



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

AFTERNOON SITTING

WEDNESDAY, MAY 03, 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 OF 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 ten 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. COMMUNICATIONS FROM THE CHAIR

The Speaker conveyed the following Communications from the Chair: -

a) Visiting Delegation from the Kilifi County Assembly

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation from the County Assembly of Kilifi comprising Members of the Committee on Justice and Legal Affairs and its Secretariat. The delegation is undertaking a benchmarking visit with their counterparts in the Senate.

Honourable Senators,

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

1.	Hon. Brown Safari	Chairperson
2.	Hon. Kalama Mumba	Vice Chairperson
3.	Hon. Amina Sahara Bule	Member
4.	Hon. Oscar Wanje	Member
5.	Hon. Emmanuel Karisa Baya	Member
6.	Hon. Benson Karisa Ngirani	Member
7.	Hon. Phelister Messo	Member
8.	Hon. Mariam Mkumbi	Member
9.	Hon. Haron Tete Ndundi	Member
10.	Hon. Stephen Baya Mwaro	Member
11.	Hon. Agnes Sidi	Member
12.	Mr. William Katana Nyanje	Principal Clerk Assistant
13.	Ms. Linda Nyamwata	Legal Counsel
14.	Mr. Shauri Nyule	Second Clerk Assistant
15.	Ms. Charity Mwarumba	Second Clerk Assistant
16.	Ms. Salome Kasichana	SAA Assistant
17.	Ms. Peris Kache Kibarua	Hansard Reporter
18.	Mr. Rimba Mkuna	Communication Officer

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.”

b) Visiting Teachers and Students from The University of Eldoret

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting Students and Lecturers from The University of Eldoret. The group comprises 100 Students and 2 Lecturers who are in the Senate for a one- day academic exposition.

Honorable 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. PETITION TO THE SENATE

Pursuant to Standing Order 236(2)(b), the Speaker reported a Petition to the Senate by Mr. Nayan Savla concerning delay in incorporation of the Victim Protection Board under the Victim Protection Act.

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 Justice, Legal Affairs and Human Rights pursuant to Standing Order 238(1).

6. PAPERS LAID

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

- i.) Report of the Auditor General on the Financial Statement of the Homa Bay County Executive Car Loan and Mortgage (Members) Scheme Fund for the year ended 30th June, 2022.
- ii.) Report of the Auditor General on the Financial Statement of the Homa Bay County Alcoholics Control Fund for the year ended 30th June, 2022.
- iii.) Report of the Auditor General on the Financial Statement of the Municipality of Homa Bay County Emergency Fund for the year ended 30th June, 2022.
- iv.) Report of the Auditor General on the Financial Statement of County Revenue Fund of the County Government of Homa Bay for the year ended 30th June, 2022.
- v.) Report of the Auditor General on the Financial Statement of the Kajiado County Education Bursary Grants and Scholarship Fund for the year ended 30th June, 2022.
- vi.) Report of the Auditor General on the Financial Statement of the Kajiado Alcoholic Drinks Control for the year ended 30th June, 2022.
- vii.) Report of the Auditor General on the Financial Statement of the County Executive of Narok for the year ended 30th June, 2022.
- viii.) Report of the Auditor General on the Financial Statement of the Narok County Assembly for the year ended 30th June, 2022.

