

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 8th June, 2022

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Temporary Speaker (Sen. Nyamunga) in the Chair]

PRAYER

MESSAGE FROM THE NATIONAL ASSEMBLY

PASSAGE OF THE PERSONS WITH DISABILITIES BILL (NATIONAL ASSEMBLY BILLS NO. 61 OF 2021)

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, I wish to report to the Senate that, pursuant to Standing Order No.41 (3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the passage of the Persons with Disabilities Bill (National Assembly Bills No. 61 of 2021).

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

“PURSUANT to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS the Persons with Disabilities Bill (National Assembly Bills No.61 of 2021) was published vide Kenya Gazette Supplement No.239 of 31st December, 2021 to repeal the Persons with Disability Act, No. 14 of 2003, to give effect to Article 54 of the Constitution; to restructure the National Council for Persons with Disabilities and to provide for its functions and powers; to provide for institutional framework for protecting, promoting and monitoring the rights of persons with disabilities, and for connected purposes;

WHEREAS the said Bill is a Bill concerning county governments in terms of Article 110(4) of the Constitution;

AND WHEREAS the National Assembly considered the said Bill in the Committee of the Whole House on Tuesday, 24th May, 2022 and passed it on

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Wednesday, 25th May, 2022 with amendments and in the form attached hereto;
and

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration. ”

Hon. Senators, Standing Order No. 157 requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order 139.

In this regard, I direct that the Persons with Disabilities Bill (National Assembly Bills No. 61 of 2021) be read a First Time tomorrow, Thursday, 9th June, 2022.

I thank you.

PAPERS LAID

The Temporary Speaker (Sen. Nyamunga): The Senate Majority Leader, Sen. Poghisio, please proceed.

REPORTS ON FINANCIAL STATEMENTS OF VARIOUS COUNTY ASSEMBLIES/ EXECUTIVES/FUNDS

The Senate Majority Leader (Sen. Poghisio): Madam Temporary Speaker, I beg to lay the following Papers on the Table of the Senate, today, 8th June 2022-

Report of the Auditor-General on the financial statement of the Kericho County Emergency Fund for the year ended 30th June, 2020.

Report of the Auditor-General on the financial statement of Tana River County Ward Bursary Fund for the year ended 30th June, 2020.

Report of the Auditor-General on the financial statement of the County Assembly of Kakamega for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Executive of Busia for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Executive of Murangá for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Assembly of Murangá for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Executive of Nyeri for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Assembly of Nyeri for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Executive of Baringo for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Assembly of Baringo for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Executive of Nakuru for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Assembly of Nakuru for the year ended 30th June, 2021.

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Report of the Auditor-General on the financial statement of the County Executive of Makueni for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Assembly of Makueni for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Executive of Machakos for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Assembly of Machakos for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Executive of Kitui for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Assembly of Kitui for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Executive of Samburu for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Assembly of Samburu for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Executive of Laikipia for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Executive of Kirinyaga for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the County Assembly of Kirinyaga for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statement of the Kirinyaga County Assembly Car Loan Fund for the year ended 30th June, 2021.

I thank you.

(Sen. Poghiso laid the documents on the Table)

The Temporary Speaker (Sen. Nyamunga): Next is a report by the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries.

REPORT ON THE SUGAR BILL, 2019

Sen. Wambua: Madam Temporary Speaker, I beg to lay the following Paper on the Table of the Senate today, Tuesday, 8th June, 2022-

Report of the Standing Committee on Agriculture Livestock and Fisheries on the Sugar Bill (National Assembly Bills No.68 of 2019).

I thank you.

(Sen. Wambua laid the document on the Table)

The Temporary Speaker (Sen. Nyamunga): Let us go to the next Order. Sen. Kibiru, who is the Chairperson of the Committee on Finance is not in the House. Sen. Farhiya, are you representing him?

Sen. Farhiya: Yes.

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The Temporary Speaker (Sen. Nyamunga): Please go ahead.

NOTICE OF MOTION

ADOPTION OF REPORT ON COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS CASH DISBURSEMENT SCHEDULE FOR FY 2021/2022 AND APPROVAL OF COUNTY GOVERNMENTS ADDITIONAL CASH DISBURSEMENT SCHEDULE FOR FY 2021/2022

Sen. Farhiya: Madam Temporary Speaker, I wish to give Notice of the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments Additional Allocations Cash Disbursement Schedule for the Financial Year 2021/2022 and approval of the County Governments Additional Allocations Cash Disbursement Schedule for the Financial Year 2021/2022 laid on the Table of the Senate on Wednesday, 8th June, 2022, and that pursuant to Section 17(7) of the Public Finance Management Act and Standing Order 183(3), the Senate approves the County Governments Additional Allocations Cash Disbursement Schedule for Financial Year 2021/2022.

I thank you.

The Temporary Speaker (Sen. Nyamunga): Let us go to the next Order.

STATEMENTS

The Temporary Speaker (Sen. Nyamunga): We will begin with Statements pursuant to Standing Order No.40 (1). Sen (Dr.) Musuruve, please go ahead.

WORLD ENVIRONMENT DAY

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for this opportunity. I rise pursuant to Standing Order No.47(1) to make a Statement on a topic of general concern namely; World Environment Day (WED).

Every year, World Environment Day is observed, on 5th June. This day is celebrated to encourage awareness and environmental protection. According to the United Nations (UN), the commemoration of this day provides us with an opportunity to broaden the basis for an enlightened opinion and responsible conduct by individuals, enterprises and communities in preserving and enhancing the environment.

The United Nations General Assembly (UNGA), in 1972, established the WED, on the first day of the Stockholm Conference on the Human Environment. Two years later, in 1974, the first WED was held with the theme; *Only One Earth*.

The WED is celebrated by engaging governments businesses, celebrities and citizens to focus their efforts on appraising environmental issues.

This year's environment theme is; *Once Again, Only One Earth*. It draws our attention towards playing our roles effectively while living in perfect harmony with

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nature. This theme calls for collective transformative action on a global scale to celebrate, protect and restore our planet earth.

It is mankind responsibility to save the planet from the various harms, most of which originate from relentless human activities. After facing over two years of COVID-19 Pandemic, the significance of a safe clean and sustainable environment cannot be overstated.

The need to spread awareness is more pertinent than ever, as Mother Earth is beset with perils of pollution, climate change and global warming. These are major environmental issues that I would like to bring to our attention.

Other issues include; deforestation, soil erosion, land degradation, desertification, loss of biodiversity, water scarcity and pollution from industries.

As we contemplate on these challenges, it is important to note that the most pressing environmental issue has been global warming. Climate change is real and it is influenced by human activities through the production of greenhouse gases such as methane and carbon dioxide.

It is everyone's duty to protect and conserve the environment. As we mark this day, I call upon all Kenyans to ensure that they play their individual, family or societal roles in ensuring that the environment is preserved. Some of the simple ways of playing such roles include; replacing disposable items with reusable items.

The ways of decreasing the amount of disposable items are; carry your own reusable cap of water bottle, use airtight reusable food containers instead of plastic bags, bring your own bags to the grocery store and use rechargeable batteries and so on.

