



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

MORNING SITTING

WEDNESDAY, APRIL 19, 2023

1. The Senate assembled at thirty minutes past Nine 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 no Quorum, caused the Bell to be rung for five minutes 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. **PETITION TO THE SENATE**

Pursuant to Standing Order 236(2)(b), the Speaker reported a Petition presented to the Senate by Mr. Nickey Mouko Mwanicha, a resident of Nairobi City County concerning construction of a pedestrian bridge at Chiromo area in Nairobi City County.

Pursuant to Standing Order 237, the Speaker invited Senators to make comments, observations or seek clarification in relation to the Petition and, subsequently, committed it to the Standing Committee on Roads, Transportation and Housing pursuant to Standing Order 238(1).

5. **PAPERS**

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

- i.) Report of the Auditor General on the financial statement of the Narok County Alcoholic Drinks Regulation and Control Fund for the year ended 30th June, 2020.
- ii.) Report of the Auditor General on the financial statement of the Narok County Alcoholic Drinks Regulation and Control Fund for the year ended 30th June, 2021.
- iii.) Report of the Auditor General on the Receiver of Revenue – Revenue Statements for the County Government of Narok for the year ended 30th June, 2022.
- iv.) Report of the Auditor General on the financial statement of the County Revenue Fund for the County Government of Narok for the year ended 30th June, 2022.
- v.) Report of the Auditor General on the financial statement of the Narok County Bursary Management Fund for the year ended 30th June, 2022.
- vi.) Report of the Auditor General on the financial statement of the Narok County Alcoholic Drinks Regulation and Control Fund for the year ended 30th June, 2022.
- vii.) Report of the Auditor General on the financial statement of the Bomet County Education Revolving Fund for the year ended 30th June, 2022.
- viii.) Report of the Auditor General on the financial statement of the Bomet County Bursary Fund for the year ended 30th June, 2022.
- ix.) Report of the Auditor General on the financial statement of the Receiver of Revenue – Revenue Statements for the County Government of Bomet for the year ended 30th June, 2022.
- x.) Report of the Auditor General on the financial statement of the Kiambere Mwingi Water and Sanitation Company Limited for the year ended 30th June, 2022.
- xi.) Report of the Auditor General on the financial statement of the Kajiado County Executive Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.
- xii.) Report of the Auditor General on the financial statement of the Kitui County Empowerment Fund for the year ended 30th June, 2022.
- xiii.) Report of the Auditor General on the financial statement of the Baringo County Executive Car Loan Scheme Fund for the year ended 30th June, 2022.

- xiv.) Report of the Auditor General on the financial statement of the Baringo County Bursary and Scholarship Fund for the year ended 30th June, 2022.
- xv.) Report of the Auditor General on the financial statement of the Baringo County Youth and Women Fund for the year ended 30th June, 2022.
- xvi.) Report of the Auditor General on the financial statement of the Baringo County Community Conservation Fund for the year ended 30th June, 2022.
- xvii.) Report of the Auditor General on the financial statement of the County Revenue Fund for the County Government of Baringo for the year ended 30th June, 2022.
- xviii.) Report of the Auditor General on the financial statement of the Baringo County Older Persons and Persons with Disability Fund for the year ended 30th June, 2022.
- xix.) Report of the Auditor General on the financial statement of the Receiver of Revenue for the County Government of Baringo for the year ended 30th June, 2022.
- xx.) Report of the Auditor General on the financial statement of the Baringo County Assembly Catering and Health Services Scheme Fund for the year ended 30th June, 2022.
- xxi.) Report of the Auditor General on the financial statement of Wote Water and Sewerage Company Ltd for the year ended 30th June, 2022.
- xxii.) Report of the Auditor General on the financial statement of the County Government of Nakuru Mortgage (Staff) Scheme Fund for the year ended 30th June, 2022.
- xxiii.) Report of the Auditor General on the financial statement of the Nakuru County Bursary Fund for the year ended 30th June, 2022.
- xxiv.) Report of the Auditor General on the financial statement of the Receiver of Revenue for the County Government of Nakuru for the year ended 30th June, 2022.
- xxv.) Report of the Auditor General on the financial statement of the Nakuru County Emergency Fund for the year ended 30th June, 2022.
- xxvi.) Report of the Auditor General on the financial statement of the Nakuru County Persons with Disabilities Fund for the year ended 30th June, 2022.

