



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SIXTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, APRIL 06, 2022 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. John Kinyua, MP).

3. **COMMUNICATIONS FROM THE CHAIR**

The Temporary Speaker (Sen. John Kinyua, MP) conveyed the following communications from the Chair-

(i) **Temporary resumption of Virtual/Hybrid Sitting of the Senate**

“Honourable Senators,

As you are aware, on Tuesday, 29th March, 2022, I issued a Communication conveying the decision of the Senate Business Committee on the application of Part XXIXA of the Standing Orders regarding hybrid/virtual plenary sittings. The effect of the Communication was to suspend hybrid/virtual plenary sittings with effect from 31st March, 2022.

Honourable Senators,

Owing to the urgency and importance of the Business pending before the Senate, and notwithstanding the resolution of Senate Business Committee that I have alluded to, I have again consulted the Senate Business Committee, pursuant to Standing Order 251A (1)(a), to reverse the decision in respect of the plenary sitting of the Senate tomorrow, Thursday, 7th April, 2022.

In this regard, I hereby direct that tomorrow's sitting be hybrid. This will enable Senators who are out of town to participate in the plenary sitting.

I thank you. “

(ii) **Visiting staff from the Murang'a County Assembly**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon of visiting staff from Murang'a County Assembly. The staff are at the Senate for a one-week benchmarking visit.

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

They are: -

1. Mr. Reuben Maina - Clerk Assistant
2. Ms. Damaris Kimani - Clerk Assistant

Honourable Senators,

In our 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. **PAPERS LAID**

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

- i) The Public Finance Management (National Government) (Amendment) Regulations 2022.
- ii) The Public Finance Management (County Governments) (Amendment) Regulations 2015.
- iii) Report of the Auditor General on the financial statement of Nyandarua County Emergency Fund for the year ended 30th June, 2019.
- iv) Report of the Auditor General on the financial statement of Nyandarua County Executive Committee Members Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2019.
- v) Report of the Auditor General on the financial statement of Nakuru County Executive Car Loan and Mortgage Staff Scheme Fund for the year ended 30th June, 2020.
- vi) Report of the Auditor General on the financial statement of Samburu County Bursaries Fund for the year ended 30th June, 2020.

- vii) Report of the Auditor General on the financial statement of Kericho County Executive Staff Mortgage Scheme Fund for the year ended 30th June, 2020.
- viii) Report of the Auditor General on the financial statement of Kericho County Assembly Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2020.
- ix) Report of the Auditor General on the financial statement of Amatsi Water Services Company Limited for the year ended 30th June, 2020.
- x) Report of the Auditor General on the financial statement of Homabay County Water and Sanitation Company Limited for the year ended 30th June, 2020.

(The Deputy Senate Majority Leader)

- xi) Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Cotton Industry Development Bill (Senate Bills No. 55 of 2021).

*(The Deputy Senate Majority Leader on behalf of the Chairperson,
Standing Committee on Agriculture, Livestock and Fisheries)*

- xii) Report of the Standing Committee on Health on the consideration of amendments passed by the National Assembly to the Mental Health (Amendment) Bill (Senate Bills No. 28 of 2020).

*(The Deputy Senate Majority Leader on behalf of the Chairperson,
Standing Committee on Health)*

5. **STATEMENTS**

(a) Pursuant to Standing Order 47 (1)

- i) The Senator for Vihiga County (Sen. George Khaniri, MP) made a statement regarding the level of pollution in River Mara.

Thereupon, the Senator pointed out that the Mara River, which flows nearly 400 kilometers through the Maasai Mara National Reserve in Kenya and the Serengeti National Park in Tanzania and provides the only permanent source of water for the largest remaining overland migration in the world of 1.2 million wildebeests, sustains large populations of wildlife species as well as providing water for nearly a million people living in the river basin.

