



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FIFTH SESSION)

VOTES AND PROCEEDINGS

WEDNESDAY, DECEMBER 1, 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. Judith Pareno, MP).
3. **COMMUNICATIONS FROM THE CHAIR**

The Temporary Speaker (Sen. Judith Pareno, MP) issued the following Communications from the Chair.

i. Visiting Speaker of the Nyandarua County Assembly

“I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, the Speaker of the Nyandarua County Assembly, Hon. Ndegwa Wahome, EBS, who is also the Chairperson of the County Assemblies Forum.

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

I thank you.”

ii. Visiting Delegation from the Narok County Assembly

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon of visiting staff from the County Assembly of Narok. The delegation is at the Senate for a one week benchmarking visit.

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

They are;

1. Mr. Sankale Gilisho
2. Ms. Mary Kiminta
3. Ms. Irene Saitoti
4. Ms. Esther Njenga
5. Ms. Faith Koonyo
6. Mr. Andrew Leperes
7. Mr. Joshua Yegon
8. Mr. Silvester Maren

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**

- i. Pursuant to Standing Order 230(2) (b), the Temporary Speaker (Sen. Judith Pareno, MP), reported to the Senate of a Petition by Mr. Ndegwa Wahome, EBS, concerning paralysis in the operations of the Nyandarua County Assembly.

Pursuant to Standing Order 231, the Temporary Speaker (Sen. Judith Pareno, MP), invited Senators to make comments, observations or seek clarification in relation to the Petition and, subsequently committed it to the Standing Committee on Devolution and Intergovernmental Relations, pursuant to Standing Order 232(1).

- ii. Pursuant to Standing Order 232 (2), the Chairperson, Standing Committee on Labour and Social Welfare tabled before the Senate the Report of the Standing Committee on a Petition to the Senate by Mr. Taratisio Ileri Kawe regarding the state of the Inua Jamii Programme.

Pursuant to Standing Order 232, the Temporary Speaker (Sen. Judith Pareno, MP), invited Senators to comment on the Petition.

- iii. Pursuant to Standing Order 232 (2), the Chairperson, Standing Committee on Labour and Social Welfare tabled before the Senate the Report of the Standign Committee on a Petition to the Senate by residents of Kericho County and Members representing Early Childhood Development Education (ECDE) Teachers’ Association, concerning the recruitment and remuneration of Early Childhood Development Education (ECDE) Teachers in Kericho County.

Pursuant to Standing Order 232, the Temporary Speaker (Sen. Judith Pareno, MP), invited Senators to comment on the Petition.

5. PAPERS

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

- i) The 2022 Budget Policy Statement.
- ii) The 2022 Medium Term Debt Management Strategy.
- iii) The Draft Division of Revenue Bill, 2022.
- iv) The Draft County Allocation of Revenue Bill, 2022.
- v) The Council of Governors Annual Statutory Report for the year 2020/2021.
- vi) State of the Judiciary and the Administration of Justice Annual Report for the year 2020/2021.
- vii) Report of the Auditor General on the Financial Statements of Machakos County Executive for the year ended 30th June 2020.
- viii) Report of the Auditor General on the Financial Statements of Machakos County Assembly for the year ended 30th June 2020.
- ix) Report of the Auditor General on the Financial Statements of Kitui County Executive for the year ended 30th June 2020.
- x) Report of the Auditor General on the Financial Statements of Kitui County Assembly for the year ended 30th June 2020.
- xi) Report of the Auditor General on the Financial Statements of Makeni County Executive for the year ended 30th June 2020.
- xii) Report of the Auditor General on the Financial Statements of Makeni County Assembly for the year ended 30th June 2020.
- xiii) Report of the Auditor General on the Financial Statements of Lamu County Executive for the year ended 30th June 2020.
- xiv) Report of the Auditor General on the Financial Statements of Lamu County Assembly for the year ended 30th June 2020.

- xv) Report of the Auditor General on the Financial Statements of Lamu County Bursary and Scholarship Fund for the year ended 30th June 2019.
- xvi) Report of the Auditor General on the Financial Statements of Kakamega County Maternal Child Health and Family Planning Fund for the year ended 30th June 2019.
- xvii) Report of the Auditor General on the Financial Statements of Bungoma County Executive for the year ended 30th June 2020.
- xviii) Report of the Auditor General on the Financial Statements of Bungoma County Assembly for the year ended 30th June 2020.
- xix) Report of the Auditor General on the Financial Statements of Bungoma County Disability Empowerment Fund for the year ended 30th June 2019.
- xx) Report of the Auditor General on the Financial Statements of Mandera County Executive for the year ended 30th June 2020.
- xxi) Report of the Auditor General on the Financial Statements of Mandera County Assembly for the year ended 30th June 2020.
- xxii) Report of the Auditor General on the Financial Statements of Garissa County Executive for the year ended 30th June 2020.
- xxiii) Report of the Auditor General on the Financial Statements of Garissa County Assembly for the year ended 30th June 2020.
- xxiv) Report of the Auditor General on the Financial Statements of Vihiga County Assembly Car Loan and Mortgage Fund for the year ended 30th June 2019.
- xxv) Report of the Auditor General on the Financial Statements of Kericho County Executive Staff Mortgage Scheme Fund for the year ended 30th June 2019.
- xxvi) Report of the Auditor General on the Financial Statements of Uasin Gishu County Enterprise Development Fund for the year ended 30th June 2019.
- xxvii) Report of the Auditor General on the Financial Statements of Vihiga County Executive for the year ended 30th June 2020.
- xxviii) Report of the Auditor General on the Financial Statements of Vihiga County Assembly for the year ended 30th June 2020.

