



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (FIFTH SESSION)**

**VOTES AND PROCEEDINGS**

**THURSDAY, NOVEMBER 11, 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 FROM THE CHAIR ON THE 7<sup>TH</sup> AND FINAL ANNUAL DEVOLUTION CONFERENCE**

The Speaker conveyed the following Communication from the Chair -

“As you may recall, the 7<sup>th</sup> Annual Devolution Conference had been scheduled to take place from 23<sup>rd</sup> to 26<sup>th</sup> August, 2021, in Wote, Makueni County. The Conference was postponed following a Presidential directive issued on 18<sup>th</sup> August, 2021, via Public Order No. 5 of 2021, suspending all public gatherings and in-person meetings, as a measure to mitigate against the spread of the pandemic.

Following consultations between the National Executive, the Council of Governors, the Senate and other devolution players, the Devolution Conference Steering Committee, at its meeting held on 18<sup>th</sup> October, 2021, resolved that the 7<sup>th</sup> Annual Devolution Conference be held from 23<sup>rd</sup> to 26<sup>th</sup> November, 2021 at Makueni Boys High School in Wote, Makueni County.

The theme of the Conference is “*Multi – level Governance for Climate Action,*” and the sub-theme is, “*Sub-national Mobilization in Unlocking the Full Potential of Climate Action*”. A number of Senators have been identified to represent the Senate in the Conference programme as either Session Chairs or Panelists and correspondence to this effect has been made in writing. I urge the identified Senators to cooperate with the Steering Committee and to closely work with the Secretariat to ensure the effective participation of the Senate.

The Senate, on Wednesday, 10<sup>th</sup> November, 2021 resolved to alter its Calendar for Part VI of the Fifth Session in order to allow the Senate to

participate in the event. Senators may give their confirmation by signing a register, to be circulated from today, until Thursday, 18<sup>th</sup> November, 2021.

I urge all Honourable Senators to save these dates and plan to participate in this important event in our devolution calendar.

I thank you!"

4. **PAPERS**

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

- i) Report of the Auditor General on the Kajiado County Assembly Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June 2019.
- ii) Report of the Auditor General on the Turkana County Education and Skills Development Fund for the year ended 30<sup>th</sup> June 2019.
- iii) Report of the Auditor General on the Turkana County Biashara Fund for the year ended 30<sup>th</sup> June 2019.
- iv) Report of the Auditor General on the Turkana County Assembly Staff Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June 2019.
- v) Report of the Auditor General on the Vihiga County Trade and Enterprise Fund for the six months' period ended 30<sup>th</sup> June 2019.
- vi) Report of the Auditor General on the Kericho County Emergency Fund for the year ended 30<sup>th</sup> June 2019.
- vii) Report of the Auditor General on the Elgeyo Marakwet County Assembly Car and Mortgage Revolving Fund for the year ended 30<sup>th</sup> June 2019.
- viii) Report of the Auditor General on the Elgeyo Marakwet County Executive Education Fund for the year ended 30<sup>th</sup> June 2019.
- ix) Report of the Auditor General on the Kapsabet - Nandi Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June 2019.
- x) Report of the Auditor General on the Nandi County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June 2019.
- xi) Report of the Auditor General on the Uasin Gishu County Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June 2019.

*(The Senate Minority Whip)*

- xii) Statement on the Business of the Senate for the week commencing Tuesday, 16<sup>th</sup> November, 2021.

*(The Senate Majority Leader)*

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

Nominated Senator (Sen. Rose Nyamunga, MP) made a Statement on an issue of general topical concern, namely, the need to classify patients suffering from Sickle Cell Disease (SCD) as persons with disability (PWDs). The Senator observed that sickle cell anaemia is a disease that results in some form of physical disability and persons suffering from it ought to be considered for benefits entitled to persons living with disability.

The Senator pointed out that persons with Sickle Cell Disease (SCD) suffer disability of a multifactorial nature which includes physical, psychological and social dimensions. She informed the Senate that about 240,000 children in Africa are born each year with SCD. In Kenya, it is estimated that 6,000 children are born with the disease, which poses a great threat to their physical and cognitive development.

The Senator went on to state that sickle cell anaemia requires ongoing treatment, medication and hospital stays. By the time the SCD gets to a high level of severity to the extent of preventing an individual from working/mobility, it often leads to financial strain for both the individual and the family. Owing to the chronic pain in the bones and/or joints associated with SCD, the individual often suffers from deficiency in mental and cognitive abilities, thus making it difficult to maintain concentration.

