



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, MAY 04, 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. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

**a) Visiting Delegation from the Institute of Economic Affairs-Kenya (IEAK)**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, visiting officials and interns from the Institute of Economic Affairs - Kenya (IEA -Kenya). Two of the interns are undergraduate students at the American University in Washington, DC and one at the University of Passau in Germany. They are on a one-day study tour in the Senate.

Honourable Senators,

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

**b) Visiting Delegation from the County Assembly of Kitui**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation from the County Assembly of Kitui comprising Members of the Speaker’s Panel and table Clerks. The

delegation is undertaking a four (4) day training at the Centre for Parliamentary Studies and Training (CPST).

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. Kevin Kinengo Katisya       | - Speaker                   |
| 2.  | Hon. Christopher Nzioka Nzilu    | - Deputy Speaker            |
| 3.  | Hon. Paul Maluki                 | - Member                    |
| 4.  | Hon. Fastina Mwendu Solomon Salu | - Member                    |
| 5.  | Hon. Muthama Musyoka Kieti       | - Member                    |
| 6.  | Hon. Elijah M. Mutambuki         | - Clerk of the Assembly     |
| 7.  | Ms. Lucy Waema                   | - Deputy Clerk              |
| 8.  | Mr. Josephat Kwanda              | - Principal Clerk Assistant |
| 9.  | Mr. Cyrus Kiema                  | - Senior Clerk Assistant    |
| 10. | Mr. Andrew Mulandi               | - First Clerk Assistant     |
| 11. | Mr. Jacob Kimanzi                | - First Clerk Assistant     |
| 12. | Mr. Dennis Kavisu                | - Speaker's Office          |

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.”

4. **PETITION**

Pursuant to Standing Order 236 (2) (a), the Senator for Kajiado County (Sen. Seki Lenku, MP) presented to the Senate a Petition by Ms. Ann Gitau, on behalf of Kajiado Municipality Clothes Market Traders, concerning the refurbishment and expansion of Kajiado Municipality Market by the County Government of Kajiado.

Pursuant to Standing Order 237, the Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Devolution and Intergovernmental Relations for consideration, pursuant to Standing Order 238.

5. **PAPERS**

- i.) Report of the Auditor General on the financial statement of the Kiambu County Education Bursary Fund for the year ended 30<sup>th</sup> June, 2022.

- ii.) Report of the Auditor General on the financial statement of the Limuru Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2022.

*(The Deputy Senate Majority Whip on behalf of the Senate Majority Leader)*

- iii.) Report of the Standing Committee on Trade, Industrialization and Tourism concerning its consideration of the Startup Bill (Senate Bills No. 14 of 2022).

*(The Chairperson, Standing Committee on Trade, Industrialization and Tourism)*

- iv.) Statement on the business of the Senate for the week commencing Tuesday, 23rd May, 2023.

*(The Senate Majority Whip on behalf of the Senate Majority Leader)*

## 6. QUESTIONS AND STATEMENTS

### STATEMENTS

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

Nominated Senator (Sen. Catherine Mumma, MP) made a statement on a matter of general topical concern, namely: Neglected Tropical Diseases (NTDs) that affect over 1 billion people globally and are responsible for significant morbidity and mortality.

Thereupon, the Senator stated that there was need for the National and County Governments to invest in mapping of the NTDs whose endemicity remains uncertain and provide resources for the prevention, management, control and eradication of the same, based on the national and global targets.

The Senator averred that control and elimination of NTDs, as outlined in the Kenya Breaking Transmission Strategy for Preventative Chemotherapy NTDs, relies on four key actions: extensive community treatment, water sanitation and hygiene (WASH), behavior change communication (BCC) and vector control.

In conclusion, the Senator urged the Senate to take necessary measures to guarantee NTDs eradication, elimination and control nationally. Additionally, she urged the Senate to take necessary measures to implement the WHO roadmap for NTDs 2021- 2030, which sets out global actions and targets to re-focus and align the work of stakeholders, partners and countries to accelerate progress towards the control,

elimination and eradication of NTDs and attainment of the Sustainable Development Goals (SDGs).

