accord sets out five areas of intervention by establishing permanent committees namely - the Committee on Democracy and Good Governance, the Committee on Peace and Security, the Committee on Humanitarian and Social Issues, the Committee on Economic Development, Regional Integration and Natural Resources and the Committee on Women, Children and Vulnerable Persons.

Honourable Senators,

Seated in the Speaker's Gallery this afternoon is **Hon. Mundela Sanku, MP, who is the First Deputy Speaker of the Parliament of the Democratic Republic of Congo.** Hon. Mundela Sanku is the leader of delegation from the Democratic Republic of Congo, participating in the event. He is accompanied by –

- (i) Lubuya Kadima Bybysh – Secretary of the Deputy Speaker;
- (ii) Mr. Mukoko Alphonse – Parliamentary Staff; and
- (iii) Mr. Tshiyaya Kasongo – Personal Aide to the Deputy Speaker.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to the Honourable Deputy Speaker and, on behalf of the Senate and on my own behalf, I wish him and the rest of the delegation fruitful deliberations.

I thank you.”

## 5. PAPERS

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

- i) Report of the Standing Committee on Health on the Health (Amendment) Bill (Senate Bills No. 26 of 2020).

*(The Chairperson, Standing Committee on Health)*

- ii) Report of the Auditor General on Murang'a South Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2019.

*(The Senate Majority Leader)*

**6. NOTICE OF MOTION – ADOPTION OF THE SECOND PROGRESS REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COVID-19 SITUATION IN KENYA AND PRELIMINARY FINDINGS ON THE SPECIAL AUDIT REPORT ON THE UTILIZATION OF COVID - 19 FUNDS BY COUNTY GOVERNMENTS.**

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Second Progress Report of the Standing Committee on Health on the COVID-19 situation in Kenya and preliminary findings of the Committee, on the Special Audit Report on the Utilization of COVID-19 funds by County Governments, laid on the table of the Senate on Tuesday, 30<sup>th</sup> March, 2021.

**7. STATEMENTS PURSUANT TO STANDING ORDER 48(1)**

- a) The Senator for Nairobi City County (Sen. Sakaja Johnson, MP) sought a Statement from the Standing Committee on Roads and Transportation on the progress made in decongesting the city, in particular the implementation of the mass transit system plan in Nairobi City County.
- b) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding the performance of the Kenya national team to the 2021 Tokyo Olympics in Japan, and the alleged mismanagement of athletes by the Ministry of Sports and Culture, Athletics Kenya and the National Olympic Committee of Kenya (NOCK).
- c) The Senator for Narok County (Sen. Ledama Olekina, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the influx of persons of Asian origin into the Country.

**8. THE COUNTY RESOURCE DEVELOPMENT BILL (SENATE BILLS NO. 45 OF 2021)**

(Sen. Rose Nyamunga, MP)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Finance and Budget.

9. **THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2021)**

(Sen. Enoch Wambua, MP)

Order for First Reading read;

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

10. **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, 28<sup>th</sup> 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 – 28/09/2021)*

Debate interrupted on Tuesday, 28<sup>th</sup> September, 2021 resumed;

Raising a Point of Order, pursuant to Standing Order 105(1), the Senate Majority Leader claimed to move-

THAT, the debate be now adjourned.

And the Deputy Speaker, acceding to the claim,

Motion made and Question proposed;

THAT, the debate be now adjourned.

*(The Senate Majority Leader)*

There being no Senator wishing to contribute,

Pursuant to Standing Order 79(1), the Deputy Speaker ruled that the Motion did not affect counties;

Question put and agreed to.

11. **SUSPENSION OF THE SENATE TO ALLOW FOR CONSULTATIONS ON THE RECONSTITUTION OF SELECT COMMITTEES**

Pursuant to Standing Order No. 1, the Deputy Speaker suspended the proceedings of the Senate at fifty-five minutes past three O'clock, for a period of forty-five minutes, to allow for consultations on the reconstitution of Select Committees.

12. **HOUSE RESUMED** – at fifty-five minutes past four O'clock – the Temporary Speaker (*Sen. (Dr.) Lelegwe Ltumbesi, MP*) - *in the Chair*

13. **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, 28<sup>th</sup> 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 – 28/09/2021)*

Debate interrupted resumed;

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 that the putting of the Question be deferred to a later date.

And the Temporary Speaker (*Sen. (Dr.) Lelegwe Ltumbesi, MP*) acceding to the request, deferred putting of the Question to tomorrow.

14. **MOTION – RESCINDING THE RESOLUTION OF THE SENATE ON APPROVAL OF SENATORS TO SERVE IN THE COMMITTEE OF POWERS AND PRIVILEGES**

(Senate Majority Leader)

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

Order deferred.

15. **MOTION – APPROVAL OF SEN. (PROF.) SAMSON ONGERI, EGH, MP TO SERVE IN THE SESSIONAL COMMITTEE ON DELEGATED LEGISLATION**  
(The Senate Majority Leader)

THAT, NOTWITHSTANDING, the resolution of the Senate made on 30<sup>th</sup> March, 2021 on the approval of Senators to serve in the Sessional Committee on Delegated Legislation, and pursuant to Standing Orders 189 and 219, the Senate approves the nomination of Sen. (Prof.) Samson Ongeri, EGH, MP to replace Sen. Erick Okong’o Mogeni, SC, MP as a Member of the Sessional Committee on Delegated Legislation.

