



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (SECOND SESSION)
THE SENATE
VOTES AND PROCEEDINGS
THURSDAY, MARCH 23, 2023 AT 2.30 PM

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **QUORUM IN THE HOUSE**

The Speaker, having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was no Quorum, directed the Bell to be rung pursuant to Standing Order 40;

And there being a Quorum after the expiry of five minutes;

The Speaker invited the Clerk to call the Orders of the day.

4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

a) Visiting Staffer from the County Assembly of Uasin Gishu

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, Mr. Wisely Abuya, a Hansard Reporter from the County Assembly of Uasin Gishu who is on a one-week benchmarking visit on Hansard Audio Visual Solution in the Senate.

Honourable Senators,

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

I thank you.”

b) Visiting Teachers and Students from Kondabilet High School in Elgeyo Marakwet County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, a visiting teachers and students from Kondabilet High School in Elgeyo Marakwet County. The delegation comprises four (4) teachers and forty seven (47) pupils who are in the Senate for a one- day study visit.

Honourable Senators,

In our usual 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.”

5. **MESSAGE FROM THE NATIONAL ASSEMBLY - PASSAGE OF THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 9 OF 2023)**

The Speaker conveyed the following Message from the National Assembly-

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Division of Revenue Bill (National Assembly Bills No. 9 of 2023).

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

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

WHEREAS the Division of Revenue Bill (National Assembly Bills No. 9 of 2023) was published vide Kenya Gazette Supplement No. 32 of 20th March 2023 to provide for the equitable division of revenue raised nationally among the national and county levels of government for the 2023/2024 financial year as required by Article 218 of the Constitution;

AND WHEREAS the National Assembly considered the said Bill and passed it on Tuesday, 21st March 2023 without amendments, in the form attached hereto;

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

Honourable Senators,

Pursuant to Standing Order No. 163, which requires that a Bill which originates 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 No. 144, the Division of Revenue Bill (National Assembly Bills No. 9 of 2023) is listed in today’s Order Paper and, at the appropriate time, I shall call upon the Clerk to read the said Bill a First Time.

I thank you.”

6. **PAPERS**

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

- i.) Performance Audit Report of the Auditor General on implementation of the Kenya Towns sustainable Water Supply and Sanitation Program.
- ii.) Report of the Auditor General on the financial statement of the County Assembly of Meru Staff Car Loan and Housing Scheme Fund for the year ended 30th June, 2020.
- iii.) Report of the Auditor General on the financial statement of the County Executive of Isiolo for the year ended 30th June, 2022.
- iv.) Report of the Auditor General on the financial statement of the County Assembly of Isiolo for the year ended 30th June, 2022.
- v.) Report of the Auditor General on the financial statement of the County Executive of Uasin Gishu for the year ended 30th June, 2022.
- vi.) Report of the Auditor General on the financial statement of the County Assembly of Uasin Gishu for the year ended 30th June, 2022.
- vii.) Report of the Auditor General on the financial statement of the Municipality of Murang’a for the year ended 30th June, 2022.
- viii.) Report of the Auditor General on the financial statement of the Kahuti Water and Sanitation Company Ltd for the year ended 30th June, 2022.

- ix.) Report of the Auditor General on the financial statement of the Fort Beverage Industries Company Ltd for the year ended 30th June, 2022.
- x.) Report of the Auditor General on the financial statement of the Gatamathi Water and Sanitation Company Ltd for the year ended 30th June, 2022.
- xi.) Report of the Auditor General on the financial statement of the Murang'a South Water and Sanitation Company Ltd for the year ended 30th June, 2022.
- xii.) Report of the Auditor General on the financial statement of the Kwale Members and Staff Loan Scheme Fund for the year ended 30th June, 2022.
- xiii.) Report of the Auditor General on the financial statements of the Kwale County Emergency Fund for the year ended 30th June, 2022.
- xiv.) Report of the Auditor General on financial statements of the Kwale County Youth, Women and Persons with Disability Revolving Fund for the year ended 30th June, 2022.
- xv.) Report of the Auditor General on the financial statement of the Kwale County Bursary Fund for the year ended 30th June, 2022.
- xvi.) Report of the Auditor General on the financial statement of the Kwale County Trade Revolving Fund for the year ended 30th June, 2022.
- xvii.) Report of the Auditor General on the financial statement of the Kwale Municipality for the year ended 30th June, 2022.
- xviii.) Report of the Auditor General on the financial statement of the County Executive of Marsabit for the year ended 30th June, 2022.
- xix.) Report of the Auditor General on the financial statement of the County Assembly of Marsabit for the year ended 30th June, 2022.
- xx.) Report of the Auditor General on the financial statement of the Marsabit County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.
- xxi.) Report of the Auditor General on the financial statement of the County Government of Marsabit Mortgage Fund for the year ended 30th June, 2022.
- xxii.) Report of the Auditor General on the financial statement of the County Government of Marsabit – County Revenue Fund for the year ended 30th June, 2022.

