



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

AFTERNOON SITTING

WEDNESDAY, MAY 31, 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 ten 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) Members of Staff from the County Assembly of Mandera

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, two (2) members of staff from the County Assembly of Mandera. The officers are in the Senate for a two (2) weeks attachment programme in the Directorate of Legislative and Procedural Services.

Honourable Senators,

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish them a fruitful programme.

I thank you.”

b) Visiting Students from Kenyatta University

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, visiting students from Kenyatta University comprising members of the Kenyatta University Students Association (K.U.S.A.). The delegation is at the Senate for a study visit.

Honourable Senators,

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish them a fruitful visit.

I thank you.”

c) Visiting Students and Teachers from Albright Junior School

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting teachers and students from Albright Junior School – Nairobi County. The group comprises three (3) teachers and twelve (12) students from the journalism club who are in the Senate for a one- day academic exposition.

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. PETITIONS

The following Petitions were presented to the Senate –

- i.) Pursuant to Standing Order 236 (2) (b), the Speaker presented a Petition by Mr. Jafar Muhsin on behalf of Kenyatta University Students Association (KUSA), Medical and School of Economics concerning the management and use of Kenyatta University Teaching and Referral and

Research Hospital (KUTRRH) by medical students at the Kenyatta University.

Pursuant to Standing Order 237, the Speaker invited Senators to comment on the Petition and, subsequently, pursuant to Standing Order 238 (1), committed the Petition to the Standing Committee on Health for consideration.

- ii.) Pursuant to Standing Order 236 (2) (a), Nominated Senator (Sen. Mariam Sheikh Omar, MP) presented a Petition by residents of Chokaa concerning the illegal demolition of houses by the Kenya Power and Lighting Company in Chokaa, Mihang'o area.

Pursuant to Standing Order 237, the Speaker invited Senators to comment on the Petition and, subsequently, pursuant to Standing Order 238 (1), committed the Petition to the Standing Committee on Land, Environment and Natural Resources for consideration.

- iii.) Pursuant to Standing Order 236 (2) (a), the Senator for Bomet County (Sen. Wakili Hillary K. Sigei, MP) presented a Petition by Mr. Rono Nicholas, concerning fraudulent dealings at Diageo PLC, East African Breweries Limited, Kenya Breweries and UDV (Kenya) Limited.

Pursuant to Standing Order 237, the Speaker invited Senators to comment on the Petition and, subsequently, pursuant to Standing Order 238 (1), committed the Petition to the Standing Committee on Trade, Industrialization and Tourism for consideration .

6. PAPERS

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

- i.) Report of the Auditor-General on the Financial Statements of Litein Municipal Board for the year ended 30th June, 2020.
- ii.) Report of the Auditor-General on the Financial Statements of Litein Municipal Board for the year ended 30th June, 2021.
- iii.) Report of the Auditor-General on the Financial Statements of Garissa Municipal Board for the year ended 30th June, 2021.
- iv.) Report of the Auditor-General on the Financial Statements of Kakamega County Investment Development Agency Limited for the year ended 30th June, 2021.
- v.) Report of the Auditor-General on the Financial Statements of Isiolo Staff Mortgage Scheme Fund for the year ended 30th June, 2022.

- vi.) Report of the Auditor-General on the Financial Statements Turkana County Emergency Fund for the year ended 30th June, 2022.
- vii.) Report of the Auditor-General on the Financial Statements Nithi Water and Sanitation Company Limited for the year ended 30th June, 2022.
- viii.) Report of the Auditor-General on the Financial Statements on Receiver of Revenue – Revenue Statements – County Government of Murang’a for the year ended 30th June, 2022.
- ix.) Report of the Auditor General on the Financial Statements of West Pokot County Assembly Car Loan and Mortgage Fund for the year ended 30th June, 2022.
- x.) Report of the Auditor General on the Financial Statements of Embu Water and Sanitation Company Limited for the year ended 30th June, 2022.
- xi.) Report of the Auditor General on the Financial Statements on County Revenue Fund for Siaya County Government for the year ended 30th June, 2022.
- xii.) Report of the Auditor General on the Financial Statements of Tana River County Ward Bursary Fund for the year ended 30th June, 2022.
- xiii.) Report of the Auditor General on the Financial Statements of Wajir County Disaster Management Fund for the year ended 30th June, 2022.
- xiv.) Report of the Auditor General on the Financial Statements of Iten Tambach Water and Sanitation Company Ltd for the year ended 30th June, 2022.
- xv.) Report of the Auditor General on the Financial Statements of County Assembly of Laikipia Car Loan and Mortgage (Staff) Scheme Fund for the year ended 30th June, 2022.
- xvi.) Report of the Auditor General on the Financial Statements of Laikipia County Education Bursary Fund for the year ended 30th June, 2022.
- xvii.) Report of the Auditor General on the Financial Statements of County Executive of Kisumu for the year ended 30th June, 2022.
- xviii.) Report of the Auditor General on the Financial Statements of Kisumu County Government Revenue Fund for the year ended 30th June, 2022.
- xix.) Report of the Auditor General on the Financial Statements of County Assembly of Kisumu for the year ended 30th June, 2022.

