



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, JUNE 27, 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 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 at the expiry of the three 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: -

i. Visiting Officers from the County Assembly of Busia

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon Serjeant-at-Arms officers from the County Assembly of Busia. The officers are in the Senate for a five-day benchmarking visit with their counterparts, in the Serjeant-at-Arms Directorate.

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!”

ii. Visiting Delegation from the Kakamega County Assembly

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, visiting Committee Members on Environment, Natural Resources, Energy, Water and Forestry from Kakamega County Assembly and their secretariat, who are in the Senate for five (5) days consultative meeting with their counterparts in the Standing Committee on Land, Environment and Natural Resources.

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

NAME**DESIGNATION**

1. Hon. Boaz Omukunda	-	Vice Chairperson
2. Hon. Sara Watsula	-	Member
3. Hon. Samwel Segero	-	Member
4. Hon. Eddy Obwaka	-	Member
5. Hon. Anjela Nerima	-	Member
6. Hon. Cynthia Livoli	-	Member
7. Hon. Daphny Masinza	-	Member
8. Hon. Victory Shikutwa	-	Member
9. Hon. Dan Mukwami	-	Member
10. Hon. Stephen Mukhala	-	Member
11. Hon. Titus Kwoma	-	Member
12. Ms. Tracy Florence	-	Senior Accountant
13. Ms. Joslyne Mugoya	-	Communication Officer
14. Ms. Sonnie Muhatia	-	Intern
15. Mr. Joseck Onyango	-	Commissionaire

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 engagement.

I thank you!”

iii. Visiting Teachers and Students from Dreams Hill School in Baringo County

“Honourable Senators,

In the public gallery, we have one hundred and fourteen (114) students, accompanied by twenty-one (21) teachers, from Dreams Hill School - Baringo 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!”

iv. Visiting teachers and students from Bondeni Elite Academy in Kericho County

“Honourable Senators,

In the public gallery, we have seventy-two (72) students, accompanied by twenty-three (23) teachers, from Bondeni Elite Academy, Kericho 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 LAID

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

- i.) Report of the Auditor-General on the financial statements of Tana Water and Sanitation Company Limited for the year ended 30th June, 2021.
- ii.) Report of the Auditor-General on the financial statements of Tana Water and Sanitation Company Limited for the year ended 30th June, 2022.

- iii.) Report of the Auditor-General on the financial statements of Garissa Water and Sewerage Company Limited for the year ended 30th June, 2022.
- iv.) Report of the Auditor-General on the financial statements of Kabianga Tea Farm for the year ended 30th June, 2022.
- v.) Report of the Auditor-General on the financial statements of Kericho County Assembly Staff Car and Mortgage Scheme Fund for the year ended 30th June, 2022.
- vi.) Report of the Auditor-General on the financial statements of Kericho Water and Sanitation Company Limited for the year ended 30th June, 2022.
- vii.) Report of the Auditor-General on the financial statements of Elwak Water and Sewerage Company Limited for the year ended 30th June, 2022.
- viii.) Report of the Auditor-General on the financial statements of Siaya County Assembly Car Loan and Mortgage Fund for the year ended 30th June, 2022.
- ix.) Report of the Auditor-General on the financial statements of Siaya County Alcoholic Drinks Control Fund for the year ended 30th June, 2022.
- x.) Report of the Auditor-General on the financial statements of Vihiga Municipal for the year ended 30th June, 2022.
- xi.) Report of the Auditor-General on the financial statements of Chemelil Sugar Company Limited for the year ended 30th June, 2022.
- xii.) Report of the Auditor-General on the financial statements of Special Municipality of Mwatate Fund/Board for the year ended 30th June, 2022.
- xiii.) Report of the Auditor-General on the financial statements of the Turkana County Executive State and Public Officers Car Loan and Mortgage Fund for the year ended 30th June, 2022.
- xiv.) Report of the Auditor-General on the financial statements of the Turkana County Assembly Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.

- xv.) Report of the Auditor-General on the financial statements of the Trans Nzoia County Youth and Women Development Fund for the year ended 30th June, 2022.