The second one is conserving water and electricity. The following are some of the ways this can be done. Turn the sink water off when brushing your teeth, water the lawn in the morning---

(Loud consultations)

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, kindly let us have some order in the House.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker. I will continue from where I was.

Turn the sink water off when brushing your teeth, water the lawn in the morning or evening, switch off anything that uses electricity when not in use, for examples, lights, televisions, computers, printers, elevators and so on. Use eco-friendly pesticides and herbicides that would not contaminate ground water.

There is also proper recycling. This means implementing recycling habits in your daily life is one of the most effective ways to help lessen landfill waste, conserve natural resources, save habitats, reduce pollution, cut down on energy consumption and slow down global warming.

Lastly, planting trees and preventing soil erosion can help the environment in a great way. Trees provide oxygen, improve air quality, climate amelioration, conserving water, preserving soil and supporting wildlife. During the process of photosynthesis, trees take in carbon dioxide and produce the oxygen that we breathe.

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As we mark this year's WED, I would like to call upon all levels of governments; the national and county governments, to intensify the awareness of the need to conserve and preserve the environment. Both levels of government should devise strategies of ensuring that every Kenyan is enlightened on the importance of planting trees, recycling items, conserving water and electricity and living an eco-friendly life.

Thank you. I wish everyone a belated happy World Environment Day.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, I thought I would give an opportunity to a few to make comments, but I do not seem to see interest. Let us proceed.

For the convenience of the House, I would like to give the Chairman of the Standing Committee on Finance and Budget, to go ahead and present some very important Papers.

PAPERS LAID

Sen. Farhiya: Madam Temporary Speaker, I beg to lay the following Papers on the table of the Senate, today, 8th June, 2022.

REPORT ON COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS CASH DISBURSEMENT SCHEDULE FOR FINANCIAL YEAR 2021/2022

Report of the Standing Committee on the Finance and Budget on the County Government Additional Allocation Cash Disbursement Schedule for the Financial Year 2021/2022.

REPORT ON THE COUNTY GOVERNMENT ADDITIONAL ALLOCATIONS, BILL (SENATE BILLS NO. 2 OF 2022)

Report of the Standing Committee on the Finance and Budget on the County Government Additional Allocation Bill, (Senate Bill No. 2 of 2022).

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

Report of the Standing Committee on the Finance and Budget on the Public Procurement and Asset Disposal (Amendment) Bill, (National Assembly Bills No. 32 of 2021).

Thank you.

(Sen. Farhiya laid the documents on the Table)

The Temporary Speaker (Sen. Nyamunga): Let us move to the next Statement.

STATEMENTS

ACTIVITIES OF THE COMMITTEE ON ROADS AND TRANSPORTATION

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The Temporary Speaker (Sen. Nyamunga): The next Statement is by the Chairperson Standing Committee on Roads and Transportation. I do not see the Chairman of the Roads and Transportation Committee in the House. Is there any Member of the Committee to present?

There is a Statement that can be read on behalf of the Chairman. Can we do that?

(Loud Consultations)

We will defer that because the Statement itself is not in the House.

(Statement deferred)

The Temporary Speaker (Sen. Nyamunga): Next Order.

Sen. Cherargei, please, take the opportunity to make your Statement.

Sen. Cherargei: Thank you, Madam Temporary Speaker. I have two Statements. Can I read them consecutively?

The Temporary Speaker (Sen. Nyamunga): Yes, please.

REQUEST FOR STATEMENT ON THE WELFARE
OF VILLAGE ADMINISTRATORS

Sen. Cherargei: Thank you, Madam Temporary Speaker. I request for a Statement on the welfare of village administrators commonly known as *wazee wa mtaa* and *nyumba kumi* elders.

Madam Temporary Speaker, I rise Pursuant to Standing Order No. 48 (1), to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on the welfare of village administrators, *wazee wa mtaa* and *nyumba kumi* elders.

In the Statement, the Committee should:

(i) Clarify whether the Ministry of Interior and Co-ordination of National Government has in place a legal framework, for the operations and activities undertaken by village administrators or *wazee wa mtaa* and *nyumba kumi* elders across the country.

(ii) State the total number of village administrators and *nyumba kumi* elders in the country, indicating their distribution across the counties, their stipend and payments as provided in the guidelines of Ministry of Interior and Co-ordination of National Government.

(iii) Explain whether the Ministry has established a clear policy on the remuneration, allowances, salaries, including statutory deductions to National Hospital Insurance Fund (NHIF) and National Social Security Fund (NSSF).

ALLOCATION AND EXPENDITURE OF FUNDS FROM THE
SPORTS ARTS AND SOCIAL DEVELOPMENT FUNDS
TO THE VARIOUS SPORTS FEDERATION IN KENYA

Sen. Cherargei: Madam Temporary Speaker, I rise pursuant to Standing Order No. 48 (1), to seek a Statement from the Standing Committee on Labour and Social Welfare, on the allocation and expenditure of funds from the Sports, Arts and Social Development Funds to the various Sports Federations in Kenya, having in mind that the Kenya Football Federation has been banned from participating in activities.

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In the Statement, the Committee should:

(i) State the process of budgetary approval for the various sports federations in the country, like, Football Kenya Federation (FKF), Kenya Volleyball Federation (KVF), among others.

(ii) Provide the names of the federations, which have benefited from the sports fund, stating the amount of public funds allocated in the Financial Year 2021/2022.

(iii) State the role of the Ministry of Sports, Culture and Heritage in the budgetary and funds approval process to the federations in Kenya.

(iv) State the role of National Olympic Committee of Kenya (NOC), in the budgeting and funds allocations to federations in Kenya including itself and donations from other stakeholders.

(v) Provide a monthly Statement for the last two Financial Years, of the sports fund, as established under the Sports Act, tabling the most recent audits report of the fund from the Auditor-General.

(vi) State who pays the various penalties incurred from failure to attend international sports events and engagements by some federations like Kenya Volleyball Federation, among others, stating the amount, including the Olympians stating the amount in penalties paid in the Financial Year 2020/2021, and who incurs those penalties in case they are levied against our federations.

Thank you.

The Temporary Speaker (Sen. Nyamunga): Senators, we are going to allow a few comments on the two Statements.

Sen. Wambua, proceed.

Sen. Wambua: Thank you, Madam Temporary Speaker. I rise to make a comment on the first Statement by Sen. Cherargei, on the welfare of village administrators.

A few weeks or a month ago, I sought a similar Statement, but my Statement was directed to the Committee on Labour and Social Welfare. I see Sen. Cherargei has brought this Statement and directed it to the Committee on National Security and Foreign Relations.

The issues that I raised and which are still outstanding are basically two. One, a clear scheme of service for village administrators. It will be remembered that in this House, we have previously dealt with the issue of Early Childhood Development Education (ECDE) teachers, where different counties have been implementing different schemes of service for ECDE teachers.

The same challenge faced by ECDE teachers is being encountered by village administrators. There is need for clarity and harmonization of a scheme of service for village administrators across the board. This is such that, if you are a village administrator in Kitui County, then you have been engaged under the same terms of engagement with a village administrator in Makueni County.