Order deferred.

16. **MOTION – RECONSTITUTION OF STANDING COMMITTEES**  
(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 nominated by the Senate Business Committee to serve in Standing Committees of the Senate as follows –

**(i) Committee on Agriculture, Livestock and Fisheries**

1. Sen. (Prof.) Margaret Kamar, EGH, MP to replace Sen. (Eng.) Ephraim Mwangi Maina, MP;
2. Sen. Haji Abdul Mohammed, MP to replace Sen. (Dr.) Mbito Michael Maling’aa, MP;
3. Sen. (Dr.) Gertrude Musuruve Inimah, MP to replace Sen. Boy Issa Juma, MP; and
4. Sen. Agnes Kavindu Muthama, MP to serve as a Member.

**(ii) Committee on Devolution and Intergovernmental Relations**

1. Sen. Njeru Ndwiga, EGH, MP to replace Sen. Aaron Cheruiyot, MP.
2. Sen. Samson Cherarkey, MP to serve as a Member;
3. Sen. Irungu Kang’ata, MP to serve as a Member; and
4. Sen. Agnes Kavindu, MP to serve as a Member.

**(iii) Committee on Education**

1. Sen. Naomi Shiyonga Masitsa, MP to replace Sen. (Dr.) Gertrude Musuruve Inimah, MP; and
2. Sen. Boy Issa Juma, MP to replace Sen. (Prof.) Imana Malachi Charles Ekal, MP.

**(iv) Committee on Energy**

1. Sen. Susan Kihika, MP to replace Sen. Abshiro Halake, MP;
2. Sen. Kipchumba Murkomen, EGH, MP to replace Sen. John Kinyua Nderitu, MP; and
3. Sen. Haji Abdul Mohammed, MP, to serve as a Member.
4. Sen. Moses Wetangula, EGH, MP to replace Sen. (Prof.) Imana Malachy Ekal, MP

**(v) Committee on Finance and Budget**

Sen. (Prof.) Samson Ongeri, EGH, MP to replace Sen. (Dr.) Ochillo Ayacko, EGH, MP.

**(vi) Committee on Information, Communication and Technology**

1. Sen. Samuel Poghisi, EGH, MP to replace Sen. Gideon Moi, CBS, MP;
2. Sen. Wario Golich Juma, MP to replace Sen. Susan Kihika, MP;
3. Sen. Moses Kajwang', MP to replace Sen. Petronilla Were Lokorio, MP; and
4. Sen. (Dr.) Gertrude Musuruve Inimah, MP to replace Sen. Mercy Chebeni, MP.

**(vii) Committee on Justice, Legal Affairs and Human Rights**

Sen. (Eng.) Ephraim Maina, EBS, MP to serve as a Member.

**(viii) Committee on Labour and Social Welfare**

1. Sen. Ledama Olekina, MP to replace Sen. Johnes Mwaruma, MP; and
2. Sen. Philip Salau Mpaayei, MP to replace Sen. Paul Mwangi Githiomi, MP.

**(ix) Committee on Land, Environment and Natural Resources**

Sen. (Dr.) Alice Milgo, MP to replace Sen. Ndwiga Peter Njeru, MP; and further that Sen. Gideon Moi, CBS, MP ceases being a Member of the Committee.

**(x) Committee on National Cohesion, Equal Opportunity and Regional Integration**

1. Sen. Abshiro Halake, MP to replace Sen. (Dr.) Christopher Andrew Lang'at, MP; and
2. Sen. (Dr.) Ochillo Ayacko, EGH, MP to replace Sen. (Dr.) Gertrude Musuruve Inimah, MP.

**(xi) Committee on National Security, Defence and Foreign Relations**

1. Sen. Gideon Moi, CBS, MP to serve as a Member; and



2. Sen. Paul Mwangi Githiomi, MP to replace Sen. Wario Golich Juma, MP.

**(xii) Committee on Tourism, Trade and Industrialization**

1. Sen. Aaron Cheruiyot, MP to replace Sen. Philip Mpaayei, MP;
2. Sen. (Prof.) Imana Malachy Charles Ekal, MP to replace Sen. (Dr.) Agnes Zani, CBS MP; and
3. Sen. Petronilla Were Lokorio, MP, to replace Sen. Mercy Chebeni, MP.

Order deferred.

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

Order read;

Motion made and Question proposed;

THAT, the Disaster Risk Management Bill (Senate Bills No. 14 of 2021) be now read a Second time.

*(Sen. Mutula Kilonzo Jr, MP and Sen. Sakaja Johnson, MP – 21/09/2021)*

Debate interrupted on Thursday, 23<sup>rd</sup> September, 2021 resumed;

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 (Sen. Sakaja Johnson, MP) requested that the putting of the Question be deferred to a later date.

And the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi, MP) acceding to the request, deferred putting of the Question to tomorrow.

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.

18. **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  
Thursday, September 30, 2021 at 2.30 p.m.*