- xx.) Report of the Auditor General on the Financial Statements of Samburu County Persons Living with Disability Fund for the year ended 30th June, 2022.
- xxi.) Report of the Auditor General on the Financial Statements of Samburu Water and Sanitation Company Limited for the year ended 30th June, 2022.
- xxii.) Report of the Auditor General on the Financial Statements on County Executive of Trans Nzoia for the year ended 30th June, 2022.
- xxiii.) Report of the Auditor General on the Financial Statements of County Assembly of Trans Nzoia for the year ended 30th June, 2022.
- xxiv.) Report of the Auditor General on the Financial Statements of Trans Nzoia County Public Service Board for the year ended 30th June, 2022.
- xxv.) Report of the Auditor General on the Financial Statements on County Revenue Fund for Trans Nzoia County Government for the year ended 30th June, 2022.
- xxvi.) Report of the Auditor General on the Financial Statements on County Revenue Fund for Vihiga County Government for the year ended 30th June, 2022.
- xxvii.) Report of the Auditor General on the Financial Statements on Climate Change Fund of Vihiga County Government for the year ended 30th June, 2022.
- xxviii.) Report of the Auditor General on the Financial Statements on Vihiga County Trade and Enterprise Fund for the year ended 30th June, 2022.
- xxix.) Report of the Auditor General on the Financial Statements of Vihiga County Facility Improvement Fund for the year ended 30th June, 2022.
- xxx.) Report of the Auditor General on the Financial Statements of Vihiga County Sports Fund for the year ended 30th June, 2022.
- xxxi.) Report of the Auditor General on the Financial Statements on Lamu County Youth Development Fund for the year ended 30th June, 2022.
- xxxii.) Report of the Auditor General on the Financial Statements of Lamu County Bursary and Scholarship Fund for the year ended 30th June, 2022.
- xxxiii.) Report of the Auditor General on the Financial Statements of Lamu County Disability Fund for the year ended 30th June, 2022.

- xxxiv.) Report of the Auditor General on the Financial Statements of County Executive of Kericho for the year ended 30th June, 2022.
- xxxv.) Report of the Auditor General on the Financial Statements of Kericho County Executive Staff Car Loan Scheme Fund for the year ended 30th June, 2022.
- xxxvi.) Report of the Auditor General on the Financial Statements of Kericho County Executive Staff Mortgage Fund for the year ended 30th June, 2022.
- xxxvii.) Report of the Auditor General on the Financial Statements of County Assembly of Kericho for the year ended 30th June, 2022.
- xxxviii.) Report of the Auditor General on the Financial Statements on County Revenue Fund – County Government of Kericho for the year ended 30th June, 2022.
- xxxix.) Report of the Auditor General on the Financial Statements of Kericho County Alcoholic Drinks Control Fund for the year ended 30th June, 2022.
- xl.) Report of the Auditor General on the Financial Statements of Kericho County Agricultural Development Fund for the year ended 30th June, 2022.

(The Senate Majority Whip)

- xli.) Report of the Standing Committee on Labour and Social Welfare on the consideration of the Persons with Disabilities Bill (Senate Bills No. 7 of 2023).
- xlii.) Report of the Standing Committee on Labour and Social Welfare on the consideration of the Heritage and Museums Bill (Senate Bills No. 8 of 2023).

(The Chairperson, Standing Committee on Labour and Social Welfare)

- xliii.) Report of the Standing Committee on Health on its inquiry into the circumstances leading to the death of the late Maureen Anyango at Mama Lucy Kibaki Hospital due to alleged medical negligence.
- xliv.) Report of the Standing Committee on Health on its inquiry into the circumstances that led to the death of the late Master Travis Maina at Kenyatta National Hospital.

- xliv.) Report of the Standing Committee on Health on its inquiry into the circumstances leading to the death of the Late Edward Otieno Onyago, at Mama Lucy Kibaki Hospital due to alleged medical negligence.

(The Chairperson, Standing Committee on Health)

- xlvi.) Report of the Standing Committee on Finance and Budget on the County Allocation of Revenue Bill (Senate Bills No. 16 of 2023).

(The Chairperson, Standing Committee on Finance and Budget)

- xlvi.) Statement by the Senate Majority Leader on the business of the Senate for the week commencing Tuesday, 6th June, 2023.

(The Senate Majority Leader)

7. **NOTICE OF MOTION- ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH, ON INQUIRY INTO THE DEATH OF THE LATE MAUREEN ANYANGO AT MAMA LUCY KIBAKI HOSPITAL DUE TO ALLEGED MEDICAL NEGLIGENCE**

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health, on inquiry into the death of the late Maureen Anyango at Mama Lucy Kibaki Hospital due to alleged medical negligence, laid on the table of the Senate on, Wednesday, May 31, 2023.