The second issue is a clear career progression path for these village administrators. It should be clear to a person who gets into a job as village administrator, that through hard work and additional education, one day they could find themselves in a position of a subcounty administrator. However, in our situation, once you are recruited as a village administrator, it is the beginning and end of your career.

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As democracy and devolution matures we need to deal with these issues in this or the next Senate to ensure that there is harmony in the operations of village administrators across the country.

Madam Temporary Speaker, lastly, I would request that you use your discretion because while you were calling my name I have just received a message from Kitui County regarding an emergency. It is related to the Statement sought by Sen. Cherargei.

It is a village administrator who has sent me the message about a serious problem that is happening at a place known as Ikaandani in Kitui South Constituency where bandits have invaded a region. They have shot at one person. The rest of the community has fled to the forest and a nearby school has been evacuated.

Time must come and it must be now; that when we talk about people known as bandits attacking other Kenyans in their land at a time like this must come to an end. I would request that you use your discretion and allow me to make an urgent Statement on that matter.

I thank you.

The Temporary Speaker (Sen. Nyamunga): Sen. Wambua you will use the time between now and when we are still discussing the other Statements to make that request.

Proceed, Sen. Omogeni.

Sen. Omogeni: Madam Temporary Speaker, I rise to support the first Statement that was raised by Sen. Cherargei on the welfare of the village elders. We all know that in the hierarchy of our village elders, there is a difference between village administrators and village elders. In my vernacular language they are known as “*abatureti*”.

These people play a key role in sharing very confidential information with security agencies on matters security. If we are facing a risk of cattle rustling from our neighbouring counties the people we rely on to tip-off the police are the village elders because they interact with people at the grass roots and they will pick this information and share it with the security agencies.

Often times in a week, these key people in the security sector will hold not less than three meetings with the local District Officer (DO) in the company of the chief and the assistant chief and in some cases with the head of the police within the division. They are key in ensuring that there is law and order in the community.

At times they are the people who keep a watchful eye on us, politicians. If we incite people, they are the ones who will report first on the activities of politicians, which may border on hate speech or incitement. They are very important in ensuring that there is peace, law and order at the village level.

The State has neglected these village elders. They do not get any transport allowance or lunch allowance to attend meetings. Some come on motorcycles and do not get fuel allowance. It is high time we accepted as a country that we have now incorporated these village elders into our security system and we then establish a structured way of paying them.

Coincidentally, last week I met two of them. One is called *Mzee* Isaiah Oluoch, he is a village elder in Voisanga Ward in North Mugirango. The other is known as Evans Mogusu who is the vice chairperson of the village elders.

They all have the same concerns they are doing a very good job within the Government but they are never appreciated. I hope that the committee that will be tasked

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with this matter will propose a legislation that will put these village elders under some structure that is recognized and known in law so that they can get some allowance when they attend some of these meetings.

You cannot leave them at the mercy of the chief; you cannot rely on a chief to pay you from his pocket. The chief and the DO do not have an allowance to pay these village elders.

I support this Statement by Sen. Cherargei. I hope that the lucky Senators such as Sen. Poghisio, Sen. Wambua, Sen. Faki and Sen. Murkomen who are likely to make it back to the House will pursue this matter further so that we can have in place a legislation that has a structure on how we can remunerate these village elders.

They are our friends and we all know them in our villages. They are not rich people; they are really struggling. It is good that we appreciate them. I support this Statement and I hope that if the committee, which is going to handle this matter will not complete it then the next Senate will take it up.

I thank you.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators for the convenience of the House we will suspend the comments on the Statements and we shall return to them later because there are very pressing matters that we need to dispense with.

Next Order.

BILLS

First Reading

THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 28 OF 2021)

(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)

First Reading

THE CHILDREN BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2021)

(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, we are going to move to Divisions. We are going to take only 20 minutes. They are many and we want to take them all together as much as possible. Kindly stay tuned those who are online. Members who are in the House, kindly make sure we dispense with the Divisions because it is critical that we do that.

Next Order.

BILLS

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Second Reading

THE COUNTY ALLOCATION OF REVENUE BILL
(SENATE BILLS NO.1 OF 2022)

(Division)

Second Reading

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

(Division)

Second Reading

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

(Division)

Second Reading

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

(Division)

Second Reading

THE EMPLOYMENT (AMENDMENT) BILL
(SENATE BILLS NO. 54 OF 2021)

(Division)

Second Reading

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

(Division)

Second Reading

THE SUGAR BILL

(NATIONAL ASSEMBLY BILLS NO.68 OF 2019)

(Division)

Second Reading

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

(Division)

Second Reading

THE SACCO SOCIETIES (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.55 OF 2021)

(Division)

Second Reading

THE SUSTAINABLE WASTE MANAGEMENT BILL
(NATIONAL ASSEMBLY BILLS NO.22 OF 2021)

(Division)

Second Reading

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

(Division)

Second Reading

THE COUNTY E-HEALTH BILL
(SENATE BILLS NO.39 OF 2021)

(Division)

The Temporary Speaker (Sen. Nyamunga): Can the Division Bell be rung for two minutes.

(The Division Bell was rung)

(Loud consultations)

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The Temporary Speaker (Sen. Nyamunga): Hon. Senators, let us have some order, please. We need to proceed. Kindly take your seats. We are proceeding.

Hon. Senators, we are now going into Division. I will put the question for each of the 12 Bills and voting will be by Roll Call. I expect you to vote for all the twelve Bills at once.

Thank you, Hon. Senators.

DIVISION

ROLL CALL VOTING

*(Question, that the County Allocation of Revenue Bill
(Senate Bills No.1 of 2022) be now read a Second Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abdul Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kajwang' M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Dr.) Mbitu, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwaruma, Taita-Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Poghisio, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Iman.

NOES: Nil

Teller of the Noes: Sen. Halake.

Temporary Speaker (Sen. Nyamunga): Hon. Senators, the results of the Division are as follows-

AYES: 26

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

*(Question carried by 26 votes to 0)
(The Bill was read a Second Time and committed
to a Committee of the Whole tomorrow)*

DIVISION

ROLL CALL VOTING

*(Question, that the Landlord and Tenant Bill (National Assembly
Bills No3 of 2021) be now read a Second Time, put and*

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the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kajwang' M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwaruma, Taita-Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Poghisio, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Iman.

NOES: Nil

Teller of the Noes: Sen. Halake.

Temporary Speaker (Sen. Nyamunga): Hon. Senators, the results of the Division are as follows-

AYES: 26

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

*(Question carried by 26 votes to 0)
(The Bill was read a Second Time and committed
to a Committee of the Whole tomorrow)*

BILL

Second Reading

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

DIVISION

ROLL CALL VOTING

*(Question, that The Persons with Disabilities (Amendment) Bill
(Senate Bills No. 29 of 2020) be now read a second time, put
and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abdul Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar,

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Uasin Gishu County; Sen.(Dr.) Kang’ata, Murang’a County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang’, Homa Bay County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Poghismo, West Pokot County; Sen. Seneta, Kajiado County, and; Sen. Wambua, Kitui County.

