



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, MAY 30, 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, caused the Bell to be rung for ten minutes pursuant to Standing Order 40;

And there being quorum at the expiry of the ten minutes, the speaker caused the Bell to rung for an additional 5 minutes;

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

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

4. **COMMUNICATION FROM THE CHAIR ON VISITING TEACHERS AND STUDENTS FROM EMBAKASI GIRLS' HIGH SCHOOL IN NAIROBI COUNTY**

The Speaker conveyed the following Communication from the Chair: -

“Honourable Senators,

In the public gallery, we have ninety-one (91) students, accompanied by five (5) teachers, from Embakasi Girls' High School in Nairobi County, who are in the Senate on an education tour.

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. **PAPERS**

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

- i.) Report of the Auditor-General on the Financial Statements of Busia County Assembly Revolving Fund for the year ended 30th June, 2022.
- ii.) Report of the Auditor-General on the Financial Statements on Busia County Revenue Fund for the year ended 30th June, 2022.
- iii.) Report of the Auditor-General on the Financial Statements of Busia Water and Sewerage Services Company Limited for the year ended 30th June, 2022.
- iv.) Report of the Auditor-General on the Financial Statements of Busia County Co-operative Enterprise Development Fund for the year ended 30th June, 2022.
- v.) Report of the Auditor-General on the Financial Statements Bungoma County Assembly Employee Car Loan and Scheme for the year ended 30th June, 2022.
- vi.) Report of the Auditor-General on the Financial Statements on Receiver of Revenue – Revenue Statements for County Government of Bungoma for the year ended 30th June, 2022.
- vii.) Report of the Auditor-General on the Financial Statements of County Revenue Fund – Government of Bungoma for the year ended 30th June, 2022.
- viii.) Report of the Auditor-General on the Financial Statements of the Nzoia Water Services Water Services Company Limited for the year ended 30th June, 2022.
- ix.) Report of the Auditor General on the Financial Statements of Bungoma County Persons with Disabilities Empowerment Fund for the year ended 30th June, 2022.
- x.) Report of the Auditor General on the Financial Statements of Bungoma County Disaster Management and Emergency Fund for the year ended 30th June, 2022.
- xi.) Report of the Auditor General on the Financial Statements Kapenguria Water and Sewerage Company Limited for the year ended 30th June, 2022.

- xii.) Report of the Auditor General on the Financial Statements on Municipality of Kapenguria for the year ended 30th June, 2022.
- xiii.) Report of the Auditor General on the Financial Statements on West Pokot County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.
- xiv.) Report of the Auditor General on the Financial Statements of County Executive of Kiambu for the year ended 30th June, 2022.
- xv.) Report of the Auditor General on the Financial Statements of County Assembly of Kiambu for the year ended 30th June, 2022.
- xvi.) Report of the Auditor General on the Financial Statements of Thika Water and Sewerage Company Limited for the year ended 30th June, 2022.
- xvii.) Report of the Auditor General on the Financial Statements Oloolaiser Water and Sewerage Company Limited for the year ended 30th June, 2022.
- xviii.) Report of the Auditor General on the Financial Statements Kajiado County Youth and Women Enterprise Fund for the year ended 30th June, 2022.
- xix.) Report of the Auditor General on the Financial Statements of Olkejuado Water and Sewerage Company for the year ended 30th June, 2022.
- xx.) Report of the Auditor General on the Financial Statements of County Assembly of Nakuru (Members) Car Loan, Grants and Mortgage Scheme Fund for the year ended 30th June, 2022.
- xxi.) Report of the Auditor General on the Financial Statements of Nakuru County Government (Staff) Car Loan Scheme Fund for the year ended 30th June, 2022.
- xxii.) Report of the Auditor General on the Financial Statements of Naivasha Water and Sanitation Company Limited for the year ended 30th June, 2022.
- xxiii.) Report of the Auditor General on the Financial Statements of County Executive of Nairobi City for the year ended 30th June, 2022.
- xxiv.) Report of the Auditor General on the Financial Statements of County Assembly of Nairobi City for the year ended 30th June, 2022.
- xxv.) Report of the Auditor General on the Financial Statements on Nairobi City County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.

