

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 9th March, 2022

*The House met at the Senate Chamber,
Parliament Buildings, at 10.00 a.m.*

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

PRAYER

PAPERS LAID

REPORTS ON FINANCIAL STATEMENTS OF VARIOUS COUNTY FUNDS/BOARDS

Sen. Khaniri: Thank you, Mr. Speaker, Sir. On behalf of the Senate Majority Leader, I beg to lay the following Papers on the Table of the Senate today, 9th March, 2022-

Report of the Auditor-General on the financial statement of Kericho County Enterprise Fund for the year ended 30th June, 2015.

Report of the Auditor-General on the financial statement of Kericho County Bursary Fund for the year ended 30th June, 2015.

Report of the Auditor-General on the financial statement of Kericho County Alcoholic Drinks Control Fund for the year ended 30th June, 2015.

Report of the Auditor-General on the financial statement of Kericho County Bursary Fund for the year ended 30th June, 2016.

Report of the Auditor-General on the financial statement of Kericho County Alcoholic Drinks Control Fund for the year ended 30th June, 2016.

Report of the Auditor-General on the financial statement of Kericho County Executive Staff Mortgage Scheme Fund for the year ended 30th June, 2016.

Report of the Auditor-General on the financial statement of Kericho County Enterprise Fund for the year ended 30th June, 2016.

Report of the Auditor-General on the financial statement of Kericho County Executive Staff Mortgage Scheme Fund for the year ended 30th June, 2017.

Report of the Auditor-General on the financial statement of Kericho County Bursary Fund for the year ended 30th June, 2017.

Report of the Auditor-General on the financial statement of Kericho County Alcoholic Drinks Control Fund for the year ended 30th June, 2017.

Report of the Auditor-General on the financial statement of Kericho County Enterprise Fund for the year ended 30th June, 2017.

Report of the Auditor-General on the financial statement of Kericho County Executive Staff Mortgage Scheme Fund for the year ended 30th June, 2018.

Report of the Auditor-General on the financial statement of Kericho County Bursary Fund for the year ended 30th June, 2018.

Report of the Auditor-General on the financial statement of Kericho County Alcoholic Drinks Control Fund for the year ended 30th June, 2018.

Report of the Auditor-General on the financial statement of Kericho County Enterprise Fund for the year ended 30th June, 2018.

Report of the Auditor-General on the financial statement of Kericho County Bursary Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statement of Kericho County Enterprise Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statement of Kericho County Alcoholic Drinks Control Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statement of County Assembly of Nyeri Car Loan and Mortgage (Members') Scheme Fund for the year ended 30th June, 2020.

Report of the Auditor-General on the financial statement of Nyeri County Executive Car Loan and Mortgage Fund for the year ended 30th June, 2020.

Report of the Auditor-General on the financial statement of Nyeri Water and Sanitation Company Limited for the year ended 30th June, 2020.

Report of the Auditor-General on the financial statement of Kiambu County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2020.

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

Report of the Auditor-General on the financial statement of Uasin Gishu County Assembly Mortgage and Car Loan Scheme Fund for the year ended 30th June 2020.

Report of the Auditor-General on the financial statement of Uasin Gishu County Executive Mortgage and Car Loans Scheme Fund for the year ended 30th June 2020.

Report of the Auditor-General on the financial statement of Kisumu County Assembly Car and Mortgage Scheme Fund for the year ended 30th June 2018.

Report of the Auditor-General on the financial statement of Kisumu County Assembly Car and Mortgage Scheme Fund for the year ended 30th June 2019.

Report of the Auditor-General on the financial statement of Olekejuado Water and Sewerage Company Limited for the year ended 30th June 2020.

Report of the Auditor-General on the financial statement of Laikipia County Assembly Members' Car Loan and Mortgage Fund for the year ended 30th June 2020.

(Sen. Khaniri laid the documents on the Table)

The Speaker (Hon. Lusaka): Thank you.

Next Order!