Teller of the Ayes: Sen. Iman

NOES: Nil

Teller of the Noes: Sen. Halake

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, the results are as follows:

AYES:26

NOES:0

ABSENTIONS:0

The Ayes have it.

(Question carried by 26 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

Second Reading

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

DIVISION

ROLL CALL VOTING

(Question, that The Election Campaign Financing (Amendment) Bill (Senate Bills No. 51 of 2021) be now Read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang’, Homa Bay County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Poghismo, West Pokot County; Sen. Seneta, Kajiado County, Sen. Wambua, Kitui County and, Sen. (Dr.) Zani, Kwale County.

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Teller of the Ayes: Sen. Iman

NOES: Nil

Teller of the Noes: Sen. Halake

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, the results are as follows:

AYES:26

NOES:0

ABSENTIONS:0

The Ayes have it.

(Question carried by 26 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

Second Reading

THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2021)

DIVISION

ROLL CALL VOTING

(Question, that The Employment (Amendment) Bill (Senate Bills No. 54 of 2021) be now read a second time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Poghisio, West Pokot County; Sen. Seneta, Kajiado County, Sen. Wambua, Kitui County and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Iman

NOES: Nil

Teller of the Noes: Sen. Halake

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, the results are as follows:

AYES:26

NOES:0

ABSENTIONS:0

The Ayes have it.

(Question carried by 26 votes to Nil)

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(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

Second Reading

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

DIVISION
ROLL CALL VOTING

*(Question, that The Cotton Industry Development Bill
(Senate Bills No. 55 of 2021) be now read a Second Time, put
and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abdul Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Poghisio, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County and Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Iman

NOES: Nil

Teller of the Noes: Sen. Halake

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, the results are as follows:

AYES:26

NOES:0

ABSENTIONS:0

The Ayes have it.

(Question carried by 26 votes to Nil)
(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

Second Reading

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

DIVISION

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ROLL CALL VOTING

(Question, that The Sugar Bill (National Assembly Bills No. 68 Of 2019) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Outa, Kisumu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Poghisi, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Iman

NOES: Nil

Teller of the Noes: Sen. Halake

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, the results are as follows:

AYES:26

NOES:0

ABSENTIONS:0

The Ayes have it.

(Question carried by 26 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

Second Reading

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

DIVISION

ROLL CALL VOTING

(Question, that The Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bills No. 32 of 2021) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M.

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Kajwang', Homa Bay County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Poghisio, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Iman

NOES: Nil

Teller of the Noes: Sen. Halake

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, the results are as follows:

AYES:26

NOES:0

ABSENTIONS:0

The Ayes have it.

(Question carried by 26 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

Second Reading

THE SACCO SOCIETIES (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO. 55 OF 2021)

DIVISION

ROLL CALL VOTING

*(Question, that The Sacco Societies (Amendment) Bill
(National Assembly Bills No. 55 of 2021) be now read a Second Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abdul Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Poghisio, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Iman

NOES: Nil

Teller of the Noes: Sen. Halake

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, the results are as follows:

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AYES:26
NOES:0
ABSENTIONS:0

The Ayes have it.

(Question carried by 26 votes to Nil)
(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

Second Reading

THE SUSTAINABLE WASTE MANAGEMENT BILL
 (NATIONAL ASSEMBLY BILLS NO. 22 OF 2021)

DIVISION

ROLL CALL VOTING

(Question, that The Sustainable Waste Management Bill (National Assembly Bills No. 22 of 2021) be now read a second time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Poghisio, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Iman

NOES: Nil

Teller of the Noes: Sen. Halake

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, the results are as follows:

AYES:26
NOES:0
ABSENTIONS:0

The Ayes have it.

(Question carried by 26 votes to Nil)
(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

Second Reading

THE NATIONAL COHESION AND PEACE BUILDING

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BILL (SENATE BILLS NO. 19 OF 2021)

DIVISION

ROLL CALL VOTING

(Question, that The National Cohesion and Peace Building Bill (Senate Bills No. 19 of 2021) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Poghishio, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Iman

NOES: Nil

Teller of the Noes: Sen. Halake

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, the results are as follows:

AYES:26

NOES:0

ABSENTIONS:0

The Ayes have it.

(Question carried by 26 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

Second Reading

THE COUNTY E-HEALTH BILL
(SENATE BILLS NO. 39 OF 2021)

DIVISION

ROLL CALL VOTING

(Question, that The County E-Health Bill (Senate Bills No.39 of 2021) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga

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County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. (Dr.) Mbitio, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Poghisio, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Iman

NOES: Nil

Teller of the Noes: Sen. Halake

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, the results are as follows:

AYES:26

NOES:0

ABSENTIONS:0

The Ayes have it.

(Question carried by 26 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

The Temporary Speaker (Sen. Nyamunga): Senators, do not log off. We are still taking two more divisions.

Next Order.

MOTIONS

DIVISION

ROLL CALL VOTING

ADOPTION OF AUDIT REPORTS FOR COUNTY EXECUTIVES FOR
FYs 2018/2019, 2016/2017, AND 2017/2018 (VOLUMES I, II AND III)

(Question put)

DIVISION

ROLL CALL VOTING

ADOPTION OF THE SPECIAL AUDIT REPORT ON UTILIZATION
OF COVID FUNDS BY 28 COUNTY GOVERNMENTS

(Question put)

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DIVISION

ROLL CALL VOTING

ADOPTION OF THE REPORT ON CONSIDERATION OF THE
CONTROLLER OF BUDGET REGULATIONS, 2021

(Question put)

(The Division Bell was rung for 2 minutes)

The Temporary Speaker (Sen. Nyamunga): Hon. Senators. I will now put the Question for all the three Motions.

ADOPTION OF AUDIT REPORTS FOR COUNTY
EXECUTIVE FOR FYs 2018/2019, 2016/2017,
AND 2017/2018 (VOLUMES I, II AND III)

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.

(Question proposed)

ADOPTION OF THE SPECIAL AUDIT REPORT
ON UTILIZATION OF COVID FUNDS
BY 28 COUNTY GOVERNMENTS

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.

(Question proposed)

ADOPTION OF THE REPORT ON CONSIDERATION
OF THE CONTROLLER OF BUDGET REGULATIONS, 2021

THAT, the Senate adopts the Report of the Sessional Committee on Delegated Legislation on its consideration of the Controller of Budget (CoB) Regulations, 2021, laid on the Table of the Senate on Tuesday, 10th May, 2022 and pursuant to Section 18 of the Statutory Instruments Act, 2013 annuls the Controller of Budget Regulations, 2021.

(Question proposed)

The Temporary Speaker (Sen Nyamunga): Hon. Senators, let us proceed to vote. Voting is by Roll Call. Kindly vote for all the three Motions. You can do it once.

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Hon. Senators, please stay online. Do not log off. We still have the Committee of the Whole on the County Allocation of Revenue Bill (Senate Bills No.1 of 2022) and the Mental Health (Amendment) Bill (Senate Bills No.28 of 2022). We will be done after that.