- xxvi.) Report of the Auditor General on the Financial Statements of Nairobi City County Alcoholic Drinks Control and Licensing Board for the year ended 30th June, 2022.
- xxvii.) Report of the Auditor General on the Financial Statements of County Revenue Fund – County Government of Nairobi City for the year ended 30th June, 2022.
- xxviii.) Report of the Auditor General on the Financial Statements on Receiver of Revenue County Government of Machakos for the year ended 30th June, 2022.
- xxix.) Report of the Auditor General on the Financial Statements Mavoko Water and Sewerage Company Limited for the year ended 30th June, 2022.
- xxx.) Report of the Auditor General on the Financial Statements of Municipal Council of Machakos Water and Sewerage Company Limited for the year ended 30th June, 2022.
- xxxi.) Report of the Auditor General on the Financial Statements of Kathiani Water and Sanitation Company Limited for the year ended 30th June, 2022.
- xxxii.) Report of the Auditor General on the Financial Statements Mwala Water and Sanitation Company Limited for the year ended 30th June, 2022.
- xxxiii.) Report of the Auditor General on the Financial Statements of Makueni County Fruit Development and Marketing Authority for the year ended 30th June, 2022.
- xxxiv.) Report of the Auditor General on the Financial Statements Mbooni Water and Sanitation Company Limited for the year ended 30th June, 2022.
- xxxv.) Report of the Auditor General on the Financial Statements of Kibwezi-Makindu Water and Sanitation Company Limited for the year ended 30th June, 2022.

(The Senate Majority Leader)

6. **NOTICE OF MOTION - APPROVAL OF SITTINGS OF THE SENATE TO BE HELD IN TURKANA COUNTY**

(The Senate Majority Leader)

THAT, AWARE that the Senate of Kenya is established under Article 93 of the Constitution and its main role, as set out at Article 96 is to represent, serve and protect the interests of the counties and their governments;

FURTHER AWARE of the critical role that the Senate plays in the interlinkage between the National and County levels of government, and the need to enhance the interaction between the Senate and county governments, as a means of bringing the Senate closer to the counties and the general public;

ACKNOWLEDGING the successes made during the sittings of the Senate outside Nairobi held in Uasin Gishu and Kitui Counties in September, 2018 and in September, 2019, respectively;

FURTHER ACKNOWLEDGING the recommendation of the Senate Business Committee that a sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, during the term of the 13th Parliament; and the subsequent resolution of the Senate made on 8th March, 2023, to hold plenary and committee sittings in the counties for a one-week period within the month of September in every Session of the 4th Senate, except during an election year with the objective to: -

- 1) promote the role and work of the Senate and enhance public awareness regarding the Business of the Senate and Parliament in general;
- 2) highlight existing and new opportunities for engagement in the legislative process;
- 3) develop and strengthen partnerships at the county level of government; and
- 4) provide an opportunity to members and staff of county assemblies to learn and share best practices with Senators and parliamentary officers;

NOW THEREFORE, pursuant to Article 126 (1) of the Constitution, the Senate resolves to hold its Plenary and Committee sittings in Turkana County, from 25th to 29th September 2023.

7. **STATEMENTS PURSUANT TO STANDING ORDER 53 (1)**

- (i) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding private employment agencies in Kenya.
- (ii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Information, Communication and Technology concerning plans by the Communication Authority to install Device Management Systems (DMS), a spyware, on phones.
- (iii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Agriculture, Livestock and

Fisheries regarding the planned relaunch of Strategic Food Reserve (SFR).

8. **MOTION - APPROVAL OF SITTINGS OF THE SENATE TO BE HELD IN TURKANA COUNTY**

Order read;

Motion made and Question proposed;

THAT, AWARE that the Senate of Kenya is established under Article 93 of the Constitution and its main role, as set out at Article 96 is to represent, serve and protect the interests of the counties and their governments;

FURTHER AWARE of the critical role that the Senate plays in the interlinkage between the National and County levels of government, and the need to enhance the interaction between the Senate and county governments, as a means of bringing the Senate closer to the counties and the general public;

ACKNOWLEDGING the successes made during the sittings of the Senate outside Nairobi held in Uasin Gishu and Kitui Counties in September 2018 and in September, 2019, respectively;

FURTHER ACKNOWLEDGING the recommendation of the Senate Business Committee that a sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, during the term of the 13th Parliament; and the subsequent resolution of the Senate made on 8th March, 2023, to hold plenary and committee sittings in the counties for a one-week period within the month of September in every Session of the 4th Senate, except during an election year with the objective to: -

- 1) promote the role and work of the Senate and enhance public awareness regarding the Business of the Senate and Parliament in general;
- 2) highlight existing and new opportunities for engagement in the legislative process;
- 3) develop and strengthen partnerships at the county level of government; and
- 4) provide an opportunity to members and staff of county assemblies to learn and share best practices with Senators and parliamentary officers;

NOW THEREFORE, pursuant to Article 126 (1) of the Constitution, the Senate resolves to hold its Plenary and Committee sittings in Turkana County, from 25th to 29th September, 2023.