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- ix.) Report of the Auditor General on the Financial Statement of the Narok County Assembly for Car Loans, Grants and Mortgages Fund for the year ended 30th June, 2022.
- x.) Report of the Auditor General on the Financial Statement of the Mombasa County Assembly Car Loan and Mortgage Fund for the year ended 30th June, 2022.
- xi.) Report of the Auditor General on the Financial Statement of the Mombasa County Consolidated Revolving Fund for the year ended 30th June, 2022.
- xii.) Report of the Auditor General on the Financial Statement of the Mombasa Elimu Fund for the year ended 30th June, 2022.
- xiii.) Report of the Auditor General on the Financial Statement of the County Executive of Taita Taveta for the year ended 30th June, 2022.
- xiv.) Report of the Auditor General on the Financial Statement of the County Assembly of Taita Taveta for the year ended 30th June, 2022.
- xv.) Report of the Auditor General on the Financial Statement of the County Assembly of Taita Taveta Car Loan Scheme Fund for the year ended 30th June, 2022.
- xvi.) Report of the Auditor General on the Financial Statement of the County Executive of Kisii for the year ended 30th June, 2022.
- xvii.) Report of the Auditor General on the Financial Statement of the County Assembly of Kisii for the year ended 30th June, 2022.
- xviii.) Report of the Auditor General on the Financial Statement of the Kisii County Assembly Member's Loan and Mortgage Fund for the year ended 30th June, 2022.
- xix.) Report of the Auditor General on the Financial Statement of the Kisii County Covid-19 Emergency Fund for the year ended 30th June, 2022.
- xx.) Report of the Auditor General on the Financial Statement of the Kisii County Health Facilities Improvement Fund for the year ended 30th June, 2022.
- xxi.) Report of the Auditor General on the Financial Statement of the Nandi County Emergency Fund for the year ended 30th June, 2022.
- xxii.) Report of the Auditor General on the Financial Statement of the Baringo County Executive Mortgage Scheme Fund for the year ended 30th June, 2022.

- xxiii.) Report of the Auditor General on the Financial Statement of the Baringo County Co-operative Development Fund for the year ended 30th June, 2022.
- xxiv.) Report of the Auditor General on the Financial Statement of the Baringo County Micro and Small Enterprises Fund for the year ended 30th June, 2022.
- xxv.) Report of the Auditor General on the Financial Statement of the Baringo County Lake Bogoria Community Grant for the year ended 30th June, 2022.
- xxvi.) Report of the Auditor General on the Financial Statement of the County Executive of Kilifi for the year ended 30th June, 2022.
- xxvii.) Report of the Auditor General on the Financial Statement of the County Assembly of Kilifi Car and Mortgage Scheme Fund for the year ended 30th June, 2022.
- xxviii.) Report of the Auditor General on the Financial Statement of the County Assembly of Kilifi for the year ended 30th June, 2022.
- xxix.) Report of the Auditor General on the Financial Statement of the Municipality of Kilifi for the year ended 30th June, 2022.
- xxx.) Report of the Auditor General on the Financial Statement of the Kilifi County Microfinance (Mbegu) Fund for the year ended 30th June, 2022.
- xxxi.) Report of the Auditor General on the Financial Statement of the County Revenue Fund – County Government of Kilifi for the year ended 30th June, 2022.
- xxxii.) Report of the Auditor General on the Financial Statement of the Kilifi County Health Services Improvement Fund for the year ended 30th June, 2022.
- xxxiii.) Report of the Auditor General on the Financial Statement of the Samburu County Executive Staff Mortgage (Members) Scheme Fund for the year ended 30th June, 2022.
- xxxiv.) Report of the Auditor General on the Financial Statement of the County Government of Samburu – County Revenue Fund for the year ended 30th June, 2022.

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- xxxv.) Report of the Auditor General on the Financial Statement of the County Revenue Fund – County Revenue Fund of Migori for the year ended 30th June, 2022.
- xxxvi.) Report of the Auditor General on the Financial Statement of the Yatta Water Services Company Limited for the year ended 30th June, 2022.
- xxxvii.) Report of the Auditor General on the Financial Statement of the Makueni County Revenue Statements – Receiver of Revenue for the year ended 30th June, 2022.
- xxxviii.) Report of the Auditor General on the Financial Statement of the Murang'a Water and Sanitation Company Limited for the year ended 30th June, 2022.
- xxxix.) Report of the Auditor General on the Financial Statement of the Laikipia County Assembly Members Car Loan and Mortgage Fund for the year ended 30th June, 2022.
- xl.) Report of the Auditor General on the Financial Statement of the Municipality of Nyamira for the year ended 30th June, 2022.
- xli.) Report of the Auditor General on the Financial Statement of the Kwale Water and Sewerage Company Limited for the year ended 30th June, 2022.
- xlii.) Report of the Auditor General on the Financial Statement of the Ewaso Ng'iro North River Basin Development Authority for the year ended 30th June, 2022.
- xliii.) Report of the Auditor General on the Financial Statement of the Nanyuki Water and Sanitation Company Limited for the year ended 30th June, 2022.
- xliv.) Report of the Auditor General on the Financial Statement of the Isiolo County Education Bursary Fund for the year ended 30th June, 2022.
- xlv.) Report of the Auditor General on the Financial Statement of the County Revenue Fund – County Government of Machakos for the year ended 30th June, 2022.