MOTION

ADOPTION OF AUDIT REPORTS FOR COUNTY EXECUTIVES FOR
FYs 2018/2019, 2016/2017 AND 2017/2018
(VOLUME I, II AND III)

(DIVISION)

ROLL CALL VOTING

(Question, 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 put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kavindu Muthama, Machakos County; Sen. M. Kajwang, Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mwaruma, Taita Taveta County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Orenge, Siaya County; Sen. Poghisi, West Pokot County; Sen. Seneta, Kajiado County; Sen. Sakaja, Nairobi City County; Sen. Wambua, Kitui County; and, Sen. (Dr.) Zani, Kwale County.

Teller for Ayes: Sen. Iman

NOES: Nil

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Teller for Noes: Sen. Mwaura

ABSENTIONS: Nil

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, I now report the progress on the voting. On Motion 22 on the County Public Accounts and Investments Committee, the results are as follows:

AYES: 28

NOES: 0

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 28 votes to Nil)

MOTION

ADOPTION OF THE SPECIAL AUDIT REPORT ON UTILIZATION
OF COVID-19 FUNDS BY 28 COUNTY GOVERNMENTS

DIVISION

ROLL CALL VOTING

(Question, that the Senate adopts the Report of the Standing Committee on Health on the special audit report on utilization of COVID-19 funds by 28 county governments, laid on the Table of the Senate on Wednesday, 9th February, 2022, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kavindu Muthama, Machakos County; Sen. M. Kajwang, Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mwaruma, Taita Taveta County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Poghisio, West Pokot County; Sen. Seneta, Kajiado County; Sen. Sakaja, Nairobi County; Sen. Wambua, Kitui County; and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Iman

NOES: Sen. Cherargei, Nandi County.

Teller of the Noes: Sen. Mwaura

ABSENTIONS: Nil

The Temporary Speaker (Sen. Nyamunga): Motion Number 28 on the Standing Committee on Health on the Special Audit Report on Utilization of Covid-19 Funds by 28 County Governments, the results are as follows:

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AYES: 27
NOES: 1
ABSENTIONS: Nil
The “Ayes” have it.

(Question carried by 27 votes to 1)

MOTION

ADOPTION OF THE REPORT ON CONSIDERATION OF THE
CONTROLLER OF BUDGET REGULATIONS, 2021

DIVISION

ROLL CALL VOTING

(Question, that the Senate adopts the Report of the Sessional Committee on Delegated Legislation on its consideration of the Controller of Budget (COB) Regulations, 2021, laid on the Table of the Senate on Tuesday, 10th May, 2022 and pursuant to Section 18 of the Statutory Instruments Act, 2013 annuls the Controller of Budget Regulations, 2021, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kavindu Muthama, Machakos County; Sen. M. Kajwang, Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mwaruma, Taita Taveta County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Orenge, Siaya County; Sen. Poghio, West Pokot County; Sen. Seneta, Kajiado County; Sen. Sakaja, Nairobi County; Sen. Wambua, Kitui County; and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Iman

Teller of the Noes: Sen. Mwaura

The Temporary Speaker (Sen. Nyamunga): On Motion Number 24, the Report of the Sessional Committee on Delegated Legislation on its consideration of the Controller of Budget (CoB) Regulations, 2021. The results are as follows:

AYES: 28
NOES: 0
ABSENTIONS: Nil

(Question carried by 28 votes to Nil)

COMMITTEE OF THE WHOLE

(Order for Committee read)

[The Temporary Speaker (Sen. Nyamunga) left the Chair]

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Nyamunga) in the Chair]

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

(Consideration of National Assembly Amendments)

(Resumption of debate interrupted on 07.04.2022)

THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO.1 OF 2022)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we are now in the Committee of the Whole. Let us have some order.

We are considering two Bills; the County Allocation of Revenue Bill (Senate Bills No.1 of 2022) and the Mental Health (Amendment) Bill (Senate Bills No.28 of 2020).

We start with CARA. Hon. Senators, let us kindly have order.

Clauses 3, 4, 5, 6, 7, 8, 9 and 10

(Question, that Clause 3, 4, 5, 6, 7, 8, 9, 10 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

First Schedule

(Question, that the First Schedule be part of the Bill, proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Second Schedule

The Temporary Chairperson (Sen. Nyamunga): Mover. Sen. Farhiya, are you the one moving the County Allocation of Revenue Bill (Senate Bills No. 1 of 2022)?

Sen. Farhiya: Yes, Madam Temporary Chairperson.

The Temporary Chairperson (Sen. Nyamunga): We are waiting for you, just go ahead.

Sen. Farhiya: Madam Temporary Chairperson, I beg to move-

THAT the Bill be amended by deleting the Second Schedule and substituting therefor the following new schedule-

County Government Budget Ceilings on Recurrent Expenditure in Financial Year 2022/2023 (Figures are in Kenya Shillings)			
No.	County Title	County Assembly Ceilings	County Executive Ceilings

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County Government Budget Ceilings on Recurrent Expenditure in Financial Year 2022/2023 (Figures are in Kenya Shillings)					
		FY 2021/22	FY 2022/23	FY 2021/22	FY 2022/23
1	Baringo	746,019,020	712,229,059	569,787,017	607,049,529
2	Bomet	648,066,449	621,143,848	552,531,315	588,023,141
3	Bungoma	890,983,497	873,284,854	621,554,119	664,128,690
4	Busia	801,409,679	765,019,229	587,042,718	626,075,916
5	Elgeyo/Marakwet	593,254,972	592,408,337	535,275,615	568,996,754
6	Embu	595,875,448	594,786,279	535,275,615	568,996,754
7	Garissa	829,101,968	815,801,264	569,787,017	607,049,529
8	Homa Bay	931,868,578	872,842,726	604,298,418	645,102,303
9	Isiolo	448,252,685	451,013,358	463,713,275	492,255,576
10	Kajiado	765,404,524	699,076,887	527,830,690	562,230,871
11	Kakamega	1,189,967,209	1,097,653,117	673,321,221	721,207,850
12	Kericho	728,813,928	708,995,621	569,787,017	607,049,529
13	Kiambu	1,206,180,907	1,114,698,533	673,321,221	721,207,850
14	Kilifi	797,062,541	779,167,171	587,042,718	626,075,916
15	Kirinyaga	634,065,925	582,922,761	522,925,302	556,100,619
16	Kisii	990,572,876	940,958,856	621,554,119	664,128,690
17	Kisumu	745,033,801	718,886,210	587,042,718	626,075,916
18	Kitui	886,616,229	862,047,458	604,298,418	645,102,303
19	Kwale	618,445,792	617,790,583	535,275,615	568,996,754
20	Laikipia	470,108,195	467,754,457	493,319,288	524,178,098
21	Lamu			463,713,275	

