



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SIXTH SESSION)

VOTES AND PROCEEDINGS

THURSDAY, APRIL 07, 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. Judith Pareno, MP).

3. **PAPERS**

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

- (i) Report of the Standing Committee on Labour and Social Welfare on the Sports (Amendment) Bill, (Senate Bills No. 40 of 2021).

*(Sen. Justice (Rtd.) Stewart Madzayo, MP, on behalf of the Chairperson,
Standing Committee on Labour and Social Welfare)*

- (ii) Statement on the business of the Senate for the week commencing Tuesday, 26th April, 2022.

(Deputy Senate Minority Leader)

4. **STATEMENTS**

a) **Pursuant to Standing Order (47) (1)**

On behalf of the Senate Majority Leader, Sen. Justice (Rtd.) Stewart Madzayo, MP, made a statement regarding the Twelfth Ordinary Session of the Plenary Assembly of Forum of Parliaments of the International Conference on the Great Lakes Region (FP-ICGLR) that was held in Nairobi, from 2nd to 6th April, 2022.

Thereupon, Sen. Justice (Rtd.) Stewart Madzayo, MP informed the Senate that the Parliament of Kenya hosted the Twelfth Ordinary Session of the Plenary Assembly of FP-ICGLR from 2nd to 6th April, 2022, Nairobi. The theme for Plenary Assembly was "*The Role of Parliament in Conflict Resolution*". He further informed the Senate that discussions centered on governance, security, peace, stability and gender. The Senator stated that

Member States appreciated efforts by the Forum in undertaking fact finding missions, which had assisted countries such as the Central African Republic, the Democratic Republic of the Congo (DRC) and the Republic of South Sudan in finding solutions and peaceful settlement to political instability.

The Senator appreciated the remarks by His Excellency, President Uhuru Kenyatta, CGH, which were delivered on his behalf by the Cabinet Secretary for Interior and Coordination of National Government, for challenging Member States to a five-point question framework on the role parliaments play in conflict resolution. In his address, the President emphasized that Parliaments and parliamentarians are critical conduits for strengthening governance systems and enhancing democratic ideals.

At the end of the five-day event, the *Nairobi Declaration* was adopted, calling on Member States to strengthen efforts on diplomatic and peace building measures aimed at resolving conflicts in the Great Lakes region; ensure that all the conflicts in the region are resolved peacefully and that they work towards implementing an objectives for Peace, Security and Co-operation framework for stability and development; support mechanisms aimed at resolving conflicts which have adverse global impacts on economies; reduce the proliferation of small arms and to improve natural resource management to curb the incessant conflicts; and strengthen co-operation in peace building initiatives to address regional conflicts.

In conclusion, the Senator acknowledged and thanked Member Parliaments who participated in the event and wished them well in their individual capacities at securing peace in the region.

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

Nominated Senator (Sen. Naomi Shiyonga, MP) sought a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding reports of food crisis in the country.

c) Pursuant to Standing Order 52 (1)

The Deputy Senate Minority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 26th April, 2022, on behalf of the Senate Majority Leader.

5. **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.

6. **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.

7. **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.

8. **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.

9. **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.

10. **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.

11. **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.

12. **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, 22ndDecember, 2021 –
Morning Sitting)
(Division)***

Order deferred.

13. **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.

14. **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.

15. **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.

16. **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)

17. **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 – 6.04.2022)

Debate interrupted on Wednesday, 6th April, 2022, resumed;

And there being no other Senator wishing to contribute;

Sen. (Arch.) Sylvia Kasanga, MP, replied on behalf of the Mover;

Pursuant to Standing Order 61 (3), Sen. (Arch.) Sylvia Kasanga, MP, requested the Temporary Speaker (Sen. Judith Pareno, MP) to defer putting of the Question to a later date.

And the Temporary Speaker (Sen. Judith Pareno, MP) acceding to the request, deferred putting of the Question to the next Sitting.

18. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committee (Sen. Judith Pareno, MP) – in the Chair)

Consideration of the National Assembly Amendments to the Mental Health (Amendment) Bill (Senate Bills No. 28 of 2020)

National Assembly Amendment to Clause 3

THAT, clause 3 of the Bill be amended in paragraph (b)–

- (a) in the proposed definition of “mental health practitioner” by inserting the following new paragraph immediately after paragraph (a)–
“(aa) medical practitioner under the Medical Practitioners and Dentists Act;”
- (b) by deleting the proposed definition of “mental health unit” and substituting therefor the following new definition–
“mental health unit” means a place or a section within a health facility designated to provide mental health services;”
- (c) by deleting the proposed definition of “person with mental illness” and substituting therefor the following new definition–

“person with mental illness” means a person diagnosed by a qualified mental health practitioner to be suffering from mental illness, and includes—

- (a) a person diagnosed with alcohol or substance use disorder; and
- (b) a person with suicidal ideation or behavior;”

(d) by inserting the following new definitions in their proper alphabetic sequence—

“mental health facility” means a facility registered and licensed by the relevant medical regulatory body to provide mental health services;

“mental health services” means the promotion of mental wellbeing, prevention, management or alleviation of disease, illness, injury and other physical and social determinants affecting mental health in individuals;

“rehabilitation” means the multidisciplinary approach aimed at supporting persons with psychosocial, intellectual and cognitive disabilities, access to services geared towards their treatment and recovery process;”

(The Senate Majority Leader)

National Assembly Amendment to Clause 3 - Vote deferred

National Assembly Amendment to Clause 4

THAT, clause 4 of the Bill be amended in the proposed new section 2A by inserting the following new paragraphs immediately after paragraph (e)—

“(f) adopt a holistic approach to community-based mental health services; and

(g) promote the provision of mental health services in primary health facilities.”