(The Senate Majority Whip)

6. **NOTICE OF MOTION – ALTERATION OF THE SENATE CALENDAR**

(The Senate Majority Leader)

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2023 and 29th March, 2023 (approval of the Senate Calendar), pursuant to Standing Order 32 (4), the Senate resolves to alter its Calendar (Regular Sessions), for the Second Session, 2023, in respect to Part IV, to resume from the recess period on Tuesday, 18th July, 2023, and that the Senate Calendar (Regular Sessions) for the Second Session, 2023, be altered accordingly.

7. **MOTION – ALTERATION OF THE SENATE CALENDAR**

Order read;

Motion made and Question proposed;

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2023 and 29th March, 2023 (approval of the Senate Calendar), pursuant to Standing Order 32 (4), the Senate resolves to alter its Calendar (Regular Sessions), for the Second Session, 2023, in respect to Part IV, to resume from the recess period on Tuesday, 18th July, 2023, and that the Senate Calendar (Regular Sessions) for the Second Session, 2023, be altered accordingly.

(The Senate Majority Leader)

Debate arising;

And there being no more Senators wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 84 (1), the Speaker ruled that the Motion did 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 (approval of the Senate Calendar), pursuant to Standing Order 32 (4), the Senate resolves to alter its Calendar (Regular Sessions), for the Second Session, 2023, in respect to Part IV, to resume from the recess period on Tuesday, 18th July, 2023, and that the Senate Calendar (Regular Sessions) for the Second Session, 2023, be altered accordingly.

8. QUESTIONS AND STATEMENTS**a) Pursuant to Standing Order 52 (1)**

Sen. Mohammed Faki Mwinyihaji (Senator for Mombasa County) made a Statement on an issue of general topical concern and national importance, namely; the commemoration of the United Nations International Day against Drug Abuse and Illicit Trafficking.

Thereupon, Senator highlighted the drug menace in Mombasa and the other coastal counties of Kwale, Kilifi and Lamu and noted that the menace has tragically transformed vibrant youths into addicts and criminals. He stated that according to the 2019 report by the United Nations on Drugs and Crime (UNODC), there are 27,014 drug users in the three coastal counties, exceeding the national average by more than 50%. The Senator also stated that the Mombasa County Government has established treatment centers in Miritini, Kisauni and Shimo la Tewa. He, however, indicated that the centers only cater to 1,797 addicts out of the 6,287 recorded. He expressed concern that addicts from Likoni have to travel as far as Kombani to access treatment.

The Senator indicated that the stigma associated with drug addiction presents a significant challenge to the reintegration of addicts into society. He reiterated that it is crucial that the stigma is addressed by providing psycho-social support to both the addicts and their families. As the world celebrates a drug-free future, the Senator wished that the same dream comes true to the residents of the Coastal Region.

The Senator further pointed out that combating the stigma associated with drug addiction is crucial in supporting the recovery and social reintegration of addicts and stated that psycho-social support and education will encourage individuals to seek help without fear of judgment or discrimination.

b) Pursuant to Standing Order 53 (1)

- (i) The Senator for Kirinyaga County (Sen. James Murango, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding the unprocedural reduction of the salaries of Early Childhood Development Education (ECDE) teachers in Kirinyaga County.
- (ii) The Senator for Bungoma County (Sen. David Wakoli, MP) sought a statement from the Standing Committee on Justice, Legal Affairs and Human Rights on pending bills occasioned by the recent Senatorial by-election in Bungoma County.
- (iii) The Senator for Bungoma County (Sen. David Wakoli, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding reported cases on insecurity in Bungoma County.
- (iv) Nominated Senator (Sen. Shakila Abdalla, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding the state of affairs at Witu Nyangoro Ranch in Lamu County.
- (v) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing regarding the suspension of the use of ledger accounts by the Kenya Ports Authority (KPA).
- (vi) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing regarding incomplete national government roads in Embu County.
- (vii) The Senator for Lamu County (Sen. Joseph Kamau, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources on the alleged encroachment of land in Lamu County.
- (viii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) sought a statement from the Standing Committee on Labour and Social Welfare concerning the human resource gaps in the County Government of Kisumu.
- (ix) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) sought a statement from the Standing Committee on Trade,

Industrialization and Tourism regarding the state of co-operative societies in Kisumu County.