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County Government Budget Ceilings on Recurrent Expenditure in Financial Year 2022/2023 (Figures are in Kenya Shillings)					
		418,152,304	419,261,939		492,255,576
22	Machakos	907,790,391	865,126,181	604,298,418	645,102,303
23	Makueni	756,641,539	729,754,316	569,787,017	607,049,529
24	Mandera	811,048,184	864,090,152	578,963,987	616,986,522
25	Marsabit	715,654,362	678,317,733	535,275,615	568,996,754
26	Meru	988,437,598	938,478,295	621,554,119	664,128,690
27	Migori	863,486,098	857,185,385	604,298,418	645,102,303
28	Mombasa	679,254,392	674,783,021	569,787,017	607,049,529
29	Murang'a	761,307,014	753,378,653	587,042,718	626,075,916
30	Nairobi City	1,545,872,087	1,446,962,393	759,599,725	816,339,786
31	Nakuru	1,049,146,986	1,006,312,104	656,065,520	702,181,463
32	Nandi	669,452,972	666,771,490	569,787,017	607,049,529
33	Narok	769,346,518	734,655,062	569,787,017	607,049,529
34	Nyamira	612,444,433	610,515,511	535,275,615	568,996,754
35	Nyandarua	664,643,697	651,697,338	552,531,315	588,023,141
36	Nyeri	717,305,285	692,693,761	569,787,017	607,049,529
37	Samburu	518,009,214	517,964,444	480,968,975	533,708,983
38	Siaya	686,651,724	683,152,880	569,787,017	607,049,529
39	Taita/Taveta	631,282,421	620,545,692	535,275,615	568,996,754
40	Tana River	588,396,752	582,990,790	505,669,601	537,074,233
41	Tharaka -Nithi	455,222,064	434,745,770	493,319,288	524,178,098
42	Trans Nzoia			552,531,315	

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County Government Budget Ceilings on Recurrent Expenditure in Financial Year 2022/2023 (Figures are in Kenya Shillings)					
		676,650,593	643,357,859		588,023,141
43	Turkana	821,950,164	818,680,328	569,787,017	607,049,529
44	Uasin Gishu	707,791,808	703,027,730	569,787,017	607,049,529
45	Vihiga	659,609,764	637,128,800	552,531,315	588,023,141
46	Wajir	853,341,593	853,371,986	560,610,046	597,112,535
47	West Pokot	610,173,508	603,044,748	535,275,615	568,996,754
	Total	35,656,167,687	34,576,474,969	26,708,080,067	28,486,731,674

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.
Clause 2, the Title and Clause 1

*(Question that Clause 2, the Title and
Clause 1 be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Hon. Senators, on the Mental Health Bill, we had already canvassed the amendments on the Mental Health (Amendment) Bill (Senate Bills No. 28 Of 2020).

Therefore, we will go ahead and put the question for the Mental Health (Amendment) Bill (Senate Bills No. 28 Of 2020) and for the County Allocation of Revenue Bill (Senate Bills No. 1 of 2022)

THE MENTAL HEALTH (AMENDMENT) BILL

(SENATE BILLS NO. 28 OF 2020)

*(Question, that the National Assembly amendments to Clauses 3,4,5, 7 and 35 of the
Mental Health (Amendment) Bills (Senate Bills No.28 of 2020 be approved, put and the
Senate proceeded to vote by County Delegations)*

THE COUNTY ALLOCATION OF REVENUE BILL

(SENATE BILLS NO. 1 OF 2022)

*(Question, that the Second Schedule be amended as proposed, put and the Senate
proceeded to vote by County Delegations)*

*(Question, that Clauses 3, 4, 5,6,7,8,9 and 10, the Second Schedule as amended, Clause
2, the title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by
County Delegations)*

Can we have the Division Bell rung for two minutes.

(The Division Bell was rung)

ROLL CALL VOTING

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

(Question that, the National Assembly amendments to Clauses 3, 4, 5, 7 and 35 of the Mental Health (Amendment) Bill (Senate Bills No.28 of 2020 be approved, put and the Senate proceeded to vote by County Delegations)

AYES: : Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Langat, Bomet County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwaruma, Taita-Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Orengo, Siaya County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wambua, Kitui County and Sen. (Dr.) Zani.

Teller of the Ayes: Sen. Imana

NOES: Nil.

Teller of the Noes: Sen. (Rev.) Waqo.

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results of the Division are as follows-

AYES: 24

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 24 votes to nil)

DIVISION

ROLL CALL VOTING

THE COUNTY ALLOCATION OF REVENUE BILL
(SENATE BILLS NO.1 OF 2022)

(Question that, the Second Schedule be amended as proposed put, and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Langat, Bomet County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen.

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Mwaruma, Taita-Taveta County; Sen. Ndwiga, Embu County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wambua, Kitui County; and, Sen. (Dr.) Zani.

Teller of the Ayes: Sen. Iman

NOES: Nil.

Teller of the Noes: Sen. (Rev.) Waqo.

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results for the first Question on The County Allocation of Revenue Bill (Senate Bills No.1 of 2022) are as follows-

AYES: 24

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 24 votes to nil)

DIVISION

ROLL CALL VOTING

(Question that, Clauses 3, 4, 5, 6, 7, 8, 9 and 10, the First Schedule, the Second Schedule (as amended), Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Langat, Bomet County; Sen. M. Kajwang, Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwaruma, Taita-Taveta County; Sen. Ndwiga, Embu County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wambua, Kitui County; and, Sen. (Dr.) Zani.

Teller of the Ayes: Sen. Iman

NOES: Nil.

Teller of the Noes: Sen. (Rev.) Waqo.

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results for second Question on the County Allocation of Revenue Bill (Senate Bills No.1 of 2022) are as follows-

AYES: 24

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 24 votes to nil)

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

The Temporary Chairperson (Sen. Nyamunga): Let us have the Mover for the Mental Health (Amendment) Bill (Senate Bills No.28 of 2020).

Be on record.

Sen. Kasanga: Madam Temporary Chairperson, I beg to Move that the Committee do report to the Senate its consideration of The Mental Health (Amendment) Bill (Senate Bills No.28 of 2020) and its approval thereof.

(Question Proposed)

(Question put and agreed to)

THE COUNTY ALLOCATION OF REVENUE BILL
(SENATE BILLS NO. 1 OF 2022)

The Temporary Chairperson (Sen. Nyamunga): Let us have the Mover for The County Allocation of Revenue Bill (Senate Bills No.1 of 2022).

Sen. Farhiya: Madam Temporary Chairperson, I beg to Move that the Committee do report to the Senate its consideration of the County Allocation of Revenue Bill (Senate Bills No.1 of 2022) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Speaker (Hon. Lusaka) in the Chair]

REPORT AND CONSIDERATION OF REPORT

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

The Speaker (Hon. Lusaka): Let us have the Chairperson reporting on the Mental Health Amendment Bill.

Sen. Kasanga: Mr. Speaker, Sir, I beg to Move that the House do agree with the Committee on the said report. I call upon Senator---

The Speaker (Hon. Lusaka): Sorry, it is the Chairperson of the Committee of the Whole, Sen. Nyamunga.

Sen. Nyamunga: Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered the National Assembly Amendments to the Mental Health (Amendment) Bill, (Senate Bills No. 28 of 2020) and its approval thereof.

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The Speaker (Hon. Lusaka): The Mover, please, proceed.