(The Senate Majority Leader)

National Assembly Amendment to Clause 4 - Vote deferred

National Assembly Amendment to Clause 5

THAT, clause 5 of the Bill be amended in the proposed new section 2C—

(a) by inserting the following new sub-paragraph immediately after sub-paragraph (b)(ii)—

“(iii) expanding and strengthening community and family-based care and support systems for vulnerable persons;”

- (b) by inserting the words “including mechanisms for outpatient comprehensive cover for mental health care and continued care for mental illness” immediately after the word “realised” appearing in paragraph (c);
- (c) by deleting paragraph (f) and substituting therefor the following new paragraph—
 - “(f) develop community-based programmes for the continued care and rehabilitation of persons with mental illness;”

(The Senate Majority Leader)

National Assembly Amendment to Clause 5 - Vote deferred

National Assembly Amendment to Clause 7

THAT, clause 7 of the Bill be amended by deleting the proposed new subsection (2) and inserting the following new subsection—

“(2) The Board shall consist of—

- (a) a chairperson appointed by the President who shall—
 - (i) hold a Masters’ degree in psychiatry or its equivalent from a university recognised in Kenya; and
 - (ii) have at least ten years' experience, five of which shall be in a managerial position;
- (b) the Principal Secretary in the ministry for the time being responsible for matters relating to health or a representative appointed in writing;
- (c) the Principal Secretary in the ministry for the time being responsible for matters relating to finance or a representative appointed in writing;
- (d) four persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with knowledge and experience in mental health care of whom—
 - (i) one shall be a psychiatrist nominated by the Medical Practitioners and Dentists Board;
 - (ii) one shall be a counsellor or psychologist nominated by the Counsellors and Psychologists Board;
 - (iii) one shall be a nurse nominated by the Nursing Council of Kenya; and
 - (iv) one shall be a clinical officer nominated by the Clinical Officers Council;
- (e) one person nominated by the Kenya National Commission on Human Rights with knowledge and experience in matters related to mental health;
- (f) two persons, not being Governors, and having knowledge and experience in matters related to mental health, nominated by the Council of County Governors;

- (g) one county director of health nominated from amongst the forty-seven county directors of health by the Council of County Governors; and
- (h) the Director of Mental Health, who shall be the secretary to the Board and an *ex officio* member of the Board.”

(The Senate Majority Leader)

National Assembly Amendment to Clause 7 - Vote deferred

National Assembly Amendment to Clause 35

THAT, clause 35 of the Bill be amended in paragraph (a) by—

- (a) deleting the words “by order of the Director or the respective county executive committee member” appearing in the proposed new subsection (1) and substituting therefor the words “with the approval of the person in charge”;
- (b) deleting the words “The Director or the county executive committee member, as the case may be, shall” appearing in the proposed new subsection (1A) and substituting therefor the words “The person in charge shall”.

(The Senate Majority Leader)

National Assembly Amendment to Clause 35 - Vote deferred

Progress report:

Motion made;

THAT, the Committee of the Whole do report progress on its consideration of the National Assembly amendments to the Mental Health (Amendment) Bill (Senate Bills No. 28 of 2020) and seek leave to sit again tomorrow.

(The Senate Majority Leader)

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Judith Pareno, MP) ruled that the Question did not affect counties;

Question put and agreed to.

- 19. **HOUSE RESUMED** – The temporary Speaker (Sen. Judith Pareno, MP) – in the Chair

20. **THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 28 OF 2020)**

Progress reported;

Motion made and Question Proposed;

THAT, the House do agree with the Committee in the said report.

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

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the temporary Speaker (Sen. Judith Pareno, MP) ruled that the Question did not affect counties;

Question put and agreed to.

21. **COMMITTEE OF THE WHOLE**
THE ELECTIONS (AMENDMENT) (NO. 3) BILL (SENATE BILLS NO. 48 OF 2021)

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

Order deferred.

22. **COMMITTEE OF THE WHOLE**
THE IRRIGATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2021)

(The Senate Majority Leader)

Order deferred.

23. **COMMITTEE OF THE WHOLE**
THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 7 OF 2021)

(Chairperson, Standing Committee on Tourism, Trade and Industrialization)

Order deferred.

24. **COMMITTEE OF THE WHOLE**
THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2021)

(Sen. Naomi Shiyonga, MP)

Order deferred.

25. **COMMITTEE OF THE WHOLE**
THE COUNTY RESOURCE DEVELOPMENT BILL (SENATE BILLS NO. 45 OF 2021)

(Sen. Rose Nyamunga, MP)

Order deferred.

26. **COMMITTEE OF THE WHOLE**
THE COMMUNITY GROUPS REGISTRATION BILL (NATIONAL ASSEMBLY BILLS NO. 20 OF 2021)

(The Senate Majority Leader)

Order deferred.

27. **MOTION – ADJOURNMENT OF THE SENATE**

Order read;

Motion made and Question proposed;

THAT, pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 26th April, 2022.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

The Temporary Speaker (Sen. Judith Pareno, MP) adjourned the Senate at thirty four minutes past Five O'clock without Question put, pursuant to the Standing Orders.

28. **SENATE ROSE** – at thirty four minutes past Five O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, February 26, 2022 at 2.30 p.m.*