- xxix) Report of the Auditor General on the Financial Statements of Kisii County Executive for the year ended 30th June 2020.
- xxx) Report of the Auditor General on the Financial Statements of Kisii County Assembly for the year ended 30th June 2020.
- xxxi) Report of the Auditor General on the Financial Statements of Meru County Executive for the year ended 30th June 2020.
- xxxii) Report of the Auditor General on the Financial Statements of Meru County Assembly for the year ended 30th June 2020.
- xxxiii) Report of the Auditor General on the Financial Statements of Marsabit County Executive for the year ended 30th June 2020.
- xxxiv) Report of the Auditor General on the Financial Statements of Marsabit County Assembly for the year ended 30th June 2020.

(The Deputy Senate Majority Leader)

- xxxv) Report of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on the Ethnic Diversity and inclusivity at the Kenya Maritime Authority (KMA) and the Kenya Ports Authority (KPA).

(The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration)

- xxxvi) Report of the Standing Committee on Labour and Social Welfare on a Petition to the Senate by Mr. Taratisio Ileri Kawe regarding the state of the Inua Jamii Programme.
- xxxvii) Report of the Standing Committee on Labour and Social Welfare a Petition to the Senate by residents of Kericho County and Members representing Early Childhood Development Education (ECDE) Teachers' Association, concerning the recruitment and remuneration of Early Childhood Development Education (ECDE) Teachers in Kericho County.

(The Chairperson, Standing Committee on Labour and Social Welfare)

6. **COMMUNICATION FROM THE CHAIR ON PROCESSING OF THE 2022 BUDGET POLICY STATEMENT**

The Temporary Speaker (Sen. John Kinyua Nderitu, MP) issued the following communication on the Budget Policy Statement –

“Honourable Senators,

As outlined in the Public Finance Management Act, 2021 and its attendant regulations, the budget process involves preparation of key policy documents for approval by Cabinet and Parliament. Given that 2022 will be a General Election year, preparation of the 2022/23 – 2024/25 Medium-Term Budget will require to be fast-tracked to ensure that the budget estimates are approved by Parliament before it proceeds on recess in preparation for the General Elections slated for August, 2022. Resultantly, vide a Circular No. 8/2021 the National Treasury, set timelines to facilitate finalization and approval of budget policy documents and Bills well ahead of the General Elections. You may note that the budget process for the financial year 2022/23 is likely to be concluded by 10th March, 2022.

By a letter Ref. No. Conf.MOF83/02/TY.5/(52) dated 30th November, 2021, and received in the Office of the Clerk of the Senate on the same day, the Cabinet Secretary for the National Treasury submitted the following documents for consideration and approval by Parliament-

- a) The Budget Policy Statement, 2022;
- b) The Medium Term Debt Management Strategy, 2022;
- c) The Draft Division of Revenue Bill, 2022; and
- d) The Draft County Allocation of Revenue Bill, 2022.

Honourable Senators,

As you may have noted, the Senate Majority Leader has tabled the Budget Policy Statement for the Financial Year 2022/2023.

Honourable Senators,

The Budget Policy Statement sets out the broad strategic priorities and policy goals that will guide the national government and county governments in preparing their budgets both for the following Financial Year and over the medium term. It contains, among other things-

- (i) an assessment of the current state of the economy and the financial outlook over the medium term, including the macro-economic forecasts;

- (ii) the financial outlook with respect to Government revenues, expenditures and borrowing for the next financial year and over the medium term;
- (iii) the proposed expenditure limits for the national government, including those of Parliament and the Judiciary and indicative transfers to county governments;
- (iv) the fiscal responsibility principles and financial objectives over the medium term including limits on total annual debt; and the proposed division of revenue, including proposed conditional grants, if any.

In a nutshell it means that any proposal that Senators have regarding the Division of Revenue Bill, the County Allocation of Revenue Bill, and the County Grants Bill which will contain funds for conditional allocations to the counties, should be canvassed and forwarded to the National Treasury for possible factoring in the Budget Policy Statement, failure to which, it will be difficult for changes to be accommodated later on.