- xxvii.) Report of the Auditor General on the financial statement of the County Revenue Fund for the County Government of Nakuru for the year ended 30th June, 2022.
- xxviii.) Report of the Auditor General on the financial statement of the Machakos County Assembly Housing and Car Loan Scheme Fund for the year ended 30th June, 2022.
- xxix.) Report of the Auditor General on the financial statement of the Machakos County Bursary Fund for the year ended 30th June, 2022.
- xxx.) Report of the Auditor General on the financial statement of the Kisii County Alcoholic Drinks Control Fund for the year ended 30th June, 2022.

(The Senate Deputy Majority Whip)

6. **NOTICE OF MOTION - DEVELOPMENT OF A POLICY AND LAW FOR SOCIAL RISK MANAGEMENT IN INFRASTRUCTURE DEVELOPMENT PROJECTS IN KENYA**

(Sen. Catherine Mumma, MP)

AWARE THAT the Constitution has entrenched a strong Bill of Rights in Chapter 4, which recognizes human rights including socio-economic rights and the principle of equality and non-discrimination;

FURTHER AWARE THAT Kenya lacks a policy for guiding the management of these Social Risks in the design and implementation of infrastructure projects;

CONCERNED THAT inadequate attention to social risks in the planning and implementation of development projects at both national and county levels

makes them unacceptable and end up costing the taxpayer colossal sums of money in suits filed before the courts and tribunals by local communities and affected interest groups seeking protection from such social risks;

NOW, THEREFORE, the Senate resolves that:

1. The National and County Governments develop a Social Risk Management Policy that outlines the standards, guidelines and procedures for guiding infrastructure and other development projects both at the national and county governments; and
2. The national executive establishes an independent multi-sectoral agency under the authority of the Cabinet secretary in charge of Social Security and Protection to design a mechanism that can factor in the inclusion of Social Impact Assessments standards and monitor their implementation in infrastructure and other development projects in Kenya.

7. QUESTIONS AND STATEMENTS

STATEMENTS PURSUANT TO STANDING ORDER 56(1)(B)

- i.) The Chairperson, Standing Committee on National Security, Defence and Foreign Relations issued a Statement relating to the activities of the Committee for the period from 13th October 2022 to 31st March, 2023.
- ii.) The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration to issue a statement relating to the activities of the Committee for the period from 13th October 2022 to 31st March, 2023.
- iii.) The Vice Chairperson, Standing Committee on Trade, Industrialization and Tourism issued a Statement relating to the activities of the Committee for the period from 13th October 2022 to 31st March, 2023.
- iv.) The Chairperson, Standing Committee on Roads, Transportation and Housing issued a Statement relating to the activities of the Committee for the period from 13th October 2022 to 31st March, 2023.

8. THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO. 12 OF 2023)

(Sen. Samson Cherarkey, MP)

Order for the first reading read;

Bill read a First Time and committed to the Standing Committee on Agriculture, Livestock and Fisheries.

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

Order for Second Reading read;

Motion made and question proposed -

THAT, the Division of Revenue Bill (National Assembly Bills No. 9 of 2023) be now read a Second Time.

(The Senate Majority Leader- 13.04.2023)

Debate interrupted on Tuesday, 18th April, 2023 resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested the Speaker to defer putting of the Question to a later date.

And the Speaker acceding to the request, deferred putting of the Question to the next Sitting.

10. **THE EQUALIZATION FUND APPROPRIATION BILL (SENATE BILLS NO. 3 OF 2023)**

Order for Second Reading read;

Motion made -

THAT, the Equalization Fund Appropriation (Senate Bills No. 3 of 2023) be now read a Second Time.

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

Pursuant to Standing Order 45(2) the Speaker adjourned the Senate at fifty-five minutes past Twelve O'clock without question put.

11. **SENATE ROSE** – at fifty-five minutes past Twelve O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Wednesday, April 19, 2023 at 2:30 p.m.*

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