- xxiii.) Report of the Auditor General on the financial statement of the County Government of Marsabit Car Loan Fund for the year ended 30th June, 2022.
- xxiv.) Report of the Auditor General on the financial statement of the Marsabit County Education Fund for the year ended 30th June, 2022.
- xxv.) Report of the Auditor General on the financial statement of the Marsabit County Emergency Fund for the year ended 30th June, 2022.
- xxvi.) Report of the Auditor General on the financial statement of the Nyandarua County Emergency Fund for the year ended 30th June, 2022.
- xxvii.) Report of the Auditor General on the financial statement of the Ol Kalou Water and Sanitation Company Ltd for the year ended 30th June, 2022.
- xxviii.) Report of the Auditor General on the financial statement of the Nyandarua County Civil Servants' Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.
- xxix.) Report of the Auditor General on the financial statement of the County Executive of Laikipia for the year ended 30th June, 2022.
- xxx.) Report of the Auditor General on the financial statement of the County Assembly of Laikipia for the year ended 30th June, 2022.
- xxxi.) Report of the Auditor General on the financial statement of the Laikipia County Development Authority for the year ended 30th June, 2022.
- xxxii.) Report of the Auditor General on the financial statement of the Laikipia County Assembly Co-operative Development Fund for the year ended 30th June, 2022.
- xxxiii.) Report of the Auditor General on the financial statement of the Othaya Mukurweini Water Services Company Ltd for the year ended 30th June, 2022.
- xxxiv.) Report of the Auditor General on the financial statement of the Naromoru Water and Sanitation Company Ltd for the year ended 30th June, 2022.
- xxxv.) Report of the Auditor General on the financial statement of the County Executive of Samburu for the year ended 30th June, 2022.
- xxxvi.) Report of the Auditor General on the financial statement of the County Assembly of Samburu for the year ended 30th June, 2022.

- xxxvii.) Report of the Auditor General on the financial statement of the Samburu County Community Conservancies Fund for the year ended 30th June, 2022.
- xxxviii.) Statement of the Business of the Senate for the week commencing Tuesday, 28th March, 2023.

(The Senate Majority Leader)

- xxxix.) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7 of 2022).

(Sen. Raphael Chimera, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

7. STATEMENTS

a) Pursuant to Standing Order 53(1)

- i) Nominated Senator (Sen. Hamida Kibwana on behalf of Sen. Tabitha Mutinda, MP) sought a statement from the Standing Committee on Education concerning the credibility of courses offered to Kenyan immigrant workers by the National Industrial Training Authority (NITA).
- ii) The Senator for Nyeri County (Sen. Wamatinga Wahome, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning alleged irregularities in land acquisition for dam construction projects.
- iii) The Senator for Kirinyaga County (Sen. James Murango, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the establishment of more police stations, police posts and police patrol bases in Kirinyaga County.
- iv) The Senator for Kirinyaga County (Sen. James Murango, MP) sought a statement from the Standing Committee on Roads and Transportation concerning the status of the upgrade of Kutus-Kimbimbi-Kanjini-Piai road in Kirinyaga County to bitumen standard.

b) Pursuant to Standing Order 57(1)

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 28th March, 2023.

8. **THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 9 OF 2023)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Finance and Budget.

9. **MOTION - ADOPTION OF THE FIFTH REPORT OF THE PROCEDURE AND RULES COMMITTEE (PRC) ON THE REVIEW OF THE STANDING ORDERS OF THE SENATE**

Motion made and Question proposed;

THAT, pursuant to Standing Orders 267 and 270, the Senate approves the Fifth Report of the Procedure and Rules Committee on periodic amendments to the Standing Orders of the Senate, laid on the Table of the Senate, on Tuesday 21st March, 2023, and pursuant to the provisions of Article 124 (1) of the Constitution and Standing Orders 270 and 272-

- (i) Resolves to amend its Standing Orders as contained in Appendix 2 to the Report; and
- (ii) Orders that the amendments to the Standing Orders as contained in Appendix 2 to the Report come into effect on the 11th April, 2023.

(The Vice Chairperson- Procedure and Rules Committee - 22.03.2023)

Debate interrupted on Wednesday, 22nd March, 2023 resumed;

CLOSURE OF DEBATE

Rising on a Point of Order, Nominated Senator Raphael Chimera, MP claimed to move, pursuant to Standing Order 109, "THAT, the Mover be now called to reply"

And the Speaker declining the claim;

Debate on the Motion resumed;

And there being no more Senators wishing to contribute;

Before the Question was put and pursuant to Standing Order 84(1), the Speaker ruled that the Question did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, pursuant to Standing Orders 267 and 270, the Senate approves the Fifth Report of the Procedure and Rules Committee on periodic amendments to the Standing Orders of the Senate, laid on the Table of the Senate, on Tuesday 21st March, 2023, and pursuant to the provisions of Article 124 (1) of the Constitution and Standing Orders 270 and 272-

- (iii) Resolves to amend its Standing Orders as contained in Appendix 2 to the Report; and
- (iv) Orders that the amendments to the Standing Orders as contained in Appendix 2 to the Report come into effect on the 11th April, 2023.

10. **THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 6 OF 2022)**

(Sen. Danson Mungatana, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 9th March, 2023)

(Division)

Order for Second Reading read;

Order deferred.

11. **THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 3 OF 2022)**

(Sen. Moses Kajwang', MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 21st March, 2023)

Order for Second Reading read;

There being no more Senators wishing to contribute;

And in the absence of the Mover;

Order deferred.

12. **THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILLS NO. 12 OF 2022)**

(Sen. Maureen Tabitha Mutinda, MP)

(Second Reading)

Order for Second Reading read;

Order deferred.

13. **THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 7 OF 2022)**

Order for Second Reading read;

Motion made;

THAT, the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7 of 2022) be now read a Second Time.

(Sen. Danson Mungatana, MP)

And the time being thirty Minutes past Six O'clock, the Deputy Speaker interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

14. **SENATE ROSE** – at thirty minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, 28th March, 2023 at 2:30 p.m.*

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