STATEMENTS

RAMPANT CASES OF MINORS SUFFERING IN
THE HANDS OF DOMESTIC WORKERS/HOUSE HELPS

The Speaker (Hon. Lusaka): Sen. Iman, please, proceed.
Since I do not see her, the Statement is deferred.

(Statement deferred)

Sen. Were, I can see you have an intervention.

Sen. Were: Thank you, Mr. Speaker, Sir. I wanted to raise a concern before you leave this Order. My concern is on the delay of Statements. I have a Statement that I issued last year on the frustration of pensioners at the Pensions Department, submitted to the Committee on Labour and Social Welfare. It is one year down the line and I have not received answers to those questions I raised or even a report on the same. I would like that looked into by the Committee on Labour and Social Welfare.

The Speaker (Hon. Lusaka): Sen. Wambua, please, proceed.

Sen. Wambua: Thank you, Mr. Speaker, Sir. In the same vein, there is a Statement pending before the Committee on Education on the welfare of Early Childhood Development Education (ECDE) teachers. I am told that they have held all the meetings - the stakeholder engagements - and a report has been prepared. You can direct that the report be tabled, so that we can have a look at it and alleviate the suffering of ECDE teachers, especially in Kitui County.

I thank you.

The Speaker (Hon. Lusaka): That is one of the reports that were supposed to be tabled this morning. Since the Chairperson is not here, we will list it for the afternoon and make sure that she comes to table because ECDE is critical to the functions in the county governments.

Sen. Khaniri: Mr. Speaker, Sir, listening to Sen. Were, I quickly went through our Standing Orders and realized that there is indeed a lacuna when it comes Statements. When a petition is brought to this House and committed to a Standing Committee, the Standing Orders are clear that the Committee will in not more than 60 days report back to the House. When it comes to statements, whenever a statement has been committed to a Committee, there is no time limit prescribed in our Standing Orders.

A statement for example the one Sen. Were is referring to on the plight of pensioners, to me, is one that requires urgent attention. These are Kenyans who have worked and are suffering waiting for their pensions. They come to this House hoping that their matters will be resolved as quickly as possible, but we are told one year down the road, after the Petition was committed to a Committee, that there is no response.

We cannot be working in vain. This is the Senate of the Republic of Kenya and Kenyans expect that once they petition the House of Parliament, and in particular the Senate, they should have their matters resolved.

Mr. Speaker, Sir, I plead with you that even before we amend our Standing Orders, to give provision for timelines for statements to be worked on, to use your discretion under Standing Order No.1. Whenever we commit Statements to a Committee,

give them a limit of time within which they should report back to this House and the person who requested the statement. Otherwise, the long-term solution would be to amend our Standing Orders and put a timeframe for statements to be reported back to the House.

The Speaker (Hon. Lusaka): Sen. Dullo, do you want to comment on that?

Sen. Dullo: Mr. Speaker, Sir, thank you for this opportunity. I have a similar situation with the Committee on Labour and Social Welfare. You remember the heated debate about the members of staff of Ewaso Nyiro. I remember last time, if I am not wrong, the Chairperson stood here and said that he was done with the report on that particular statement.

Up to now, those members of staff who were laid off are languishing in poverty, have not been reinstated and the verdict has not been given by this House. Something needs to be done urgently. I have waited for almost two years now to get a response on that Statement.

The Speaker (Hon. Lusaka): I have known the Chairperson of the Committee on Labour Social Welfare to be very efficient. I do not know what happened on this matter. As Sen. Khaniri has rightly said, it is important to put a timeline. Otherwise, we will come here and look like a talk shop.

Before we amend our Standing Orders, I will be giving some direction on the timeframe within which a response must be given, so that we are able to implement what is raised in the House. Some of the issues raised are important and critical.

Kenyans are watching and waiting for our response. They will otherwise start losing hope in bringing their issues to Parliament, that is, the Senate and the National Assembly for discussion. I give that direction.

Next Order!

We have other Statements.

Sen. Cherargei is not present.