The Senator also stated that lately, due to water pollution, hippos in the Mara River are appearing to have peeling and discoloured skins, fish and

wildebeests are dying and domestic animals, as well as humans are affected.

The Senator noted that the mushrooming of over 200 hotels and camps in the Mara Triangle discharging untreated waste into the Mara River, which is already reeling from the effects of climate change and human activities upstream, has forced hippos to gather in enclosed areas and small pools.

The Senator stated that, according to Water Resources Users Association (WRUA), the use of fertilisers, insecticides and other agrochemicals upstream, clearing of vegetation in the Mau Forest and sand harvesting and irrigation along its tributaries have also affected the Mara and the now low water volumes is threatening the iconic wildebeest migration, which is likely to reduce tourism in the Mara-Serengeti region.

The Senator called on the relevant authorities, such as NEMA to take action and to ensure that no waste is discharged into the river and implement water catchment strategies to ensure that the humans living in or visiting the Mara do not over utilize water from the river.

- ii) Nominated Senator (Sen. (Dr.) Gertrude Musuruve, MP) made a statement on the entry of the Democratic Republic of Congo (DRC) into the East African Community (EAC).

Thereupon, the Senator stated that, since 2019, DRC has been keen to join EAC hoping to improve its trade and political ties with its East African neighbours.

The Senator noted that DRC is one of the richest countries in the world in terms of natural resources and her inclusion as a member state of EAC will boost trade in the region, foster employment and business opportunities and strengthen and deepen ties amongst the states in the region.

The Senator, however, pointed out the need for DRC to work on her infrastructure and security-related matters in order to attract investors and traders from other EAC countries.

The Senator welcomed the move and conveyed her best wishes to DRC.

- iii) Nominated Senator (Sen. (Dr.) Gertrude Musuruve, MP) made a Statement on the International Day of Sports for Development and Peace (IDS DP).

Thereupon, the Senator informed the Senate that the day, which is marked annually on 6th of April, presents an opportunity to recognize the positive role of sports and physical activity in communities and in

people's lives across the globe, and the theme of IDSDP in the year 2022 is "Securing a Sustainable and Peaceful Future for All: The Contribution of Sport".

The Senator observed that sports have immense benefits, including, *inter alia*, individual development, health promotion and disease prevention, promotion of gender equality, peace building, conflict prevention/resolution, communication and social mobilization.

The Senator acknowledged the men and women who have flown the flag of Kenya high in sports and urged the national and county governments to invest more resources in the different categories of sports in order to identify, tap and nurture talents of the many young men and women who are passionate about sports.

She also urged the government to ensure that the functions and roles of Sports Kenya, as established by the Sports Act, 2013 are fully devolved in order to promote sports tourism at the grass-roots level.

(b) Pursuant to Standing Order 48 (1)

- i) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding the status of Nyangoro water project in Taita Taveta County.
- ii) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding non-settlement of claims by insurance companies, specifically those owed to Ms. Mary Ngina, the legal representative of the estate of Mr. Godfrick Ngengeri Kireti (deceased).
- iii) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding the unfair dismissal from employment of Mr. Levince Mwanyalo by the former Ministry of Internal Security and Provincial Administration.

6. MOTION – CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 28 OF 2020)

Order read;

Motion made and Question proposed;

THAT, pursuant to Standing Order 159, the amendments of the National Assembly to the Mental Health (Amendment) Bill (Senate Bills No. 28 of 2020) be now considered.

(The Deputy Senate Majority Whip on behalf of the Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order 79 (1), the Speaker ruled that the Motion did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, pursuant to Standing Order 159, the amendments of the National Assembly to the Mental Health (Amendment) Bill (Senate Bills No. 28 of 2020) be now considered.

7. **THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2021)**

(The Senate Majority Leader)

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 23rd February, 2022-
Morning Sitting)
(Division)***

Order deferred.