(The Senate Majority Whip)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 84 (1), the Temporary Speaker (Sen. Hillary Sigei Wakili, MP) ruled that the Motion does not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, AWARE that the Senate of Kenya is established under Article 93 of the Constitution and its main role, as set out at Article 96 is to represent, serve and protect the interests of the counties and their governments;

FURTHER AWARE of the critical role that the Senate plays in the interlinkage between the National and County levels of government, and the need to enhance the interaction between the Senate and county governments, as a means of bringing the Senate closer to the counties and the general public;

ACKNOWLEDGING the successes made during the sittings of the Senate outside Nairobi held in Uasin Gishu and Kitui Counties in September 2018 and in September, 2019, respectively;

FURTHER ACKNOWLEDGING the recommendation of the Senate Business Committee that a sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, during the term of the 13th Parliament; and the subsequent resolution of the Senate made on 8th March, 2023, to hold plenary and committee sittings in the counties for a one-week period within the month of September in every Session of the 4th Senate, except during an election year with the objective to: -

- 1) promote the role and work of the Senate and enhance public awareness regarding the Business of the Senate and Parliament in general;
- 2) highlight existing and new opportunities for engagement in the legislative process;
- 3) develop and strengthen partnerships at the county level of government; and
- 4) provide an opportunity to members and staff of county assemblies to learn and share best practices with Senators and parliamentary officers;

NOW THEREFORE, pursuant to Article 126 (1) of the Constitution, the Senate resolves to hold its Plenary and Committee sittings in Turkana County, from 25th to 29th September, 2023.

9. **THE PROMPT PAYMENT BILL (SENATE BILLS NO. 8 OF 2022)**
(Sen. Mariam Sheikh Omar, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 23rd May, 2023)
(Division)

Order deferred.

10. **THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023)**
(Sen. Beth Syengo, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 25th May, 2023)
(Division)

Order deferred.

11. **COMMITTEE OF THE WHOLE**
THE EQUALIZATION FUND APPROPRIATION BILL (SENATE BILLS NO. 3 OF 2023)
(The Chairperson, Standing Committee on Finance and Budget)

(Resumption of debate interrupted on Wednesday, 24th May, 2023 – Afternoon Sitting)
(Division)

Order deferred.

12. **COMMITTEE OF THE WHOLE**
THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 3 OF 2022)
(Sen. Moses Kajwang', MP)

(Resumption of debate interrupted on Wednesday, 24th May, 2023 – Afternoon Sitting)
(Division)

Order deferred.

13. **THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 16 OF 2023)**
(The Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

Order deferred.

- 14. **THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)**
(Sen. Wakili Hillary Sigei, MP)

(Second Reading)

Order deferred.

- 15. **THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)**
(Sen. Moses Kajwang' MP)

(Second Reading)

Order deferred.

- 16. **THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2022)**

Order for Second Reading read;

Motion made;

THAT, the Employment (Amendment) Bill (Senate Bills No. 11 of 2022) be now read a Second Time.

(Sen. Samson Cherarkey, MP)

- 17. **QUORUM OF THE SENATE**

Raising a point of order, pursuant to Standing Order 41(1), the Senator for Murang'a County (Sen. Joe Nyutu, MP) drew the attention of the Temporary Speaker (Sen. Hillary Sigei Wakili, MP) to the fact that there was no quorum in the House;

And the Temporary Speaker (Sen. Hillary Sigei Wakili, MP) 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 Temporary Speaker (Sen. Hillary Sigei Wakili, MP) adjourned the Senate at twenty-five Minutes past Six O'clock without Question put, pursuant to the Standing Orders.

- 18. **SENATE ROSE** – at twenty-five Minutes past Six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Wednesday, May 31, 2023 at 9:30 a.m.*