



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SIXTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, MARCH 01, 2022 AT 2.30 P.M.

1. The Senate assembled at Thirty minutes past two O'clock.
2. The proceedings were opened with Prayer said by the Deputy Speaker.

3. PAPERS

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

- i.) Report of the Auditor General on the financial statement of Nyandarua County Bursary Fund for the year ended 30th June, 2020.
- ii.) Report of the Auditor General on the financial statement of Nyandarua County Assembly Staff Car Loan and Mortgage Fund for the year ended 30th June, 2020.
- iii.) Report of the Auditor General on the financial statement of Kajiado County Disability Mainstreaming Fund for the year ended 30th June, 2020.
- iv.) Report of the Auditor General on the financial statement of Baringo County Assembly Member's Car Loan and Mortgage Fund for the year ended 30th June, 2020.
- v.) Report of the Auditor General on the financial statement of Meru County Alcoholic Drinks Control Board for the year ended 30th June, 2020.
- vi.) Report of the Auditor General on the financial statement of Iten Tambach Water and Sewerage Company Limited County for the year ended 30th June, 2020.

- vii.) Report of the Auditor General on the financial statement of Oololaiser Water and Sewerage Company Limited for the year ended 30th June, 2018.
- viii.) Report of the Auditor General on the financial statement of Oololaiser Water and Sewerage Company Limited for the year ended 30th June, 2019.
- ix.) Report of the Auditor General on the financial statement of Oololaiser Water and Sewerage Company Limited for the year ended 30th June, 2020.

(The Senate Majority Leader)

- x.) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 27 of 2021).
- xi.) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Elections (Amendment) (No. 3) Bill (Senate Bills No. 48 of 2021).

(The Senate Majority Leader on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

4. **STATEMENTS**

a) Pursuant to Standing Order 48(1)

The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Tourism, Trade and Industrialization concerning an alleged failure by the Ministry of Tourism and Wildlife to utilize the Tourism Promotion Fund (TPF) to market Kenya in sports tourism.

b) Pursuant to Standing Order 51 (1) (b)

The Chairperson, Sessional Committee on Delegated Legislation issued a statement on the activities of the Senate sessional committee on delegated legislation during the third and fourth quarters of the Fifth Session (July- December 2021).

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

(The Senate Majority Leader)

(Second Reading)

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

(Division)

Order read;

Order deferred.

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

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

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

(Division)

Order deferred.

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

(Sen. Abshiro Halake, MP)

Order for Committee read;

Order deferred.

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

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

Order for Committee read;

Order deferred.

9. **COMMITTEE OF THE WHOLE**

Order for Committee Read;

IN THE COMMITTEE

(Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – In the Chair)

The Lifestyle Audit Bill (Senate Bills No. 36 of 2021)

Clauses 3 – 13

Motion made and Question proposed-

THAT, **Clauses 3 – 13** be part of the Bill

(Sen. Farhiya Ali Haji, MP)

Clauses 3 – 13 – vote deferred.

Clauses 14 – 25

Motion made and Question proposed-

THAT, **Clauses 14 – 25** be part of the Bill

(Sen. Farhiya Ali Haji, MP)

Clauses 14 – 25 – vote deferred.

Clause 2, the Title and Clause 1

Motion Made and Question proposed;

THAT, **Clause 2, The Title and Clause 1** be part of the Bill

(Sen. Farhiya Ali Haji, MP)

Clause 2, the Title and Clause 1 – Vote deferred

Progress Report

Motion made: -

THAT, the Committee of the Whole House do report progress on its consideration of the Lifestyle Audit Bill (Senate Bills No. 36 of 2021) and seek leave to sit again tomorrow;

(Sen. Farhiya Ali Haji, MP)

Before the Question was put and pursuant to Standing Order 79(1), the Acting Chairperson (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and agreed to.

10. **HOUSE RESUMED** – Temporary Speaker, Sen. Rose Nyamunga, MP - in the Chair
11. **THE LIFESTYLE AUDIT BILL, (SENATE BILLS NO. 36 OF 2021)**

Progress reported;

Motion made and Question proposed;

THAT, the Senate do agree with the Committee of the Whole in the said report.

(Sen. Ledama Olekina, MP on behalf of the Acting Chairperson)

And there being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and agreed to.

12. **COMMITTEE OF THE WHOLE**
THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL
(SENATE BILLS NO. 53 OF 2021)
(Sen. Naomi Shiyonga, MP)

Order for Committee read;

Order deferred.

13. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE SPECIAL AUDIT REPORT ON UTILIZATION OF COVID-19 FUNDS BY TWENTY EIGHT (28) COUNTY GOVERNMENTS**
(The Chairperson, Standing Committee on Health)

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

Order read;

Order deferred.

14. **MOTION - RECOGNIZING AND APPRECIATING THE ELDERLY BY COUNTY GOVERNMENTS**

(Sen. Rose Nyamunga, MP)

THAT, AWARE that in 2006, the National Government initiated the Older Persons Cash Transfer (OPCT) Programme, popularly known as Pesa ya Wazee, which is an unconditional cash transfer programme to destitute elderly persons above the age of 65 years to cater for their subsistence needs;

NOTING THAT the beneficiaries receive a monthly stipend of Kshs. 2,000, delivered every two months through appointed payment agents, and also entitled to medical insurance through the National Health Insurance Fund (NHIF);

CONCERNED HOWEVER THAT the programme's credibility is marred by issues of delayed payments to beneficiaries, difficulties in processing of payments through the stipulated agents and payments to unregistered persons;

NOW THEREFORE, the Senate recommends that the County Governments complement the efforts of the National Government and assist in resolving these challenges by-

- (i) Developing legislation and policies to protect the elderly including ensuring all elderly persons in their counties are registered in the OPCT programme; and
- (ii) Organise value addition mechanisms such as financial training to help the beneficiaries of the programme to efficiently utilize this allowance.

Order read;

Order deferred.

And there being no other business on the Order Paper, the Temporary Speaker (Sen. Rose Nyamunga, MP) adjourned the Senate at thirty-four minutes past three O'clock without Question put, pursuant to the Standing Orders.

15. **SENATE ROSE** – at thirty-four minutes past three O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, March 02, 2022 at 10:00 a.m.*