



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, AUGUST 08, 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 (1);

And there being a Quorum before the expiry of ten minutes;

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

4. **MESSAGE FROM THE COUNTY ASSEMBLY OF NYANDARUA**

The Speaker conveyed the following Message from the Chair: -

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 48 (3) & (4), I have received a Message from the Speaker of Nyandarua County Assembly, the effect of which is to petition the Senate to consult with the Kenya Wildlife Service, the National Environmental Management Authority, the Kenya Forest Service and other Government Agencies and speed up the Gazettement of Lake Ol'Bolossat as a National Reserve under the County Government of Nyandarua in order to enhance its conservation, address issues of human-wildlife conflict, create job opportunities, enhance own source revenue and provide an alternative source of livelihood to the residents.

The Message was received in the Senate by way of a letter communicating a resolution passed by the County Assembly on 8th March, 2023 which inter alia, provided-

"THAT, AWARE THAT Lake Ol'Bolossat, is the only highland lake in Central Kenya and that it is a significant freshwater source, lies at an altitude of 7,600 feet and is an essential part of the local ecosystem and economy. The lake feeds into the Ewaso Ngiro River, which supplies water to the Thomson Falls, was declared a protected wetland under the Environmental Conservation and Management Act of 1999 (EMCA 1999) in 2018, and spans approximately 4,800 square kilometers;

FURTHER AWARE THAT, the lake is a vital habitat for over 300 bird species migrating between Europe and Asia and houses over 100 hippopotamuses, supports the livelihoods of people, livestock, and wildlife downstream in several counties and supports a variety of activities, including commercial, agricultural and tourism. The lake area also encompasses two major conservancies, Lewa and Olpajeta;

FURTHER COGNIZANT THAT, the Nyandarua County Government, has been in consultation with the National Government Ministry of Tourism, Wildlife and Heritage on the Gazettement of Lake Ol'Bolossat as a National Reserve under the Kenya Wildlife Conservation and Management Act, 2013, to facilitate more effective conservation measures and boost eco-tourism.

CONCERNED THAT, despite these efforts, the lake's ecosystem has significantly dwindled due to human activities, and that its area has shrunk from around 10,000 hectares to about 2,000, leading to a decrease in water levels and a drop in bird and hippopotamus populations and that invasion by local communities with large herds of cattle and encroachment of riparian land has exacerbated the situation, interventions to save the lake and its ecosystem has been limited, causing concern among the public and stakeholders;

The Assembly, thereupon, resolved inter lia -

- i) THAT, the Assembly petitions the Senate of Kenya to consult the Kenya Wildlife Service, the National Environmental Management Authority, the Kenya Forest Service, and other Government agencies, to expedite the Gazettement of Lake Ol'Bolossat as a National Reserve under the County Government of Nyandarua, to augment conservation efforts, resolve human-wildlife conflict, generate job opportunities and enhance own source revenue and provide an alternate livelihood source for locals;*
- ii) THAT, the Nyandarua County Government initiates consultations with the Kenya Wildlife Services for a potential partnership to enable the County Government to fully protect the lake and generate revenue from it; and*
- iii) THAT, the County Government confers with the National Government on exploiting the lake's resources and establishes a phased plan for bio-deposit exploration in the lake.*

Honourable Senators,

I direct, pursuant to Standing Order 48(7)(c), that the matter together with the set of correspondence received from the County Assembly of Nyandarua, be referred to the Standing Committee on Land, Environment and Natural Resources for consideration.

I thank you.”

5. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

a) **Visiting students and teachers from Katutu Girls Secondary – Kitui County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting teachers and students from Katutu Girls Secondary School. The group comprises three (3) teachers and forty-eight (48) students 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.”

b) **Visiting students and teachers from Machani Mingi Secondary School – Nakuru County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting teachers and students from Machani Mingi Secondary School. The group comprises six (6) teachers and forty-one (41) students 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. **PAPERS**

The following Paper was laid on the Table of the Senate: -

Report of the Standing Committee on Finance and Budget on the Public Finance Management (Amendment) Bill (National Assembly Bills No. 16 of 2023).

(Senate Majority Leader

6. **QUESTIONS AND STATEMENTS**

a) **Statements pursuant to Standing Order 52(1)**

i) **On the release of Turkana Pastoralists arrested and jailed in Uganda**

The Senator for Turkana County (Sen. James Lomenen Ekomwa, MP) made a Statement concerning a matter of international and general topical concern, namely, the release of Turkana pastoralists arrested and jailed in Uganda. The Senator stated that pastoralists in Turkana County have been facing recurring drought that severely impact the availability of pasture and water for their livestock. He added that due to this, many pastoralists in the County are often compelled to cross over into the neighboring country of Uganda in search for greener pastures and water sources to secure survival for their livestock which is their main source of livelihood.