In conclusion, the Senator implored upon the Government to consider classifying persons suffering from SCD as persons with disabilities (PWDs).

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

- i. The Senator for Kitui County (Sen. Enoch Wambua, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the delay in allocation of a Sub-County Code to the Tharaka/Thagichu Sub-County in Kitui County.
- ii. The Senator for Kericho County (Sen. Aaron Cheruiyot, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding land transactions by multinationals in Kericho County, without the involvement of the National or County Governments.

- iii. The Nominated Senator (Sen. Millicent Omanga, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning alleged irregular ownership and use of land No. LR 336/64, originally land No. LR 336/12 in Babadogo, Nairobi City County.
- iv. The Senator for Murang'a County (Sen. (Dr.) Irungu Kang'ata, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources on progress made in compensation of owners of Kagaa Kilifi Land LR. NO. 2859 and 1427 in Kilifi County, for resettlement of squatters.
- v. The Senator for Murang'a County (Sen. (Dr.) Irungu Kang'ata, MP) sought a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights concerning appointment of private law firms by the Government, in the Building Bridges Initiative (BBI) case and payments made to them for the services rendered.

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

The Senate Majority Leader made a Statement on the Business of the Senate for the week commencing Tuesday, 16<sup>th</sup> November, 2021.

**6. THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 22 OF 2021)**

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

*(Second Reading)*

***(Resumption of debate interrupted on Tuesday, 2<sup>nd</sup> November, 2021)***

***(Division)***

Order deferred

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

(Sen. Ledama Olekina, MP)

*(Second Reading)*

***(Resumption of debate interrupted on Tuesday, 2<sup>nd</sup> November, 2021)***

***(Division)***

Order deferred

**8. THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, (SENATE BILLS NO. 37 OF 2021)**

(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

*(Second Reading)*

***(Resumption of debate interrupted on Thursday, 4<sup>th</sup> November, 2021)***

***(Division)***

Order deferred

9. **THE ALTERNATIVE DISPUTE RESOLUTION BILL (SENATE BILLS NO. 34 OF 2021)**

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

*(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 COUNTY GOVERNMENTS (AMENDMENT) BILL, (SENATE BILLS NO. 38 OF 2021)**

(Sen. Moses Kajwang', MP)

*(Second Reading)*

Order Deferred

12. **THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILLS NO. 19 OF 2021)**

(Sen. Judith Pareno, MP)

*(Second Reading)*

Order deferred

13. **COMMITTEE OF THE WHOLE**  
**THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 25 OF 2020)**

(Sen. (Dr.) Agnes Zani, MP)

Order deferred

14. **COMMITTEE OF THE WHOLE**  
**\*THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2020)**

(Sen. (Dr.) Agnes Zani, MP)

Order deferred

15. **COMMITTEE OF THE WHOLE**  
**THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 6 OF 2021)**

(The Chairperson, Standing Committee on Education)

Order deferred

16. **COMMITTEE OF THE WHOLE**  
**THE PROMPT PAYMENT BILL (SENATE BILLS NO. 16 OF 2021)**  
(Sen. (CPA.) Farhiya Haji, MP and Sen. Sakaja Johnson, MP)

Order deferred

17. **COMMITTEE OF THE WHOLE**  
**THE START-UP BILL (SENATE BILLS NO. 1 OF 2021)**  
(Sen. Sakaja Johnson, MP)

Order deferred

18. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS ON A STATEMENT SOUGHT BY SEN. MUTULA KILONZO JR. MP, REGARDING DELAYS IN THE APPOINTMENT OF JUDGES OF THE HIGH COURT AND THE COURT OF APPEAL**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a statement sought by Sen. Mutula Kilonzo Jr. MP, regarding delays in the appointment of Judges of the High Court and the Court of Appeal laid on the Table of the Senate on Tuesday, 19<sup>th</sup> October, 2021.

*(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights – 10/11/2021)*

*Debate interrupted on Wednesday, 10<sup>th</sup> November, 2021 resumed;*

And there being no other Senator wishing to contribute;

The Mover replied;

Before the Question was put and pursuant to Standing Order 79 (1), the Temporary Speaker (Sen. John Kinyua Nderitu, MP) informed the Senate that the Motion does not affect counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

THAT, the Senate adopts the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a statement sought by Sen. Mutula Kilonzo Jr. MP, regarding delays in the appointment of Judges of the High

Court and the Court of Appeal laid on the Table of the Senate on Tuesday, 19<sup>th</sup> October, 2021.