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

- i.) Nominated Senator (Sen. Esther Okenyuri, MP) sought a statement from the Standing Committee on Education regarding the delayed payment of teachers who invigilated and marked the 2022 KCPE and KCSE examinations.
- ii.) The Senator for Meru County (Sen. Kathuri Murungi, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing concerning reports of harassment and mistreatment of miraa-carrying passengers on the Standard Gauge Railway (SGR).
- iii.) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing concerning the lack of a bridge connecting Embu and Kitui Counties on River Tana.
- iv.) The Senator for Tharaka Nithi County (Sen. Mwenda Gataya MoFire, MP) sought a statement from the Standing Committee on Energy regarding connection of electricity in Tharaka Nithi County.
- v.) Nominated Senator (Sen. Hamida Kibwana, MP) sought a statement from the Standing Committee on Health regarding the status of the multi-billion shillings Medical Equipment Services (MES) leased to counties.
- vi.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Energy regarding the fuel subsidy programme by the National Government.
- vii.) The Senator for Kajiado County (Sen. Lenku Kanar Seki, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the impact of the recent drought on the livestock industry in Kenya.
- viii.) Nominated Senator (Sen. Hamida Kibwana, MP) sought a statement from the Standing Committee on Health regarding medical staff working in more than one hospital in Nairobi County.
- ix.) Nominated Senator (Sen. Beatrice Ogolla, MP) sought a statement from the Standing Committee on Energy regarding faulty transformers in Homabay County.

- x.) The Senator for Kiambu County (Sen. Karungo Wa Thangwa, MP) sought a statement from the Standing Committee on Health regarding reports of change in the medical insurance scheme for workers in The County Government of Kiambu.

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

The Chairperson Standing Committee on Roads, Transportation and Housing issued a statement concerning the status of legislative business before the Committee.

Thereupon, the Chairperson provided a status report on the consideration of three Statements which were as follows: -

1. Statement by Sen. James Kamau Murango, MP regarding speeding by drivers transporting miraa in parts of Kirinyaga County;
2. Statement by Sen. (Dr.) Lelegwe Ltumbesi, MP regarding status of implementation of the Lamu Port South-Sudan-Ethiopia Transport Corridor (LAPSSSET) project in Samburu County; and
3. Statement by Sen. Beatrice Ogolla, MP regarding death of boda boda riders and their passengers by sugarcane trailers of a local sugar miller (Sukari Industry) in Ndhiwa Constituency.

The Chairperson informed the House that in response to the request by the Senator for Kirinyaga County (Sen. James Kamau Murango, MP), the Committee had received a response to the statement from the Cabinet Secretary, Ministry of Roads and Transport. From the response, the Committee observed that there was lack of strict enforcement of the Traffic Act on Miraa Transport Drivers who flouted the traffic rules by the National Transport and Safety Authority (NTSA) and the National Police Service. The Chairperson indicated that the Ministry of Roads and Transport had undertaken to submit a report to the Committee on the implementation of proposed interventions to improve road safety.

In response to the request by the Senator for Samburu County (Sen. (Dr.) Lelegwe Ltumbesi, MP), the Chairperson informed the House that the Committee had received a response to the statement from the Cabinet Secretary, Ministry of Roads and Transport. The Committee considered the response and observed it to be unsatisfactory and resolved to seek supplementary information. Further, the Committee invited the Cabinet Secretary to discuss the unequal distribution of project benefits along the LAPSET transport corridors.

In response to the request by the nominated Senator (Sen. Beatrice Ogolla, MP), the Chairperson informed the House that the Committee had received a response to the statement from the Cabinet Secretary, Ministry of Roads and Transport. The Committee considered the response and

observed it to be unsatisfactory as it was not specific on the action taken to curb the accidents caused by the sugarcane trailers and it was deficient on accident and fatality date.