The Senator highlighted that, more recently, in April 2023, 32 Kenyan pastoralists from Urum and Lokirima Villages in Turkana Counties were arrested by the Uganda People's Defence Forces and police in the guise of disarmament operation, tried in court martial and sentenced to 20 years in jail. Six (6) others suffered gunshot wounds in the same alleged disarmament operation.

The Senator urged the Standing Committee on National Security, Defence and Foreign Relations to inquire into this matter and initiate engagements with the Ministry of Foreign and Diaspora Affairs to secure the release of the arrested pastoralists.

ii) **On the International Youth Day**

Nominated Senator (Sen. Esther Okenyuri, MP) made a statement on a matter of general topical concern, namely: the International Youth Day. The Senator highlighted that the International Youth Day (IYD) was an annual event observed globally on 12th August in accordance with the United Nations General Assembly (UNGA) Resolution 54/120 of 1999, with the first IYD being observed in 2000. She informed the Senate that the day's aim was to bring youth issues to the attention of the international community as well as to celebrate the potential of youth as partners in today's global society.

Noting that the theme of this year's IYD was, “*Green Skills for Youth: Towards a Sustainable World*”, the Senator stated that the commemoration of the IYD in Kenya would take the form of the celebration of a Youth Week where a flurry of youth events and activities had been planned to run for a full week, beginning Monday, 7th August, 2023, culminating in the IYD on Saturday, 12th August, 2023.

She noted that the United Nations had expanded this year's theme of Green Skills into five major areas of concern and focus as follows: -

- 1) That certain knowledge, abilities, values and attitudes were needed to live in, develop and support a sustainable and resource-efficient society.
- 2) That the youth would endure severe climate events longer. For example, compared to a child born in 1960, how many times more will a child born in 2020 experience extreme climate events in their lifetime? It is posited that they will endure 2.6 times more droughts, 2.8 times more river flooding, 6.8 times more heat waves, 2.8 times more crop failure and 2.0 times wildfires.
- 3) That youth would experience significant changes in economic opportunities since climate change threatens 40% of all jobs that are heavily reliant on a healthy environment.
- 4) That skills demand was exceeding supply. This meant that 60% of young people would lack the skills necessary to thrive in the green economy in 2030.
- 5) That there were disparities that must be addressed, including: -
 - (i) Technology divide: 67% of youth do not have digital skills due to the lack of basic resources;
 - (ii) Education gap: Those with a university education obtain green skills quicker than youth with no university education; and
 - (iii) Current occupational gender stereotypes are likely to persist as it is claimed that the green transition will favor male-dominant sectors. 19 million jobs will be created for men as compared to 6 million for women.

The Senator concluded by urging the Senate to engage with county governments to explore avenues to fast-track imparting the youth with Green Skills for a sustainable world.

b) Statements pursuant to Standing Order 53(1)

- i) The Senator for Nyamira County (Sen. Okongó Mogeni, SC, MP) sought a statement from the Standing Committee on Education regarding the learner infrastructure support for National Secondary Schools in Kenya.
- ii) Seneta wa Kaunti ya Mombasa (Sen. Mohammed Faki, MP) aliomba Kauli kutoka kwa Kamati ya Kudumu ya Barabara, Uchukuzi na

Makao kuhusu barabara zinazomilikiwa na Mamlaka ya KURA 'Kenya Urban Roads Authority' katika Kaunti ya Mombasa.

- iii) Nominated Senator (Sen. Beatrice Ogola, MP) sought a statement from the Standing Committee on Education concerning high rate of teenage pregnancies in Homa Bay County.
- iv) Nominated Senator (Sen. Raphael Chimera, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding the status of recruitment of the Director General of the Competition Authority of Kenya (CAK).
- v) Nominated Senator (Sen. Hamida Kibwana, MP) sought a statement from the Standing Committee on Labour and Social Welfare concerning alleged discriminatory employment of doctors and medical staff in some counties in Kenya.
- vi) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Trade, Industrialization and Tourism regarding alleged malpractices and exploitation by Watu Credit.
- vii) The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) sought a statement from the Standing Committee on Finance and Budget regarding the status of pending bills in Vihiga County.