PROPOSED INTRODUCTION OF AUTOMATED TEA PLUCKING
MACHINES TO FARMERS IN NANDI AND IN KENYA

(Statement dropped)

I do not also see Sen. (Dr.) Mwaura. That is also dropped.

CIRCUMSTANCES SURROUNDING
DEATH OF MR. FELIX ODHIAMBO

(Statement dropped)

Next Order!

Hon. Senators, Order Nos.8, 9, 10, 11, and 12 are due for Division but we do not have numbers for now. Therefore, we will defer them until afternoon.

Order Nos.13, 14, 15, 16, 17, 18, 19 and 20 suffer the same fate.

BILL

Second Reading

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

(Sen. Poghiso on 23.2.22)

(Division)

(Bill deferred)

COMMITTEE OF THE WHOLE

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT)
BILL (SENATE BILLS NO.37 OF 2021)

(Division)

(Bill deferred)

COMMITTEE OF THE WHOLE

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

(Division)

(Bill deferred)

COMMITTEE OF THE WHOLE

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

(Division)

(Bill deferred)

MOTION

ADOPTION OF AUDIT REPORTS FOR COUNTY EXECUTIVES 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.

(Division)

(Motion deferred)

COMMITTEE OF THE WHOLE

THE ELECTIONS (AMENDMENT) (No.3) BILL
(SENATE BILLS NO.48 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE COUNTY RESOURCE DEVELOPMENT BILL
(SENATE BILLS NO.45 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE COMMUNITY GROUPS REGISTRATION BILL
(NATIONAL ASSEMBLY BILLS No.20 OF 2021)

(Committee of the Whole deferred)

BILLS

Second Reading

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

(Bill deferred)

Second Reading

THE ELECTIONS (AMENDMENT) (No.2)
BILL (SENATE BILLS No.43 OF 2021)

(Bill deferred)

MOTIONS

FAST TRACKING CULTURAL DEVELOPMENTS IN COUNTIES

THAT, WHEREAS Kenya is a multi-ethnic and multi-racial country with rich and diverse cultural resources such as traditional medicine and foods, arts, craft, music, dances, dress among others;

AWARE THAT, the Constitution, in its preamble acknowledges the cultural diversity of the Kenyan people who are determined to live in peace and unity as one indivisible sovereign nation whilst, Article 11 of the Kenyan Constitution recognizes culture as the foundation of the nation;

NOTING that, while the Department of Culture under the Ministry of Sports, Culture and Heritage has been playing some of the key roles in promotion of cultural integration, formulation of policies and standards that will guide the development of culture, little information has been available to the Kenyan public;

ACKNOWLEDGING, that culture performs a significant role in the life of a child, the cultural background in which a child is brought up affects the totality of his or her life's activities;

CONCERNED, that our children are losing their sense of identity due to the negative influences due to inadequate cultural identity catalyzed by globalization which has led to catastrophic consequences to the next generation as experienced in our country where a majority of young people are showing symptoms of feeling suicidal, anxious, feeling of hopelessness, anger, violence, feeling isolated, and paranoia;

NOW THEREFORE, the Senate urges the Cabinet Secretary, Ministry of Sports, Culture and Heritage to:

- a) Formulate cultural development policies and initiatives to inculcate stronger community values, safeguard Kenya's heritage, recognize local heroes and promote socio-cultural opportunities in the counties; and
- b) Formulate strategies to create an enabling environment for protection and promotion of diversity of cultural expressions in all counties.

(Motion deferred)

The Speaker (Hon. Lusaka): Can you find out whether Sen. (Dr.) Mbito is online for Order No.21?

ADOPTION OF SPECIAL AUDIT REPORT ON
UTILIZATION OF COVID-19 FUNDS

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.

The Speaker (Hon. Lusaka): Sen. (Dr.) Mbito, are you prepared to proceed? Unmute yourself.

(There was a technical hitch)

(Motion deferred)

ADJOURNMENT

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

The Senate rose at 10.26 a.m.