



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**AFTERNOON SITTING**

**WEDNESDAY, APRIL 12, 2023 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. **QUORUM IN THE SENATE**

The Speaker having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was Quorum, 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 delegation from the Elgeyo Marakwet County Assembly**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, officers from the County Assembly of Elgeyo Marakwet. The officers are in the Senate for five day training on e-Parliament and Hansard systems.

I request each Member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition –

- |                      |                      |
|----------------------|----------------------|
| i. David Barngetuny  | -Head of Procurement |
| ii. Derick Bartai    | -Procurement Officer |
| iii. Watson Kiplagat | -Head of ICT         |
| iv. Ronald Sang      | -ICT Officer         |
| v. Simon Chesire     | -Driver              |

Honourable Senators,

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

I thank you.”

**b) Visiting delegation from the Kakamega County Assembly**

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a delegation from the County Assembly of Kakamega comprising Members of the Committee on Justice and Legal Affairs and its Secretariat. The delegation is undertaking a three (3) day benchmarking visit in the Senate.

I request each Member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition.

- |                           |                   |
|---------------------------|-------------------|
| i. Hon. Silas Shiyenji    | -Chairperson      |
| ii. Hon. James Etabale    | -Member           |
| iii. Hon. Charles Anyona  | -Member           |
| iv. Hon. Joel Okwako      | -Member           |
| v. Hon. Zurack Nyongesa   | -Member           |
| vi. Hon. Samuel Segero    | -Member           |
| vii. Hon. Moses Musundi   | -Member           |
| viii. Hon. Donald Okumu   | -Member           |
| ix. Hon. Amos Liyai       | -Member           |
| x. Hon. Boniface Mabuka   | -Member           |
| xi. Mr. Jean Opanda       | -Clerk Assistant  |
| xii. Ms. Ruth Chikamai    | -Clerk Assistant  |
| xiii. Ms. Phyllis Ong’ale | -Hansard Reporter |
| xiv. Mr. Evans Katamu     | -Researcher       |
| xv. Mr. Jack Obote        | -Commissionaire   |

Honorable Senators,

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

I thank you.”

**c) Visiting delegation from the Kilifi County Assembly**

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, officers from the Sergeant-At-Arms Department of the County Assembly of Kilifi. The officers are in the Senate for a four (4) day benchmarking visit with their counterpart.

I request each officer to stand when called out so that you may be acknowledged in the Senate tradition.

- |                             |                             |
|-----------------------------|-----------------------------|
| i. Ibrahim Mavinga Tembo    | -Serjeant-At-Arms           |
| ii. Harold Sipha Mwatata    | -Serjeant-At-Arms           |
| iii. Janet Amina Mramba     | -Serjeant-At-Arms           |
| iv. Margaret Karisa Kadenge | -Serjeant-At-Arms Assistant |
| v. Salome Kasichana Konde   | -Serjeant-At-Arms Assistant |

Honorable Senators,

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

I thank you.”

5. **MESSAGE FROM THE ELGEYO MARAKWET COUNTY ASSEMBLY ON THE RESOLUTION BY THE ASSEMBLY, ON MEASURES TO CURB BANDITRY IN KERIO VALLEY**

The Speaker conveyed the following Message to the Senate-

“Honourable Senators,

I wish to report to the Senate that I have, pursuant to Standing Order 48 (3) and (5), received a Message from the Clerk of Elgeyo Marakwet County Assembly.

The Message, dated Tuesday, 14<sup>th</sup> March, 2023 and communicated by way of a Petition addressed to the Clerk of the Senate, was received on 5<sup>th</sup> April, 2023.

The Message communicates a Resolution by the County Assembly to Petition Parliament for a declaration, *inter alia*, that -

1. Banditry be declared a terrorist act and bandits be declared a terrorist group, and as such punishment attendant to the said offence to follow and that Parliament shall institute legislation on the same;
2. Pursuant to Article 241 (3) (c), the National Assembly approves the deployment of the Kenya Defence Forces in Kerio Valley to end the suffering of citizens there; and;
3. Parliament comes up with a long-term solution to banditry in Kerio Valley, Elgeyo/Marakwet County including but not limited to allocating

resources to open up regions by putting up infrastructure for socio-economic empowerment of the people in the affected areas.