Sen. Kasanga: Mr. Speaker, Sir, I beg to Move that the House do agree with the Committee on the said report.

I call upon the Senate Majority Leader to Second.

The Senate Majority Leader (Sen. Poghisio): I second.

(Question Proposed)

(Question put and agreed to)

The Speaker (Hon. Lusaka): Since we are considering the amendments from the National Assembly and we have agreed with them in totality, we do not need a Third Reading. We will take it to the President for assent. Sen. Kasanga, I can see the excitement; you can say something. People should log into *Zoom* online platform to participate in one more vote.

Sen. Kasanga: Thank you, Mr. Speaker, Sir for your indulgence. I thank God that this day has come. I can tell you how many people are waiting to see whether this Bill will become an Act of Parliament and the impact it will have. I am happy and proud of this House for having made this happen for Kenyans. As Senators, this is something we have given to Kenyans. This is a Bill they need, since it is of high impact.

I am grateful to this House. God bless you and God's speed to everyone in all your endeavors away from here. I am also honoured today because some of my family members are here with me. They have seen this come to pass. God bless you all.

The Speaker (Hon. Lusaka): Thank you. I know that Sen. Kasanga has been very passionate about it. I am also happy that I just came in when it was being voted for and it has gone through. We will be remembered also when history is written.

The Chairperson to report on CARA.

THE COUNTY ALLOCATION OF REVENUE BILL
(SENATE BILLS NO. 1 OF 2022)

Sen. Nyamunga: Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered The County Allocation of Revenue Bill (Senate Bill No.1 of 2022 and its approval thereof with amendments.

The Speaker (Hon. Lusaka): The Mover.

Sen. Farhiya: Mr. Speaker, Sir, I beg to move that the House do agree with the Committee on the said Report and ask Sen. Kasanga to second.

Sen. Kasanga: Mr. Speaker, Sir, I second.

(Question proposed)

(Question put and agreed)

THIRD READING

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Sen. Farhiya: Mr. Speaker, Sir, I beg to move that The County Allocation of Revenue Bill (Senate Bill No.1 of 2022) be now read a Third Time, and ask Sen. M. Kajwang' to second.

Sen. M. Kajwang': Mr. Speaker, Sir, I second.

(Question proposed)

The Speaker (Hon. Lusaka): Ring the Division Bell.

(Division Bell was rung)

The Speaker (Hon. Lusaka): Let us start the voting.

DIVISION ROLL CALL VOTING

*(Question, that the County Allocation of Revenue Bill
(Senate Bill No.1 of 2022) be now read a Third Time
put and the Senate proceeded to vote by County delegations)*

AYES: Sen. Abdul Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Outa, Kisumu County; Sen. Orengo, Siaya County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi County; Sen. Wambua, Kitui County; and, Sen. (Dr.) Zani, Kwale County.

Teller of the Ayes: Sen. Iman

Noes: Nil

Teller of the Noes: Sen. Kasanga

The Speaker (Hon. Lusaka): Order. These are the results of the Division are as follows:

AYES: 26

NOES: 0

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 26 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

The Speaker (Hon. Lusaka): Next Order.

Proceed, Sen. Farhiya.

BILL

Second Reading

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THE COUNTY GOVERNMENTS ADDITIONAL
ALLOCATION BILL (SENATE BILLS NO. 2 OF 2022)

Sen. Farhiya: Mr. Speaker, Sir, I beg to move that The County Additional Allocation Bill (Senate Bills No. 2 of 2022) be now read a Second Time.

The County Additional Allocation Bill (Senate Bills No. 2 of 2022) was published on 10th May, 2022 and subsequently introduced to the House by a First Reading on Thursday, 12th May, 2022. Thereafter, it was committed to the Standing Committee of Finance and Budget for consideration pursuant to provisions of Standing Order No.141 of the Senate Standing Orders.

Mr. Speaker, Sir, Article 202 (2) of the Constitution of Kenya, 2010, stipulates that the county government may be given additional allocations from the National governments share of the revenue either conditionally or unconditionally. Further, pursuant to Article 191 of the Constitution, Parliament is obliged to legislate on matters, which would ensure that county governments have adequate them perform their function.

Mr. Speaker, Sir, therefore, to provide the additional allocation finance by National government share of revenue and proceeds of loans and grants from the development partner and to provide for additional allocations for the FY 2022/2023.

Upon enactment, the legal instrument will facilitate the transfer of conditional and non-conditional allocation made to counties from the consolidated fund to the respective county revenue funds and special purpose accounts. The total additional allocation in the Bill amounts to Kshs42.831 billion.

Mr. Speaker, Sir, while considering the Bill, the Committee invited the public, the stakeholders, the National Treasury, Commission of Revenue Allocation (CRA), Council of Governors (CoG), County Assembly Forum (CAF), Institute of Certified Public Accountants of Kenya (ICPAK), The Institute of Social Accountability (TISA) and the Institute of Budget Partnership (IBP) Kenyan Chapter. These stakeholders submitted their comments on the Bill and their recommendations have been captured in the Committee Report.

Mr. Speaker, Sir, the Committee observed that there is a variance between the proposed allocation submitted by the National Treasury during the consideration of the 2022 Budget Policy Statement and the proposed allocations submitted in the Budget Estimates. This has led to a huge difference in the allocations in the Bill and the actual allocation submitted by Ministry Departments and Agencies (MDAs) through the National Treasury.

The Bill proposes to allocate county governments additional allocations amounting to Kshs5.65billion from the National Government share of revenue raised in the line with Article 202 (2) of the Constitution. These allocations were provided in the First Schedule, comprising of supplements of construction of county governments headquarters, Kshs454million. The allocation was towards Nyandarua, Tana-River, Tharaka-Nithi, Isiolo and Lamu counties; leasing of Medical equipment amounting to Kshs5.2 billion, with each county receiving Kshs110.4 million.

Mr. Speaker, Sir, the Second Schedule relates to additional finance proceeds of loans and grants from development partners in the FY 2022/2023. After consultation

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with the National Treasury, the Committee proposes the Schedule to be revised to ensure that the allocations are consistent with allocations in the proposed Budget Estimates for the FY 2022/2023. These additional allocations include:

- 1) Conditional grants financed by the World Bank credit to finance the Agriculture and rural inclusive growth project amounting to Kshs3.563 billion.
- 2) Conditional allocation financed by the World Bank loan to finance the Kenya climate smart agriculture project amounting to Kshs2 billion.
- 3) Additional allocation from the European Union (EU) to finance instruments of devolution advice and support program amounting to Kshs119.997 million
- 4) Conditional allocation from the World Bank credit to finance the water and sanitation project amounting to Kshs5.9 billion.
- 5) Conditional allocation from grant by Danish International Development Agency (DANIDA) to finance primary healthcare in devolved system program amounting to Kshs667 million
- 6) Conditional allocation from the World Bank credit to finance the locally led climate action program for counties resilient investment level two amounting to Kshs5.433 billion.
- 7) Conditional allocation financed by the Government of Sweden to finance the agriculture sector development support programme amounting to Kshs775,134,000.
- 8) Conditional allocation financed by the German Development Bank to finance drought resilience programme in Northern Kenya amounting to Kshs825 million.
- 9) Conditional allocation financed by the World Bank to finance the emergency locust response project, amounting to Kshs1.2 billion.
- 10) Conditional allocation financed by the World Bank to finance the Kenya Informal Settlement Improvement Project amounting to Kshs2.7 billion.
- 11) Finally, conditional allocation financed by credit from the World Bank, to finance locally led Climate Action Programme, County Climate Institutional Support Level One for capacity building totaling Kshs5.17 billion. The grant shall be allocated to all the 47 counties with each receiving Kshs11 million.

