



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SIXTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, MAY 04, 2022 AT 2.30 P.M.

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with a Prayer said by the Speaker.
3. **MESSAGE FROM THE NATIONAL ASSEMBLY**

The Speaker conveyed the following Message on the Passage of the Coffee Bill (Senate Bills No. 22 of 2020).

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4), I received the following Message from the Speaker of the National Assembly regarding the passage of the Coffee Bill (Senate Bill No. 22 of 2020).

The Message which is dated Wednesday, 27th April, 2022 was received on 28th April, 2022.

Pursuant to the said Standing Orders, I now report the Message-

“PURSUANT to the provisions of Standing Order 41(1) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the Coffee Bill (Senate Bill No. 22 of 2020) was passed by the Senate on Thursday, August 5, 2021 with amendments and referred to the National Assembly for consideration;

AND WHEREAS, the National Assembly, passed the said Bill on Wednesday, April 13, 2022 with further amendments as contained in the Schedule of Amendments attached herewith;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

Honourable Senators,

Pursuant to the provisions of Article 110(4) of the Constitution and the Senate Standing Orders 41(6)(c) and 159, I hereby direct that the Schedule of National Assembly amendments be duly circulated to all Senators. I further direct that the Standing Committee on Agriculture, Livestock and Fisheries consider the said amendments and report as soon as practically possible.

I thank you.”

4. **PAPERS**

The following papers were laid on the table of the Senate -

- i.) The Annual Report of the Office of the Registrar of Political Parties for the financial year 2020/2021.
- ii.) Report of the Auditor General on the financial statement of Baringo County Assembly (Members) Car Loan Fund for the year ended 30th June, 2016.
- iii.) Report of the Auditor General on the financial statement of Baringo County Assembly (Members) Car Loan Fund for the year ended 30th June, 2017.
- iv.) Report of the Auditor General on the financial statement of Baringo County Assembly Members' Car Loan and Mortgage Fund for the year ended 30th June, 2019.
- v.) Report of the Auditor General on the financial statement of Nakuru County Executive Car and Mortgage Staff Scheme Fund for the year ended 30th June, 2019.

(The Deputy Senate Majority Whip)

5. **STATEMENTS PURSUANT TO STANDING ORDER 51 (1) (b)**

- (i) The Vice-chairperson, Standing Committee on Agriculture, Livestock and Fisheries, made a statement on the activities of the Committee for the period 1st January to 31st March, 2022.
- (ii) Nominated Senator (Sen. Ngugi Githua, MP), a Member of the Standing Committee on Devolution and Intergovernmental Relations, made a

statement on the activities of the Committee for the period 1st January to 31st March, 2022, on behalf of the Chairperson.

6. **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.

7. **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.

8. **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.

9. **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.

10. **THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 55 OF 2021)**

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

(Second Reading)

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

(Division)

Order deferred.

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

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Thursday, 7th April, 2022)

(Division)

Order deferred.

12. **THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 32 OF 2021)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Thursday, 28th April, 2022)

(Division)

Order deferred.

13. **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.

14. **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.

15. **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.

16. **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.

17. **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.

18. **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.

19. **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.

20. **COMMITTEE OF THE WHOLE**
THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 28 OF 2020)
(Sen. (Arch.) Sylvia Kasanga, MP)

(Consideration of National Assembly Amendments)

(Resumption of debate interrupted on Thursday, 7th April, 2022)
(Division)

Order deferred.

21. **THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2021)**
(The Senate Majority Leader)

Order read;

Motion made and Question proposed;

THAT, the Sacco Societies (Amendment) Bill (National Assembly Bills No. 55 of 2021) be now read a Second Time.

(The Senate Majority Leader)

Debate arising;

And there being no Senator wishing to contribute;

Mover replied;

Raising a point of order pursuant to Standing Order 61 (3), the Mover requested the Speaker to defer the putting of the Question to a later date.

And the Speaker acceding to the request, deferred the putting of the Question to the next Sitting of the Senate.

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

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

Order deferred.

23. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

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

The Irrigation (Amendment) Bill (National Assembly Bills No. 12 Of 2021)

Clauses 3 – 16

Motion Made and Question proposed;

THAT, Clauses 3 to 16 be part of the Bill.

(The Senate Majority Leader)

Clauses 3 – 16 - vote deferred

New Clause 8A - insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 8—

8A. Section 14 of the principal Act is amended—

(a) by inserting the following new subsection immediately after subsection (2) —

(2A) Each county executive committee member shall, in ensuring that the county government fulfils its obligations under subsection (1) –

- (a) formulate a county irrigation strategy in collaboration with the relevant stake holders, in line with national policies and strategies;
- (b) delineate by notice in the gazette, strategic smallholder irrigation schemes;
- (c) promote the use of efficient irrigation systems in the respective county;
- (d) put in place measures for adaptation to, and mitigation against the effects of climate change and the enhanced sustainable environmental management in the county; and
- (e) report to the county assembly annually, and at such other time as may be necessary, on the state of irrigation development and management in the county.

(b) in subsection (3) by—

- (a) deleting the words “formulate and” appearing at the beginning of the paragraph (a);
- (b) inserting the following new paragraph immediately after paragraph (a) –
 - (aa) put in place the irrigation infrastructure in smallholder schemes;
- (c) deleting paragraph (f) and substituting therefor the following new paragraph—
 - (f) prepare and submit to the respective county executive committee member such periodic reports on the performance of its functions as the committee member shall determine; and
- (d) inserting the following new paragraph immediately after paragraph (f)—
 - (g) advise the respective county executive committee member on the development, maintenance, expansion and availability of irrigation support services in the respective county.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, the New Clause 8A be now read a Second Time;

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 8A - vote deferred

Clause 2 - amendment proposed

THAT clause 2 of the Bill be amended by inserting the following new definition immediately after the definition of the term “commercial irrigation farmer” —

“county executive committee member” means the county executive committee member responsible for matters relating to irrigation.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 2 - vote deferred

The Title and Clause 1

THAT, the Title and Clauses 1 be part of the Bill.

(The Senate Majority Leader)

The Title and Clause 1 - vote deferred

Progress report;

Motion made;

THAT, the Committee of the Whole do report to the House its consideration of the Irrigation (Amendment) Bill (National Assembly Bills No. 12 Of 2021) 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.

24. **HOUSE RESUMED** – Temporary Speaker (Sen. Judith Pareno, MP) – in the Chair

25. **THE IRRIGATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2021)**

Progress reported;

Motion made and Question Proposed;

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

(The Senate Majority Leader)

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.

And there being no other business on the Order Paper, the Temporary Speaker (Sen. Judith Pareno, MP) adjourned the Senate at fifteen minutes past Three O'clock without Question put, pursuant to the Standing Orders.

26. SENATE ROSE - at fifteen minutes past Three O'clock

M E M O R A N D U M

*The Speaker will take the Chair on
Thursday, May 05, 2022 at 2.30 p.m.*

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