**d) Pursuant to Standing Order 57(1)**

The Senate Majority Whip issued a statement on the business of the Senate for the week commencing Tuesday, 23<sup>rd</sup> May, 2023.

7. **THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)**

(Sen. James Murango, MP)

Order for First Reading read;

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

8. **THE EQUALIZATION FUND (ADMINISTRATION) BILL (SENATE BILLS NO. 14 OF 2023)**

(The Chairperson, Standing Committee on Finance and Budget)

Order for First Reading read;

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

9. **THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO.15 OF 2023)**

(Sen. Beth Syengo, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Justice, Legal Affairs and Human Rights.

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

Order for Second Reading read;

Motion made and Question proposed;

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

*(The Chairperson, Standing Committee on Finance and Budget – 19.04.2023)*

Debate interrupted on Tuesday, 2<sup>nd</sup> May, 2023 resumed on a Division;

The Speaker directed that a roll call voting be taken pursuant to Standing Order 88 and that the Division Bell be rung for five minutes;

After the expiry of five minutes, the Speaker directed that the doors be locked and the bars drawn;

The names of the Tellers were announced as follows:-

1. Sen. Gloria Orwoba, MP - Ayes
2. Sen. Hamida Kibwana, MP - Noes

The Speaker put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

The results of the Division were as follows:-

AYES - 32

NOES - 2

ABSTENTION - 0

**AYES**

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson, MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Ekomwa James Lomenen, MP
7. Sen. Kathuri Murungi, MP
8. Sen. Khalwale Boni, MP
9. Sen. Kipkiror William Cheptumo, MP
10. Sen. Kisang William Kipkemoi, MP
11. Sen. Lelegwe Steve Ltumbesi, MP
12. Sen. Methu John Muhia, MP
13. Sen. Mogeni Erick Okong'o, MP
14. Sen. Murango James Kamau, MP
15. Sen. Muthama Agnes Kavindu, MP
16. Sen. Mwenda Gataya Mo Fire, MP
17. Sen. Mwinyihaji Mohamed Faki, MP
18. Sen. Ojienda Odhiambo Tom, MP
19. Sen. Oginga Oburu, MP
20. Sen. Ogolla Beatrice Akinyi, MP – voted on behalf of Homa Bay County Delegation
21. Sen. Oketch Eddy Gicheru, MP
22. Sen. Okoiti Andrew Omtatah, MP
23. Sen. Olekina Ledama, MP
24. Sen. Onyonka Richard Momoima, MP
25. Sen. Osotsi Godfrey Atieno, MP

26. Sen. Roba Ali Ibrahim, MP
27. Sen. Seki Lenku Ole Kanar, MP
28. Sen. Sifuna Edwine Watanya, MP
29. Sen. Thangwa Paul Karungo, MP
30. Sen. Wafula David Wakoli, MP
31. Sen. Wamatinga Wahome, MP
32. Sen. Wambua Enoch Kiiro, MP

**NOES**

1. Sen. Mundigi Alexander Munyi, MP
2. Sen. Mwaruma Johnes Mwashushe, MP

Question, agreed to.

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

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

Order read;

Motion made and Question proposed;

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, 28<sup>th</sup> 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.

*(The Chairperson, Select Committee on Delegated Legislation– 02.05.2023)*

Debate interrupted on Tuesday, 2<sup>nd</sup> May, 2023 resumed on a Division;

The Speaker directed that a roll call voting be taken pursuant to Standing Order 88 and that the Division Bell be rung for five minutes;

After the expiry of five minutes, the Speaker directed that the doors be locked and the bars drawn;