19. **MOTION - FAST TRACKING CULTURAL DEVELOPMENTS IN COUNTIES**

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

Order read;

THAT, WHEREAS Kenya is a multi-ethnic and multi-racial country with rich and diverse cultural resources such as traditional medicine and foods, arts, craft, music, dances, dress among others;

AWARE THAT, the Constitution, in its preamble acknowledges the cultural diversity of the Kenyan people who are determined to live in peace and unity as one indivisible sovereign nation whilst, Article 11 of the Kenyan Constitution recognizes culture as the foundation of the nation;

NOTING that, while the Department of Culture under the Ministry of Sports, Culture and Heritage has been playing some of the key roles in promotion of cultural integration, formulation of policies and standards that will guide the development of culture, little information has been available to the Kenyan public;

ACKNOWLEDGING, that culture performs a significant role in the life of a child, the cultural background in which a child is brought up affects the totality of his or her life's activities;

CONCERNED, that our children are losing their sense of identity due to the negative influences due to inadequate cultural identity catalyzed by globalization which has led to catastrophic consequences to the next generation as experienced in our country where a majority of young people are showing symptoms of feeling suicidal, anxious, feeling of hopelessness, anger, violence, feeling isolated, and paranoia;

NOW THEREFORE, the Senate urges the Cabinet Secretary, Ministry of Sports, Culture and Heritage to –

- a) Formulate cultural development policies and initiatives to inculcate stronger community values, safeguard Kenya's heritage, recognize local heroes and promote socio-cultural opportunities in the counties; and
- b) Formulate strategies to create an enabling environment for protection and promotion of diversity of cultural expressions in all counties.

*(Resumption of debate interrupted on Tuesday, 14<sup>th</sup> September, 2021)*

Order deferred

20. **MOTION - RECOGNIZING AND APPRECIATING THE ELDERLY BY COUNTY GOVERNMENTS**

(Sen. Rose Nyamunga, MP)

THAT, AWARE that in 2006, the National Government initiated the Older Persons Cash Transfer (OPCT) Programme, popularly known as *Pesa ya Wazee*, which is an unconditional cash transfer programme to destitute elderly persons above the age of 65 years to cater for their subsistence needs;

NOTING THAT the beneficiaries receive a monthly stipend of Kshs. 2,000, delivered every two months through appointed payment agents, and also entitled to medical insurance through the National Health Insurance Fund (NHIF);

CONCERNED HOWEVER THAT the programme's credibility is marred by issues of delayed payments to beneficiaries, difficulties in processing of payments through the stipulated agents and payments to unregistered persons;

NOW THEREFORE, the Senate recommends that the County Governments complement the efforts of the National Government and assist in resolving these challenges by:-

1. Developing legislation and policies to protect the elderly including ensuring all elderly persons in their counties are registered in the OPCT programme; and
2. Organise value addition mechanisms such as financial training to help the beneficiaries of the programme to efficiently utilise this allowance.

Order deferred

21. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON INQUIRY INTO ALLEGATIONS OF IRREGULARITIES BY THE KENYA MEDICAL SUPPLIES AUTHORITY IN PROCUREMENT OF PHARMACEUTICAL EQUIPMENT**

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into allegations regarding irregularities in the procurement of various pharmaceutical equipment and products by the Kenya Medical Supplies Authority (KEMSA), laid on the Table of the Senate on Tuesday, 30<sup>th</sup> March, 2021.

Order deferred



22. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COVID-19 PANDEMIC SITUATION IN KENYA**  
(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the First Progress Report of the Standing Committee on Health on the Covid-19 pandemic situation in Kenya, laid on the Table of the Senate on Tuesday, 30<sup>th</sup> March, 2021.

Order deferred

23. **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.

Order deferred

24. **MOTION - ADOPTION OF THE THIRD PROGRESS REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COVID-19 SITUATION IN KENYA AND PRELIMINARY FINDINGS ON THE NATIONWIDE COVID-19 VACCINE ROLL OUT**  
(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Third Progress Report of the Standing Committee on Health on the COVID-19 situation in Kenya and preliminary findings on the nationwide COVID-19 vaccine roll out, laid on the Table of the Senate on Tuesday, 21<sup>st</sup> September, 2021.

Order deferred

And there being no other business, the Temporary Speaker (Sen. John Kinyua Nderitu, MP) adjourned the Senate at fifty-seven minutes past Five O'clock without Question put, pursuant to the Standing Orders.

25. **SENATE ROSE** - at fifty seven minutes past Five O'clock.

### **MEMORANDUM**

*The Speaker will take the Chair on  
Tuesday, November 16, 2021 at 2.30 p.m.*