Honourable Senators,

Section 25 (7) of the Public Finance Management Act provides as follows-

Parliament shall, not later than fourteen days after the Budget Policy Statement is submitted to Parliament, table and discuss a report containing its recommendations and pass a resolution to adopt it with or without amendments.

Further, Standing Order 180(4) and 5 requires the Standing Committee on Finance and Budget to deliberate upon and consult the Cabinet Secretary Ministry of Finance, the Commission on Revenue Allocation, County Assemblies Forum among other stakeholders, and table a report containing its recommendations on the Budget Policy Statement within **twelve days**, for this case, being not later than 13th December, 2021.

Honourable Senators,

Based on the importance of the Budget Policy Statement and the above timelines, I direct that, the Budget Policy Statement be considered by all Standing Committees each concentrating on their respective mandate. The Standing Committees will then forward their recommendations to the

Standing Committee on Finance and Budget for consolidation, not later than Thursday, 9th December, 2021.

To enable Honorable Senators and the Committees to interrogate issues contained in the Budget Policy Statement, the Standing Committee on Finance and Budget has organized a virtual briefing session for all Senators on Monday, 6th December, 2021, at 9.30 am, via video conferencing.

I urge the Standing Committee on Finance and Budget to expedite the process and table its report on or before Mondya, 13th December, 2021, to enable the Senate to debate and approve the Budget Policy Statement on the same day.

Honourable Senators,

Please note that, pursuant to Section 25 (8) of the Public Finance Management Act and Standing Order 180 (8) of the Senate, the Cabinet Secretary for the National Treasury and Planning is expected to take into account resolutions passed by Parliament in finalizing the budget for the relevant Financial Year.

Honourable Senators,

I therefore urge you all to prioritize the scrutiny of the Budget Policy Statement, taking into consideration our most important function of safeguarding devolution.

I thank you.”

7. **NOTICE OF MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL INTEGRATION ON ETHNIC DIVERSITY AND INCLUSIVITY AT THE KENYA MARITIME AUTHORITY (KMA) AND KENYA PORTS AUTHORITY (KPA)**

(The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration)

THAT, the Senate adopts the Report of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on ethnic diversity and inclusivity at the Kenya Maritime Authority (KMA) and Kenya Ports Authority (KPA) laid on the Table of the Senate on Wednesday, 1st December, 2021.

8. **STATEMENTS**

a) Pursuant to Standing Order 48 (1)

- i. The Senator for Nandi County (Sen. Cherarkey Samson, MP) sought a statement from the Standing Committee on Justice, Legal Affairs and Human Rights concerning unqualified persons practicing as advocates in various private companies.
- ii. The Senator for Nandi County (Sen. Cherarkey Samson, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning land leases in Nandi County.

b) Pursuant to Standing Order 51 (1) (b)

- i. The Chairperson, Standing Committee on Health, issued a statement relating to the activities of the Committee for the period 1st July to 30th November, 2021.
- ii. The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights issued a statement relating to the activities of the Committee for the period 1st July to 30th November, 2021.
- iii. The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration issued a statement relating to the activities of the Committee for the period 1st July to 30th November, 2021.
- iv. The Chairperson, Standing Committee on Labour and Social Welfare issued a statement relating to the activities of the Committee for the period 1st July to 31st December, 2021.
- v. The Chairperson, Standing Committee on Land, Environment and Natural Resources issued a statement relating to the activities of the Committee for the period 1st July to 30th November, 2021.
- vi. On behalf of the Chairperson, Nominated Senator (Sen. Farhiya Ali, MP) a Member of the Standing Committee on Finance and Budget, issued a statement relating to the activities of the Committee for the period 1st July to 30th November, 2021.

9. MOTION - DEBATE ON THE PRESIDENT'S ADDRESS TO PARLIAMENT -
(2ND DAY)

Order read;

Motion made and Question proposed;

THAT, pursuant to Standing Order 24 (6), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of His Excellency the President, delivered on Tuesday, 30th November, 2021 and further that the Senate notes the following Reports submitted by H.E. the President in fulfillment of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the Senate on Wednesday, 1st December, 2021 -

- i) The Eighth (8th) State of the Nation Address by His Excellency the President delivered at a Special Sitting of Parliament on Tuesday, 30th November, 2021;
- ii) The Eighth (8th) Annual Report (2020), on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
- iii) The Eighth (8th) Annual Report on the Progress made in Fulfilling the International Obligations of the Republic of Kenya;
- iv) The Annual Report to Parliament on the State of National Security, 2021; and
- v) The Kenya Business Climate Reforms Milestones Report for the year 2020-2021

(The Senate Majority Leader)

Debate interrupted on Wednesday 1st December, 2021 - Morning Sitting, resumed;

And the time being thirty minutes past six O'clock, the Temporary Speaker (Sen. John Kinyua Nderitu, MP) 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
Thursday, December 02, 2021 at 2:30 p.m.*