The names of the Tellers were announced as follows:-

1. Sen. Gloria Orwoba, MP - Ayes
2. Sen. Hamida Kibwana, MP - Noes

The Speaker put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

The results of the Division were as follows:-

AYES - 33

NOES - 1

ABSTENTION - 0

**AYES**

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma , MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson , MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Ekomwa James Lomenen, MP
7. Sen. Kathuri Murungi, MP
8. Sen. Khalwale Boni, MP
9. Sen. Kipkiror William Cheptumo, MP
10. Sen. Kisang William Kipkemoi, MP
11. Sen. Lelegwe Steve Ltumbesi, MP
12. Sen. Methu John Muhia, MP
13. Sen. Mogeni Erick Okong'o, MP
14. Sen. Murango James Kamau, MP
15. Sen. Muthama Agnes Kavindu, MP
16. Sen. Mwaruma Johnes Mwashushe, MP
17. Sen. Mwenda Gataya Mo Fire, MP
18. Sen. Mwinyihaji Mohamed Faki, MP
19. Sen. Ojienda Odhiambo Tom, MP
20. Sen. Oginga Oburu, MP
21. Sen. Ogolla Beatrice Akinyi, MP – voted on behalf of Homa Bay County Delegation
22. Sen. Oketch Eddy Gicheru, MP
23. Sen. Okoiti Andrew Omtatah, MP
24. Sen. Olekina Ledama, MP
25. Sen. Onyonka Richard Momoima, MP
26. Sen. Osotsi Godfrey Atieno, MP
27. Sen. Roba Ali Ibrahim, MP
28. Sen. Seki Lenku Ole Kanar, MP
29. Sen. Sifuna Edwine Watanya, MP
30. Sen. Thangwa Paul Karungo, MP
31. Sen. Wafula David Wakoli, MP
32. Sen. Wamatinga Wahome, MP
33. Sen. Wambua Enoch Kiio, MP

**NOES**

Sen. Mundigi Alexander Munyi, MP

Question, agreed to.

**RESOLVED ACCORDINGLY**

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, 28<sup>th</sup> 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.

12. **MOTION – THE DOPING MENACE THREATENING KENYA’S IMPECCABLE GLOBAL REPUTATION IN ATHLETICS**

Order read;

Motion made and Question proposed;

THAT, AWARE THAT in 2018 Kenya was placed under Category A by the world Anti-Doping Agency and since then forty Kenyan athletes have been banned by either the Athletics Integrity Unit (AIU) or the Anti – Doping

Agency of Kenya (ADAK) and has led to a situation whereby the Kenyan athletes have to undergo intense testing before participating in major events and has immensely affected the reputation of the Kenyan athletes and the standing of Kenya in the international Sports arena where it currently ranks at number five;

CONCERNED THAT, despite the high number of alleged doping cases Kenya has only one World Anti- Doping Agency (WADA) approved blood testing laboratory forcing it to send urine tests to Qatar and South Africa for analysis and that the Anti- Doping Agency of Kenya (ADAK) is taking too long to address the doping menace which is likely to affect the state of preparedness for the athletes in the upcoming 2024 Olympic games in Paris;

NOW THEREFORE the Senate resolves that the Ministry of Youth, Sports and Arts:-

- a. Come up with modalities that can help achieve increased testing, intelligence gathering on athletes and doping awareness programmes;
- b. In collaboration with Athletics Kenya (AK) and National Olympic Committee of Kenya (NOCK) to vet all training camps, coaches, trainers and other athlete handlers;
- c. Initiate investigations at Anti – Doping Agency Kenya (ADAK) to identify and sanction all responsible officers liable for the menace of doping;

- d. In collaboration with the Directorate of Criminal Investigations and the Ethics and Anti – Corruption Commission finalize pending investigations and recommend prosecution of individuals involved in giving this banned substance to athletes; and
- e. In collaboration with the Ministry of Health to identify and revoke licenses for medics, pharmacies and hospitals responsible for the prescription of the commonly abused drugs by the athletes.