Honourable Senators,

Pursuant to Standing Order 48 (7) which states that –

*When a Message from a County Assembly is reported, the Message shall be deemed to have been laid before the Senate and the Speaker may –*

- a) Direct that the Message be dealt with forthwith;*
- b) Appoint a day for the consideration of the Message; or*
- c) Refer the Message to the relevant Committee of the Senate for Consideration.*

Honourable Senators,

As you may be aware, Sen. William Cheptumo on Thursday, 30<sup>th</sup> March, 2023 gave a notice of Motion on “*declaration of cattle rustling as a national disaster & establishment of a special fund for victims*” seeking that the Senate resolves that the National Government through the Ministry of Interior and National Administration and in collaboration with the Council of Governors-

1. Declares cattle rustling a National Disaster;
2. Establishes a National Task force on cattle rustling to:
  - (i) Investigate the causes of the rampant cattle rustling in the said region and the Country at large;
  - (ii) Establish extent of loss and damage the cattle rustling has occasioned to the communities in all the affected Counties;
3. Creates a special fund for mitigating the losses suffered by and in compensating all victims of cattle rustling and settle all internally displaced persons occasioned by the menace.

In this regard, I refer the Resolution by the Elgeyo Marakwet County Assembly to the Standing Committee on National Security, Defence and Foreign Relations. I further direct that the Clerk circulates the Resolution, as received from the Elgeyo Marakwet County Assembly, to all Senators so that you may familiarize yourselves with its contents.

I thank you.”

## 6. **PAPERS LAID**

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

- i.) Report of the Standing Committee on Trade, Industrialization and Tourism on the County Licensing (Uniform Procedures) Bill (Senate Bills No. 9 of 2022).

*(Sen. Esther Okenyuri, MP, on behalf of the Chairperson, Standing Committee on Trade, Industrialization and Tourism)*

- ii.) Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Agriculture and Livestock Extension Services Bill (Senate Bills No. 12 of 2022).

*(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)*

- iii.) Report of the Standing Committee on Finance and Budget on the Equalization Fund Appropriation Bill (Senate Bills No. 3 of 2023).

*(The Vice Chairperson, Standing Committee on Finance and Budget)*

- iv.) Report of the Standing Committee on Finance and Budget on the Division of Revenue Bill (National Assembly Bills No. 9 of 2023).

*(The Vice Chairperson, Standing Committee on Finance and Budget)*

## **7. STATEMENTS**

### **a) Pursuant to Standing Order 52(1)**

Nominated Senator (Sen. Hezena Lemaletian, MP) made a statement concerning the water crisis in the northern parts of Kenya.

The Senator highlighted that water scarcity was a major issue in the northern parts of Kenya and attributed this situation to years of recurrent droughts, poor management of water supply, contamination of the available water, and a sharp increase in water demand resulting from high population growth. The Senator also highlighted that the lack of rainfall also inhibits the ability of residents to grow food and that this had led to cases of violence in this region.

The Senator noted that despite the efforts made by county governments and other private bodies to address the matter, there was need to definitively address the causes of water crisis in northern Kenya so as to prevent future disasters. The Senator appealed for the renaissance of an agriculture revolution in the northern part of Kenya, with plans by the Government to build dams in Samburu, Turkana and Marsabit Counties as a welcome strategy to alleviate human suffering.

She concluded by stating that such plans would diversify the means of economic livelihood for local residents and help in curbing insecurity in the region.

**b) Pursuant to Standing Order 53(1)**

The Senator for Meru County (Sen. Kathuri Murungi, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing regarding progress in the evaluation of tenders and the commencement of dualling works of Meru town roads (B66/A9) project: Phase 1.

**c) Pursuant to Standing Order 56 (1) (b)**

- i.) The Chairperson, Standing Committee on Labour and Social Welfare made a Statement on the activities of the Committee for the period September 8<sup>th</sup>, 2022 to April 11<sup>th</sup>, 2023.
- ii.) The Vice Chairperson, Standing Committee on Land, Environment and Natural Resources made a Statement on the activities of the Committee for the period October 14<sup>th</sup>, 2022 to March 31<sup>st</sup>, 2023.

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

Order read;

Motion made and Question proposed;

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 – 23.03.2023)*

Debate interrupted on Tuesday, April 11<sup>th</sup>, 2023 resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) to defer putting of the Question to a later date;

And the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) acceding to the request, nominated Thursday, April 13<sup>th</sup>, 2023 as the day when the Question shall be put.

9. **THE PROMPT PAYMENT BILL (SENATE BILLS NO. 8 OF 2022)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Prompt Payment Bill (Senate Bills No. 8 of 2022) be now read  
a Second Time.

*(Sen. Mariam Sheikh Omar, MP)*

And the time being thirty minutes past six O'clock, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) interrupted the business of the Senate and adjourned the House without Question put, pursuant to the Standing Orders.

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

**MEMORANDUM**

*The Speaker will take the Chair on  
Thursday, April 13<sup>th</sup>, 2023 at 2:30 p.m.*

--X--