8. **NOTICE OF MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH, ON INQUIRY INTO THE CIRCUMSTANCES THAT LED TO THE DEATH OF THE LATE MASTER TRAVIS MAINA AT KENYATTA NATIONAL HOSPITAL**

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health, on inquiry into the circumstances that led to the death of the late Master Travis Maina at Kenyatta National Hospital, laid on the table of the Senate on, Wednesday, May 31, 2023.

9. **NOTICE OF MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH, ON INQUIRY INTO THE DEATH OF THE LATE EDWARD OTIENO ONYAGO DUE TO ALLEGED MEDICAL NEGLIGENCE**

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health, on inquiry into the death of the late Edward Otieno Onyago due to

alleged medical negligence laid on the table of the Senate on, Wednesday, May 31, 2023.

10. QUESTIONS AND STATEMENTS

STATEMENTS

a) Pursuant to Standing Order 53(1)

- (i) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning the status of mineral royalty accounts.
- (ii) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a statement from the Standing Committee on Finance and Budget regarding the Equalization Fund utilization in the County Government of Taita Taveta.
- (iii) The Senator for Tharaka Nithi County (Sen. Mwenda Gataya Mo'Fire, MP) sought a statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration regarding the declassification of Igamba-Ng'ombe sub-county in Tharaka Nithi County as an Arid and Semi-Arid Area (ASAL).
- (iv) The Senator for Tharaka Nithi County (Sen. Mwenda Gataya Mo'Fire, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing regarding the installation of speed bumps along Parliament Road.
- (v) The Senator for Tharaka Nithi County (Sen. Mwenda Gataya Mo'Fire, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding compensation claims to a family of Ms. Jackeline Kanyua and Ms. Florida Kendi, in Tharaka Nithi County following a lightning strike.
- (vi) The Senator for Uasin Gishu County (Sen. Jackson Mandago, MP) sought a statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration regarding the five per cent (5%) quota for employment positions to Persons Living with Disabilities (PWDs) in the public sector.
- (vii) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a statement from the Standing Committee on Devolution and Integovernmental Relations regarding alleged disparity in development within Embu County.

- (viii) The Senator for West Pokot County (Sen. (Rev.) Julius Murgor, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the status of registration of Persons in West Pokot County.
- (ix) The Senator for Lamu County (Sen. Joseph Githuku, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing concerning the status of construction of the link road between Lake Kenyatta Primary School and Uziwa junction in Lamu County.
- (x) Nominated Senator (Sen. Raphael Chimera, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing concerning the construction of the Kwale-Kinango road.
- (xi) Seneta wa Kaunti ya Mombasa (Sen. Mohammed Faki Mwinyihaji, MP) aliomba kauli kutoka kwa Kamati ya Kudumu ya Usalama wa Taifa, Ulinzi na Uhusiano wa Kimataifa kuhusu kuchelewa kwa kuchapishwa kwa paspoti nchini, ambako kunaathiri mipango ya safari ya mahujaji wanaokwenda Makkah.

b) Pursuant to Standing Order 57(1)

The Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 6th June, 2023.

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

(Sen. Mariam Sheikh Omar, MP)

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

Order deferred.

12. THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023)

(Sen. Beth Syengo, MP)

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

Order deferred.

**13. COMMITTEE OF THE WHOLE
THE EQUALIZATION FUND APPROPRIATION BILL (SENATE BILLS NO. 3 OF 2023)**

(The Chairperson, Standing Committee on Finance and Budget)

Order deferred.

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

Order deferred.

15. **MOTION - SUSPENSION OF THE MORNING SITTING OF THE SENATE ON**
WEDNESDAY, 7TH JUNE, 2023

Order read;

Motion made and Question proposed in an amended form-

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2023, and 29th March, 2023, pursuant to Standing Order 32 on approval of the Senate Calendar (Regular Sessions) for the Second Session 2023; and further notwithstanding the provisions of Standing Order 34 (1), the Senate resolves to suspend its morning sitting on Wednesday 7th June, 2023.

(The Senate Majority Leader)

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 Deputy Speaker informed the House that the Motion does not affect Counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2023, and 29th March, 2023, pursuant to Standing Order 32 on approval of the Senate Calendar (Regular Sessions) for the Second Session 2023; and further notwithstanding the provisions of Standing Order 34 (1), the Senate resolves to suspend its morning sitting on Wednesday 7th June, 2023.

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

Order for Second Reading read;

Motion made and question proposed –

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

(Sen. Samson Cherarkey, MP)

Debate arising;

17. **QUORUM IN THE SENATE**

Raising a point of order, Pursuant to Standing Order 41(2), Nominated Senator (Sen. Hamida Kibwana, MP) drew the attention of the Temporary Speaker (Sen. Catherine Mumma, MP) to the fact that there was no quorum in the House;

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

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

The Temporary Speaker (Sen. Catherine Mumma, MP) adjourned the Senate at fourteen minutes past six O'clock without Question put, pursuant to the Standing Orders.

18. **SENATE ROSE** - at fourteen minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, June 06, 2023 at 2:30 p.m.*

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