*(Sen. Samson Cherarkey, MP – 03.05.2023)*

Debate interrupted on Wednesday, 3<sup>rd</sup> May, 2023 resumed on Question to be put;

Before the Question was put, and pursuant to Standing Order No. 84 (2), the Deputy Speaker informed the House that the Motion does not affect counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

THAT, AWARE THAT in 2018 Kenya was placed under Category A by the world Anti-Doping Agency and since then forty Kenyan athletes have been banned by either the Athletics Integrity Unit (AIU) or the Anti – Doping Agency of Kenya (ADAK) and has led to a situation whereby the Kenyan athletes have to undergo intense testing before participating in major events and has immensely affected the reputation of the Kenyan athletes and the standing of Kenya in the international Sports arena where it currently ranks at number five;

CONCERNED THAT, despite the high number of alleged doping cases Kenya has only one World Anti- Doping Agency (WADA) approved blood testing laboratory forcing it to send urine tests to Qatar and South Africa for analysis and that the Anti- Doping Agency of Kenya (ADAK) is taking too long to address the doping menace which is likely to affect the state of preparedness for the athletes in the upcoming 2024 Olympic games in Paris;

NOW THEREFORE the Senate resolves that the Ministry of Youth, Sports and Arts:-

- a. Come up with modalities that can help achieve increased testing, intelligence gathering on athletes and doping awareness programmes;
- b. In collaboration with Athletics Kenya (AK) and National Olympic Committee of Kenya (NOCK) to vet all training camps, coaches, trainers and other athlete handlers;

- c. Initiate investigations at Anti – Doping Agency Kenya (ADAK) to identify and sanction all responsible officers liable for the menace of doping;
- d. In collaboration with the Directorate of Criminal Investigations and the Ethics and Anti – Corruption Commission finalize pending investigations and recommend prosecution of individuals involved in giving this banned substance to athletes; and
- e. In collaboration with the Ministry of Health to identify and revoke licenses for medics, pharmacies and hospitals responsible for the prescription of the commonly abused drugs by the athletes.

13. **THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)**  
(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

*(Second Reading)*

*(Resumption of debate interrupted on Wednesday, 3<sup>rd</sup> May, 2023 – Afternoon Sitting)*

Order deferred.

14. **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.**

(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

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 19<sup>th</sup> April, 2023.

*(Resumption of debate interrupted on Wednesday, 3<sup>rd</sup> May, 2023 – Afternoon Sitting)*

Order deferred.

15. **MOTION - COMPENSATION TO THE KENYAN VICTIMS OF THE 1998 BOMBING OF THE UNITED STATES EMBASSY IN NAIROBI**

(Sen. Agnes Kavindu Muthama, MP)

THAT, AWARE THAT, disaster is defined as an overwhelming event and circumstance that tests the adaptation of responses of a community or individuals beyond their capability and leads momentarily to massive disruption of function for a community or individual that often exceeds their capacity to cope using existing resources;

FURTHER AWARE THAT, such was the case with the 1998 US Embassy Bomb disaster in Nairobi in which many of the Kenyan casualties resulted from the collapse of adjacent buildings located within a two to three block radius, and with reverberations being felt in most parts of Nairobi that resulted in 213 Kenyans and 12 Americans killed and over 5000 citizens of both countries being seriously injured;

NOTING THAT, US Allies, including Kenya, have endured the great burden of death, and long-term and in many instances permanent, physical and psychological injury;

FURTHER NOTING THAT, the United States Government has since compensated some of the victims and families of US citizens, leaving the families of Kenyan citizens and certain other victims uncompensated;

NOW, THEREFORE, the Senate resolves that the Ministry of Foreign Affairs:

- (i) Advances friendship and co-operation between the United States and Kenya by supporting the eligibility of Kenyan and American victims and their personal representatives, surviving spouses and next of kin in the Victim Compensation Fund pursuant to the Justice for United States Victims of State Sponsored Terrorism Act; and
- (ii) Partners with the Ministry of Health to explore subsidized medical treatment for the surviving victims of the bomb blast.

*(Resumption of debate interrupted on Tuesday, 2<sup>nd</sup> May, 2023 – Balance of time – 1hr 46mins)*

Order deferred.