(The Senate Majority Whip)

- xlvi.) Report of the Standing Committee on Education on its consideration of the Learners with Disabilities Bill (Senate Bills No. 3 of 2023).

(Sen. Agnes Kavindu, MP, on behalf of the Chairperson, Standing Committee on Education)

7. **NOTICE OF MOTION – ADJOURNMENT OF THE SENATE TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE NAMELY, THE INTER- COMMUNITY KILLINGS AND DISPLACEMENT OF RESIDENTS IN MARSABIT COUNTY**

Rising on a point of order, the Senator for Marsabit County (Sen. Mohammed Chute, MP) sought leave to give notice of Motion pursuant to Standing Order 37 for the adjournment of the Senate to discuss a definite matter of Urgent National importance, namely, the Inter- community killings and displacement of residents in Marsabit county.

And there being the requisite number of Senators rising in support of the claim;

Thereupon, the Deputy Speaker nominated thirty minutes past five o'clock, as the time when the Motion would be moved.

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

(The Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 2nd May, 2023)

(Division)

Order deferred.

9. **MOTION - ADOPTION OF THE REPORT OF THE SELECT COMMITTEE ON DELEGATED LEGISLATION ON ITS CONSIDERATION OF THE STATUTORY INSTRUMENTS (EXEMPTION FROM EXPIRY) REGULATIONS, 2022**

(The Chairperson, Select Committee on Delegated Legislation)

THAT, the Senate adopts the Report of the Select Committee on Delegated Legislation on its consideration of the Statutory Instruments (Exemption from Expiry) Regulations, 2022, laid on the Table of the Senate on Tuesday, 28th March, 2023; and that pursuant to Section 18 of the Statutory Instruments Act, resolves to **annul** in its entirety, the Statutory Instruments (Exemption from Expiry) Regulations Legal Notice No. 217 of 2022.

(Resumption of debate interrupted on Tuesday, 2nd May, 2023)

(Division)

Order deferred.

10. **COMMITTEE OF THE WHOLE**

**THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL
(SENATE BILLS NO. 5 OF 2022)**

(Sen. Danson Mungatana, MP)

Order deferred.

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

(Sen. Moses Kajwang', MP)

Order deferred.

**12. MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE
ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON A
STATEMENT SOUGHT ON THE RELOCATION OF NATIONAL GOVERNMENT
ADMINISTRATIVE SERVICES FROM CHUKA TOWN TO KATHWANA
COUNTY HEADQUARTERS, THARAKA NITHI COUNTY.**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on a Statement sought on the relocation of National Government administrative services from Chuka town to Kathwana County Headquarters, Tharaka Nithi County laid on the Table of the Senate, on Wednesday 19th April, 2023.

*(Sen. Peris Tobiko, MP on behalf of the Chairperson, Standing Committee on
Devolution and Intergovernmental Relations)*

Debate arising;

Raising a point of Order, the Senator for Bungoma County (Sen. David Wakoli, MP) claimed to move that the debate be adjourned pursuant to Standing Order 110 (1)

And the Speaker acceding to the request, put the question and adjourned the debate.

13. THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)

(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

Order for Second Reading read;

Motion made;

THAT, the Learners with Disabilities Bill (Senate Bills No. 4 of 2023) be now Read a Second time.

(Sen. (Prof.) Margaret Kamar, MP)

The time being thirty minutes past five o'clock the debate was interrupted to discuss an adjournment Motion on a definite matter of Urgent National importance, namely, the Inter- community killings and displacement of residents in Marsabit county.

14. MOTION - ADJOURNMENT OF THE SENATE TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE NAMELY, THE INTER-COMMUNITY KILLINGS AND DISPLACEMENT OF RESIDENTS IN MARSABIT COUNTY

Motion made and Question proposed: -

THAT, pursuant to Standing Order 37, the Senate do now adjourn to discuss a definite matter of urgent National importance, namely, the Inter- community killings and displacement of residents in Marsabit county.

(Sen. Mohammed Chute, MP)

Debate arising;

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

15. SENATE ROSE - at thirty minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Thursday, May 4, 2023 at 2:30 p.m.*

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