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

The Chairperson, Committee on County Public Investments and Special Funds, issued a Statement relating to the activities of the Committee for the period April to June, 2023.

7. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS (EQUITABLE SHARE) CASH DISBURSEMENT SCHEDULE FOR THE FINANCIAL YEAR 2023/2024 AND APPROVAL OF THE COUNTY GOVERNMENTS (EQUITABLE SHARE) CASH DISBURSEMENT SCHEDULE FOR THE FINANCIAL YEAR 2023/2024.**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for Financial year 2023/2024, laid on the Table of the Senate on Thursday, 27th July, 2023 and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 189 (3), the Senate **approves** the

County Governments (Equitable Share) Cash Disbursement Schedule for Financial year 2023/2024.

(The Chairperson, Standing Committee on Finance and Budget-03/08/2023)

Debate interrupted on Thursday, 3rd August, 2023 resumed on a Division;

The Speaker directed that electronic voting be taken, pursuant to Standing Order 86(2) and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Speaker directed that the doors be locked and the bars be drawn and asked Senators to log in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed one (1) Senator to record her vote verbally.

Thereupon, the following Senator recorded her vote as “**YES**”: -

Sen. Ogola Beatrice, MP

The results of the Division were as follows: -

AYES – 28

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Abas Sheikh Mohammed, MP
2. Sen. Abdul Haji, MP
3. Sen. Adan Dullo Fatuma, MP
4. Sen. Cherarkey Samson Kiprotich, MP
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chute Mohammed Said, MP
7. Sen. David wakoli Wafula, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Khalwale Boni, MP
10. Sen. Lelegwe Steve Ltumbesi, MP
11. Sen. Maanzo Daniel Kitonga, MP
12. Sen Madzayo Stewart Mwachiru, MP
13. Sen. Mogeni Erick Okongó, MP
14. Sen. Mungatana Danson Buya, MP
15. Sen. Muthama Agnes Kavindu, MP
16. Sen. Mwaruma Johnes Mwashushe, MP
17. Sen. Mwinyihaji Mohammed Faki, MP
18. Sen. Oburu Oginga, MP

19. Sen. Ogola Beatrice, MP – voted verbally on behalf of Homa-bay County Delegation
20. Sen. Ojienda Odhiambo Tom, MP
21. Sen. Oketch Eddy Gicheru, MP
22. Sen. Olekina Ledama, MP
23. Sen. Osotsi Godfrey Atieno, MP
24. Sen. Roba Ali Ibrahim, MP
25. Sen. Seki Lenku Ole Kanar, MP
26. Sen. Sifuna Edwin Watanya, MP
27. Sen. Sigei Hillary Kiprotich, MP
28. Sen. William Kipkemoi Kisang, MP

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for Financial year 2023/2024, laid on the Table of the Senate on Thursday, 27th July, 2023 and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 189 (3), the Senate **approves** the County Governments (Equitable Share) Cash Disbursement Schedule for Financial year 2023/2024.

8. **THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)**

(Sen. Beatrice Ogola, MP)

Order for First Reading Read;

Bill Read a First Time and Committed to the Standing Committee on Health.

9. **THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)**

(Sen. Miraj A. Abdulrahman, MP)

Order for First Reading Read;

Bill Read a First Time and Committed to the Standing Committee on Labour and Social Welfare.

10. **THE RICE BILL (SENATE BILLS NO. 19 OF 2023)**

(Sen. James Kamau Murango, MP)

Order for First Reading Read;

Bill Read a First Time and Committed to the Standing Committee on Agriculture, Livestock and Fisheries.

11. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 16 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Public Finance Management (Amendment) Bill (National Assembly Bills No. 16 of 2023) be now read a Second Time.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Chairperson, Standing Committee on Finance and Budget replied on behalf of the Mover;

Pursuant to Standing Order 66(3), the Mover requested the Temporary Speaker (Sen. Wakili Sigei, MP) to defer the putting of the Question to a later date.

And the Temporary Speaker (Sen. Wakili Sigei, MP), acceding to the request, deferred putting of the Question to Wednesday, 9th August, 2023 at 2:30 pm.

For the convenience of the House and pursuant to Standing Order 34(2A), the Temporary Speaker (Sen. Wakili Sigei, MP) adjourned the Senate at forty-five Minutes past Six O'clock without Question put.

12. **SENATE ROSE** – at forty-five Minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Wednesday, August 09, 2023 at 9:30 a.m.*