16. **MOTION - REVIEW OF THE MINIMUM WAGE NECESSITATED BY HIGH COST OF LIVING**

(Sen. Karen Nyamu, MP)

THAT, AWARE THAT minimum wages in Kenya are specified as part of a national wage policy and guided by the Regulation of Wages and Conditions of Employment Act (CAP 229) aimed at reducing poverty as well as protecting and promoting the living standards of workers;

CONCERNED THAT, despite the increase in Kenya's minimum wage in May 2022 by 12% to help workers cope with the surge in consumer prices, the current inflation rates have had a knock-on effect on the cost of living and doing business in the country with the prices of goods, household energy bills, and transport remaining stubbornly high;

NOW THEREFORE the Senate resolves that the Cabinet Secretary for Labour and Social Protection engages all stakeholders including the General Wages Advisory Board (GWAB) and the Agricultural Wages Advisory Board (AWAB)

with a view of raising the minimum wage by at least 50% as from 1<sup>st</sup> May, 2023.

Order deferred.

17. **MOTION - REPOSSESSION OF MOVABLE ASSETS BY LENDING INSTITUTIONS DUE TO NON-PERFORMING LOANS**

(Sen. Wahome Wamatinga, MP)

THAT AWARE THAT the high unemployment rate in Kenya has pushed many Kenyans to seek loans from Saccos, Microfinance Institutions and Banks to start Small and Medium Enterprises (SMEs) to sustain their livelihoods;

NOTING THAT the youth in particular have invested in movable assets, including vehicles and motorcycles, to start business in the transport industry and most of them have signed up to the ride hailing apps including but not limited to Uber, Taxify, Bolt and Little cab;

COGNIZANT THAT the Banking Act 2015 CAP 488 does not provide for renegotiation on the loan repayment agreement whenever the business environment becomes unfavorable as a result of the high cost of living, lowered earnings from the App providers and high interest rates;

NOW THEREFORE the Senate urges the National Treasury and Economic Planning to come up with a policy framework to review the Banking Act in order to renegotiate the repayment terms of the loans and provide cushion for Kenyans with non-performing loans and prevent the loss of their movable assets.

Order deferred.

18. **MOTION - ACCELERATING THE IMPLEMENTATION OF SUSTAINABLE DEVELOPMENT GOALS (SDGs)**

(Sen. Catherine Mumma, MP)

AWARE THAT, the 2030 agenda for Sustainable Development adopted by all United Nations Member States in 2015 provides a shared global blueprint aimed at ending poverty, protecting the earth's environment and climate and ensuring that people everywhere enjoy peace and prosperity;

APPRECIATING THAT, the implementation of the 2030 agenda for Sustainable Development in Kenya started by the official launch of the Sustainable Development Goals (SDGs) in Kenya in 2016 followed by the development of the Country SDGs roadmap to guide the transition from Millennium Development Goals to SDGs and the mainstreaming of the SDGs at both the National and County Governments;

CONCERNED THAT, the implementation of the 2030 agenda for sustainable Development in Kenya has been affected negatively by shocks such as continued drought since 2019 in Kenya and around the world, serious invasion by desert locusts, the COVID-19 pandemic and other public health calamities and the current strained state of the Kenyan economy;

NOW THEREFORE, the Senate resolves that the State Department for Economic Planning in consultation with the Council of Governors comes up with reviewed implementation roadmaps for the two levels of Government taking into account the shocks that have impeded or any other that are likely to impede the implementation of the 2030 agenda for Sustainable Development.

Order deferred.

19. **MOTION - INTEGRATION OF ETHNIC MINORITIES AND MARGINALIZED COMMUNITIES IN KENYA**  
(Sen. William Cheptumo, MP)

AWARE THAT, Kenya is a multi-ethnic country with a rich diversity of cultures, languages and traditions;

FURTHER AWARE THAT, ethnic minorities and marginalized communities face significant social, economic and political challenges including discrimination, marginalization and exclusion;

ACKNOWLEDGING THAT Articles 10 (2)b, 21(3), 27, 56, 91(1)(e), 100, 174(e), 177(1) (c),204(3)(b),216(4) and the Fifth Schedule to the Constitution of Kenya obligate the state to promote and protect the welfare of ethnic minorities and marginalized communities;

