



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FIFTH SESSION)
THE SENATE
VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 13, 2021 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **COMMUNICATION FROM THE CHAIR – STAFF FROM GARISSA COUNTY ASSEMBLY ON A STUDY VISIT**

The Speaker conveyed the following Communication from the Chair-

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of staffers from the Garissa County Assembly who are currently on a study visit at the Senate for one week, commencing 12th to 15th October, 2021.

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

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|-----------------------------|---|---------------------------|
| 1. Mr. Omar Koriyow | - | Principal Clerk Assistant |
| 2. Mr. Abdiaziz Noor | - | Senior Research Officer |
| 3. Mr. Kadija Mohamed Yusuf | - | Senior Research Officer |

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

I thank you.”

4. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE PASSAGE OF THE NATIONAL HEALTH INSURANCE FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2021)**

The Speaker conveyed the following Message from the National Assembly-

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the passage by the Assembly of the National Health Insurance Fund (Amendment) Bill (National Assembly Bills No. 21 of 2021)-

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

“WHEREAS the National Health Insurance Fund (Amendment) Bill (National Assembly Bill No. 21 of 2021) was published vide Kenya Gazette Supplement No. 91 of 11th May, 2021 as a Bill proposing to amend the National Hospital Insurance Fund Act, 1998, to establish the National Health Scheme and to enhance the mandate and capacity of the National Hospital Insurance Fund to facilitate and deliver the Universal Health Coverage.

AND WHEREAS the National Assembly considered and passed the said Bill on Wednesday, 29th September 2021 with amendments, in the form attached hereto;

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 forward the Bill to the Senate for consideration.”

Honourable Senators,

Pursuant to Standing Order 157, which 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, I direct that the National Health Insurance Fund (Amendment) Bill (National Assembly Bills No. 21 of 2021) be listed on the Order Paper tomorrow, Thursday, 14th October, 2021 for First Reading.

I thank you!”

5. **PETITION**

Pursuant to Standing Order 230(2)(b), the Speaker reported to the Senate a Petition by residents of Kericho County and Members representing Early Childhood Development (ECD) Teachers’ Association concerning the recruitment and remuneration of Early Childhood Development (ECD) Teachers in Kericho County.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and, subsequently, committed it to the Standing Committee on Labour and Social Welfare, pursuant to Standing Order 232(1).

6. **PAPER**

The following Paper was laid on the Table of the Senate -

The Annual County Governments Budget Implementation Review Report for Financial Year 2020/2021.

(The Deputy Senate Majority Leader)

7. STATEMENTS**a) Pursuant to Standing Order 47 (1)**

- i) The Senator for Trans Nzoia County (Sen. (Dr.) Michael M. Mbito, MP) made a statement concerning comprehensive plans to address the recurrent hunger crisis in the country.

Thereupon, the Senator informed the Senate that Kenya, like other parts of Sub-Saharan Africa, was suffering the devastating impact of drought and that, according to a report by the Kenya Red Cross, 2.1 million Kenyans were experiencing hunger and water scarcity as a result.

The Senator stated that the cyclic phenomenon of drought had been exacerbated by the ongoing global climate crisis and that the President had recently declared the drought being experienced in the country a national disaster and instructed the National Treasury to release Sh2 billion to provide relief food and other emergency support to the affected families.

The Senator exhorted the government to shift the focus from emergency interventions to those that build the resilience of communities to adapt to extreme weather events orchestrated by climate variability. He called upon the Ministry of Devolution and the National Drought Management Authority (NDMA) to ensure that strategic measures like repairing and servicing strategic boreholes, wells and water pipes are timely. He also stated that oppressive laws like the Seed and Plant Varieties Act, 2012 should be relooked and amended to enable smallholder farmers to produce locally relevant food and allow them to sell and share their own indigenous seeds.

The Senator also implored the National Treasury to shift budgetary allocations from environment-degrading coal projects, like the 1.3 billion allocated to the exploration and mining of coal in the 2021/2022 budget, to fighting hunger.

- ii) The Senator for Mombasa County (Sen. Mohamed Faki, MP) made a statement congratulating Prof. Abdulrazak Gurnah on his Award of the Nobel Peace Prize in Literature for the Year 2021.