The Public Finance Management (Equalization Fund Administration) Regulations, 2021, were approved by Parliament in November, 2021. The Regulations provide for utilization of Equalization Fund as conditional grants to counties.

In this regard, in consultation with the National Treasury, the Committee proposes an amendment by introducing a Third Schedule to the Bill, to provide conditional grants allocations for the Equalization Fund. It is proposed that 34 beneficiary counties receive Equalization Fund allocation for FYs 2021/2022 and 2022/2023.

The proposed allocation appears in the Third Schedule to the Bill, amounting to Kshs13.477 billion. This constitutes Kshs6.62 billion for the FY the 2021/2022 and Kshs6.856 billion for FY 2022/2023. The allocations to each of the 34 counties are based on allocation factors identified in the Second Policy and criteria for sharing revenue among marginalized counties.

The Fourth Schedule of the Constitution, Paragraph 4(f), in Part 2, provides that the county governments are in charge of libraries. However, this function has never been

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transferred to counties. The resources attended to this function amounting to Kshs424.616 million, being the total amount for personnel emolument, operations, maintenance and leave allowance.

The county governments have requested that this function be transferred to the next financial year. However, after consulting with the National Treasury, the Committee observed that there is need to allow more time for preparation and transfer of the Integrated Payroll and Personnel Database (IPPD) to the respective counties.

The Committee recommends that the National Treasury, in collaboration with the Council of Governors (CoG), State Department of Culture and Heritage and Intergovernmental Relations Technical Committee (IGRTC) should ensure that within the next four months, all the mechanism are put in place to allow for seamless operation once the transfer of library functions is implemented.

The Committee recommends that the House approves with amendment, which includes, deletion of First Schedule and Second Schedule and replace the New Schedule with allocations as contained in the Budget Estimates. This is to ensure consistency in the two budget documents.

There is a proposal for introduction of a new Third Schedule on additional allocation of Equalization Fund. The Fund is to be implemented through allocation of conditional grant to affected counties, pursuant to Section 74 of the Public Finance Management (Equalization Fund Administration) Regulations, 2021.

In conclusion, the Committee acknowledges the stakeholders who submitted memoranda on the Bill. Further, the Committee thanks the Office of the Speaker and the Clerk of the Senate for the support extended to the Committee in execution of its mandate.

I extend my appreciation to all Members of the Committee for their patience, sacrifice and commitment to public service, which enabled the committee to complete the assigned task within the stipulated time.

Mr. Speaker, Sir, I beg to move and request Sen. Mutula Kilonzo Jnr. to second.

I thank you.

The Speaker (Hon. Lusaka): Proceed, Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, it is exciting because this Bill is a product of tough negotiations led by Sen. Kibiru to have additional allocations and conditional allocations set aside in a separate Bill, so that we can follow up and track how they are being spent in the counties.

Mr. Speaker, Sir, I feel excited because you and I have been prayerful. If elected governors, we are going to be the managers of the resources that are currently being discussed and the ones that have previously been passed.

We fought hard for this legislation. The beauty about it is the way we are moving it. It will give the Senate an entry point. The Senate will have a role in terms of oversight when money is expended.

More importantly for us and those who will take the leap of faith of becoming county executives, this is a good framework for understanding the allocations we get from the national Government and the specifications thereof and the grants we get from donors. The Council of Governors (CoG) must have a foot in the discussion on grants that are given by our partners, what they are meant for and the priorities.

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Most importantly and for purposes of budgeting, we will avoid the constant amendments that were being channeled left right and centre because the National Treasury was entering into negotiations on these grants mid-year, or at any time during the year. This framework will allow for budgeting at the point of passing the Division of Revenue Bill, the County Allocation of Revenue Bill and Budget Policy Statement (BPS) to be in line.

Therefore, I am a proud person. If there is one piece of legislation that I am proud of as a Member of the Committee on Finance and Budget, it is the Bill that I am seconding. This Bill is a product of a court process, where the CoG and other stakeholders, including ourselves, challenged the manner in which conditional grants are disbursed.

In a book that I read just before the promulgation of the Constitution, the World Bank was very concerned that these conditional grants, both by the national Government and our development partners, would be used to claw back on devolution. This is where we have put an end to that claw back, because we have an entry point and we can participate and audit.

The proposal by the National Assembly was to put it in the Appropriations Bill, like they had done in the last Act that was signed into law by His Excellency the President. They would have used the money whichever way, just like they attempted to do with the Equalization Fund.

Mr. Speaker, Sir, I second and hope that at some point, you will put the question, so that this Bill is passed before we leave. Passing the County Allocation of Revenue Bill and leaving this behind is not helpful. It is like cutting your nose to spite your face. Ideally, the two should go together.

I presume that we will resume soon to discuss the debt ceiling. Let us vote on whatever is remaining before Members debate and pass, or reject the debt ceiling, which is also a critical matter to the economy and discussions that we are having. The faster we have it here, the better before we go back to the field, but it is good to be back in Nairobi.

I second.

The Speaker (Hon. Lusaka): I agree it is nice to be back.

(Question proposed)

I see no interest. Mover to reply.

Sen. Farhiya: Thank you, Mr. Speaker. I beg to reply and thank Senator Mutula Kilonzo Jnr. for seconding.

I rise pursuant to Standing Order 61(3) to request that you defer putting of the question to another day.

I thank you.

(Putting of the question on the Bill deferred)

The Speaker (Hon. Lusaka): Hon. Senators, I defer Order Nos. 25 to 29, 31 and 34.

COMMITTEE OF THE WHOLE

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT)

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BILL (SENATE BILLS NO. 37 OF 2021)

(Division)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Division)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE PRESERVATION OF HUMAN
DIGNITY AND PROTECTION OF ECONOMIC AND
SOCIAL RIGHTS BILL (SENATE BILLS NO. 21 OF 2021)

(Division)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE LIFESTYLE AUDIT BILL
(SENATE BILLS NO. 36 OF 2021)

(Division)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE SPECIAL NEEDS EDUCATION BILL
(SENATE BILLS NO. 44 OF 2021)

(Division)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Division)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE COUNTY GOVERNMENTS ADDITIONAL
ALLOCATION BILL (SENATE BILLS NO. 2 OF 2022)

(Committee of the Whole deferred)

ADJOURNMENT

The Speaker (Hon. Lusaka): Hon Senators, there being no other business on the Order Paper, the Senate stands adjourned until Thursday, 9th June 2022, at 2.30 p.m.

The Senate rose at 5.21 p.m.

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