APPRECIATING THAT, the Government has put in place policies, legal and institutional frameworks including affirmative action programs to address the needs of other special interest groups namely children, persons with disabilities (PWDS), youth, women and the elderly;

CONCERNED THAT, ethnic minorities and marginalized communities remain largely unaddressed through similar interventions due to lack of an existing national policy and legislative framework;

NOW THEREFORE the Senate resolves that the Ministry of Public Service, Gender and Affirmative Action, the National Gender and Equality Commission and any other relevant state departments in collaboration with the Council of Governors: -

- i.) Initiate measures to identify and address the specific needs and challenges faced by ethnic minorities and marginalized communities in Kenya; and

- ii.) Develop and implement national policy and legislative framework for the integration of ethnic minorities and marginalized communities in Kenya as envisaged in the Constitution of Kenya.

Order deferred.

20. **MOTION - DESIGNATION OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES**

(Sen. Crystal Asige, MP)

THAT AWARE THAT, Kenyans have a right to a clean and healthy environment pursuant to Article 42 of the Constitution;

NOTING THAT the National Climate Change Action Plan identifies transportation as the fourth largest contributor to greenhouse gas emissions which if uncontrolled, will result to negative impact of climate change that will adversely affect millions of Kenyans;

CONCERNED THAT the number of private vehicles has significantly grown leading to increased road accidents, carbon emission and vehicle congestion costs which are in excess of Kshs. 100 billion in GDP per year;

NOW THEREFORE the Senate urges the Ministry of Roads and Transport, in collaboration with the Council of Governors, and the National Climate Change Council to;

- i.) identify, publicize and execute suitable monthly car-free days and County car-free zones in urban areas;
- ii.) provide affordable, safe and efficient public transport including but not limited to development of Bus Rapid Transport (BRT) in the urban areas;
- iii.) encourage the use of electric hybrid buses and provide appropriate incentives for their use; and
- iv.) design an infrastructure that can support non – motorized transport facilities such as pedestrian and bicycle access within urban centers; and
- v.) ensure inter-modal connectivity among the various transport modes.

Order deferred.

21. **MOTION – STATE OF MENTAL HEALTH OF POLICE OFFICERS**

Order Read

Motion made;

AWARE THAT, police officers are usually first responders and are often exposed to traumatic scenes and chronic stressors such as, dangerous situations, injuries and violence coupled with the need to report and testify about psychologically stressful scenes;

COGNIZANT OF, a survey done by the National Police Service Commission in 2022 which indicated that at least 12 to 13 percent of the 110,000 police officers have mental health challenges stemming from work related issues;

CONCERNED THAT, there has been a recent spike of incidents involving police officers, including murder and suicide which have been linked to the state of mental wellbeing;

NOW THEREFORE, the Senate urges the National Government and the National Police Service through the Ministry of Interior and National Administration to –

1. declare the current mental health situation within the police service a national emergency;
2. urgently establish a specialized facility to cater for police officers with mental illness;
3. develop and implement policies to reduce the stigma surrounding mental health issues within law enforcement agencies and encourage officers to seek help when needed; and
4. prioritise mental health as a priority health and socio-economic agenda within the Police Service and that in cases of deployment and transfers the service considers the health of the affected officers.

*(Sen. Hamida Kibwana, MP)*

22. **QUORUM IN THE SENATE**

Raising a point of order, Nominated Senator (Sen. Beatrice Ogolla, MP) drew the attention of the Deputy Speaker to the fact that there was no quorum in the House;

And the Deputy Speaker having counted the Senators present and confirmed that there was no quorum, caused the Division Bell to be rung for ten minutes;

And there being no quorum after the expiry of ten minutes;

The Deputy Speaker adjourned the Senate at forty-two minutes past five O'clock without Question put, pursuant to the Standing Orders.

23. SENATE ROSE – at forty-two minutes past five O'clock.

MEMORANDUM

*The Speaker will take the Chair on  
Tuesday, May 23, 2023 at 2:30 p.m.*

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