Thereupon, the Senator stated that the award was a great honour, not only to Prof. Gurnah, but to the whole of Africa and that it reminisced of a similar achievement here at home when the late Prof. Wangari Mathai was awarded the Nobel Peace Prize in 2004 for her achievements in Environmental Conservation.

Sen. Faki reminded the Senate that earlier in the year, Zanzibar had celebrated producing the First Female President of the United Republic of Tanzania, stating that it was a great honor not only to the Women of

Tanzania and Africa in general but to the Swahili Nation for having the first woman President of a Country. The Senator further stated that the Swahili nation had now given the world its first Nobel Laureate of Swahili origin and whose first language was Kiswahili.

The Senator informed the House that, whereas Prof. Gurnah had written extensively on the impact of colonization in Africa, it was regrettable that the colonial mentality was still prevalent in many of these countries, despite independence.

The Senator also pointed out that, due to dependence on foreign loans, the economies of Counties had been stifled. He gave the example of Mombasa County which had been a thriving Port for many years even before Kenya came into being since it was a major commercial and trade center in the East African coast, second only to Zanzibar. He observed that, even after independence, Mombasa had continued to thrive until recently when the economy of Mombasa had been stifled as a result of Government policies that prioritized use of the Standard Gauge Railway (SGR) as opposed to free enterprises in the transportation of cargo from Mombasa to Nairobi and other destinations.

b) Pursuant to Standing Order 48 (1)

- i) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Committee on Labour and Social Welfare on the status of construction of Dawson Mwanyumba Stadium in Taita Taveta County.
- ii) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Committee on Roads and Transportation on the delays experienced by users of the services provided by the National Transport and Safety Authority (NTSA) in the counties.
- iii) The Senator for Nairobi City County (Sen. Sakaja Johnson, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources on the demolition of Martin Luther Primary School in Makadara Constituency in Nairobi City County.

8. **THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 14 OF 2021)**
(Sen. Mutula Kilonzo Jr, MP and Sen. Sakaja Johnson, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 29th September, 2021)
(Division)

Order read;

Order deferred.

9. **THE KENYA CITIZENSHIP AND IMMIGRATION (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2021)**
(Sen. (Dr.) Irungu Kang'ata, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 30th September, 2021)
(Division)

Order deferred.

10. **THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2021)**
(Sen. Abshiro Halake, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 5th October, 2021)
(Division)

Order deferred.

11. **THE PUBLIC PRIVATE PARTNERSHIPS BILL (NATIONAL ASSEMBLY BILLS NO. 6 OF 2021)**
(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 5th October, 2021)
(Division)

Order deferred.

12. **THE HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 26 OF 2020)**
(Sen. (Dr.) Abdullahi Ali, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 12th October, 2021)
(Division)

Order deferred.

13. **THE HERITAGE AND MUSEUM BILL (SENATE BILLS NO. 22 OF 2021)**
(Sen. (Dr.) Alice Milgo, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 12th October, 2021)

Order read;

Order deferred.

14. **COMMITTEE OF THE WHOLE**

THE INVESTMENT PROMOTION (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2021)

(Sen. (Dr.) Alice Milgo, MP)

Order deferred.

15. **COMMITTEE OF THE WHOLE**

THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 25 OF 2020)

(Sen. (Dr.) Agnes Zani, MP)

Order deferred.

16. **THE COUNTY BOUNDARIES BILL, (SENATE BILLS NO. 20 OF 2021)**

Order read;

Motion made and Question proposed;

THAT, the County Boundaries Bill (Senate Bills No. 20 of 2021) be now read a Second Time.

(Sen. Mutula Kilonzo Jr., MP)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order, the Mover (Sen. Mutula Kilonzo Jr. MP) requested that the putting of the Question be deferred to a later date, pursuant to Standing Order 61 (3).

And the Temporary Speaker (Sen. Judith Pareno, MP) acceding to the request deferred the putting of the Question to a later date.

17. **THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 17 OF 2021)**

(Sen. Ledama Olekina, MP)

(Second Reading)

Order read;

Order deferred.

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

Order read;

Motion made and Question proposed;

THAT, the Lifestyle Audit Bill (Senate Bills No. 36 of 2021) be now read a Second Time.

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

Debate arising;

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

19. **SENATE ROSE** – at Thirty Minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Thursday, October 14, 2021 at 2.30 p.m.*

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