8. **THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILLS NO. 29 OF 2020)**

(Sen. Aaron Cheruiyot, MP and Sen. (Dr) Isaac Mwaura, MP)

(Second Reading)

***(Resumption of debate interrupted on Thursday, 10th March, 2022)
(Division)***

Order deferred.

9. **THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL (SENATE BILLS NO. 51 OF 2021)**

(Sen. Ledama Olekina, MP)

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 23rd March, 2022)
(Division)***

Order deferred.

10. **THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2021)**
(Sen. Samson Cherarkey, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 30th March, 2022)
(Division)

Order deferred.

11. **THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 55 OF 2021)**
(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

(Second Reading)

(Resumption of debate interrupted on Thursday, 31st March, 2022)
(Division)

Order deferred.

12. **MOTION - ADOPTION OF REPORTS OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON CONSIDERATION OF THE REPORTS BY THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF VARIOUS COUNTY EXECUTIVES FOR FINANCIAL YEAR 2018/2019**
(Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on consideration of the Reports by the Auditor General on the Financial Statements of the following County Executives for the Financial Year 2018/2019- Embu; Homa-Bay; Kericho; Kilifi; Kirinyaga; Kisii; Kwale; Machakos; Mombasa; Nandi; Baringo; Bomet; Garissa; Kajiado; and West Pokot as contained in Volume 1 of the Report and the following County Executives- Isiolo; Kakamega; Kisumu; Laikipia; Mandera; Marsabit; Nakuru; Narok; Nyandarua; Samburu; Taita Taveta; Trans-Nzoia; Uasin-Gishu; Vihiga; and Wajir, as contained in Volume 2 of the Report , Laid on the Table of the Senate on Thursday 2nd December, 2021.

(Resumption of debate interrupted on Tuesday, 8th March, 2022)
(Division)

Order deferred.

13. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE SPECIAL AUDIT REPORT ON UTILIZATION OF COVID-19 FUNDS BY TWENTY EIGHT (28) COUNTY GOVERNMENTS**

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health on the special audit report on utilization of COVID-19 funds by twenty-eight (28) county governments, laid on the Table of the Senate on Wednesday, 9th February, 2022.

(Resumption of debate interrupted on Wednesday, 23rd March, 2022)

(Division)

Order deferred.

14. **COMMITTEE OF THE WHOLE THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 37 OF 2021)**

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

(Resumption of debate interrupted on Wednesday, 22nd December, 2021 – Morning Sitting)

(Division)

Order deferred.

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

(Sen. Abshiro Halake, MP)

(Resumption of debate interrupted on Wednesday, 2nd March, 2022 – Morning Sitting)

(Division)

Order deferred.

16. **COMMITTEE OF THE WHOLE THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 21 OF 2021)**

(Sen. Abshiro Halake, MP)

(Resumption of debate interrupted on Wednesday, 2nd March, 2022 – Morning Sitting)

(Division)

Order deferred.

17. **COMMITTEE OF THE WHOLE THE LIFESTYLE AUDIT BILL (SENATE BILLS NO. 36 OF 2021)**

(Sen. (CPA). Farhiya Haji, MP)

*(Resumption of debate interrupted on Tuesday, 1st March, 2022)
(Division)*

Order deferred.

18. **COMMITTEE OF THE WHOLE**
THE SPECIAL NEEDS EDUCATION BILL (SENATE BILLS NO. 44 OF 2021)
(Sen. (Dr.) Getrude Musuruve and Sen. (Prof.) Margaret Kamar, MP)

*(Resumption of debate interrupted on Wednesday, 2nd March, 2022 –
Morning Sitting)*

(Division)

Order deferred.

19. **THE SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 68 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Sugar Bill (National Assembly Bills No. 68 of 2019) be now read a Second Time.

(The Deputy Senate Majority Whip on behalf of the Senate Majority Leader)

Debate arising;

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

20. **SENATE ROSE** – at thirty minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Thursday, April 07, 2022 at 2.30 p.m.*

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