- (x) Seneta wa Kilifi (Sen. Justice (Rtd) Stewart Madzayo, MP) aliomba kauli kutoka kwa Kamati ya Kudumu ya Usalama wa Taifa, Ulinzi na Uhusiano wa Kimataifa kuhusu polisi kutumia nguvu kupita kiasi dhidi ya wanahabari wakati wa maandamano.

9. **THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL (SENATE BILLS NO. 22 OF 2023)**

(The Senate Majority Leader)

Order for First Reading read;

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

10. **THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILLS NO. 12 OF 2022)**

(Sen. Maureen Tabitha Mutinda, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 20th June, 2023) (Division)

Order deferred.

11. **COMMITTEE OF THE WHOLE THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023)**

(Sen. Beth Syengo, MP)

(Resumption of debate interrupted on Wednesday, 21st June, 2023 – Afternoon Sitting) (Division)

Order deferred.

12. **COMMITTEE OF THE WHOLE THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2022)**

(Sen. Samson Cherarkey, MP)

(Resumption of debate interrupted on Wednesday, 21st June, 2023 – Afternoon Sitting) (Division)

Order deferred.

13. **THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, The Start-Up Bill (Senate Bills No. 14 of 2022) be now read a Second Time.

(Sen. Crystal Asige, MP-27.06.2023)

Debate arising;

14. **SUSPENSION OF A SENATOR FOR DISORDERLY CONDUCT PURSUANT TO THE PROVISIONS OF STANDING ORDER 121**

Pursuant to the provisions of Standing Order 121 (2) (b), the Speaker ordered the Senator for Laikipia County (Sen. John Kinyua, MP) to withdraw from the precincts of Parliament for the remainder of the sitting day for disorderly conduct.

Thereupon, the Senator withdrew from the Chamber.

15. **THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)**

THAT, The Start-Up Bill (Senate Bills No. 14 of 2022) be now read a Second Time.

(Sen. Crystal Asige, MP-27.06.2023)

Debate interrupted resumed;

And there being no more Senators wishing to contribute;

Mover replied;

Thereupon, the mover requested that the putting of the Question be deferred to a later date, pursuant to Standing Order 66(3).

And the Temporary Speaker (Sen. Veronica Maina, MP), acceding to the request, deferred the putting of the Question to a later date.

16. **MOTION – ESTABLISHMENT OF AN AD HOC COMMITTEE ON THE COMPENSATION TO THE KENYAN VICTIMS OF THE 1998 BOMBING OF THE UNITED STATES OF AMERICA EMBASSY IN NAIROBI**

Motion made and Question proposed -

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 to establish an Ad Hoc committee to –

- (i) engage the Ministry of Foreign and Diaspora Affairs to advance friendship and co-operation between the United States of America 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;
- (ii) coordinate with the Ministry of Foreign and Diaspora Affairs in the engagement of victims, their personal representatives, the United States of America government, and other stakeholders at home and abroad to pursue and accomplish the compensation of victims and families of the victims of Kenyan nationals; and,

- (iii) coordinate with the Ministry of Health to explore subsidized medical treatment for the surviving victims of the bomb blast.

and submit a report to the House within 90 days with effect from 3rd July, 2023;

AND FURTHER THAT, the following Senators be appointed to serve in the Ad Hoc committee –

1. Sen. Agnes Kavindu Muthama, MP;
2. Sen. Daniel Maanzo, MP;
3. Sen. Alexander Mundigi, MP;
4. Sen. Beatrice Ogolla, MP;
5. Sen. Johnes Mwaruma, MP;
6. Sen. Mohamed Said Chute, MP;
7. Sen. Jackson Mandago, MP;
8. Sen. William Cheptumo, MP; and,
9. Sen. Peris Tobiko, MP.

Debate arising;

And the time being thirty minutes past six O'clock, the Temporary Speaker (Sen. Veronica Maina, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

(Sen. Agnes Kavindu Muthama, MP)

17. **SENATE ROSE** – at thirty minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Thursday, June 29th, 2023 at 2:30 p.m.*

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