



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

AFTERNOON SITTING

WEDNESDAY, OCTOBER 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. **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 before 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: -

i) **Visiting Delegation from the County Assembly of Kisumu**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation from the County Assembly of Kisumu. The delegation comprises six (6) Members and five (5) Officers of the Committee on Public Accounts and Investment Committee who are on a benchmarking visit with their counterparts in the Senate.

Honourable Senators,

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

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|-----|-----------------------|--------------------|
| 1. | Hon. Ken Ouko | - Chairperson |
| 2. | Hon. Geoffery Warindu | - Vice Chairperson |
| 3. | Hon. James Omollo | - Member |
| 4. | Hon. Reuben Rakwach | - Member |
| 5. | Hon. Nancy Matara | - Member |
| 6. | Hon. James Were | - Member |
| 7. | Mr. Austin Ochieng' | - Committee Clerk |
| 8. | Mr. Chrispine Oguta | - Clerk Assistant |
| 9. | Mr. Patrick Okoyo | - Hansard Reporter |
| 10. | Mr. Naboth Odero | - Internal Auditor |
| 11. | Ms. Faith Judith | - Sergeant at Arms |

Honourable Senators,

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

Thank you."

ii) **Visiting Students from Zetech University Students' Association (ZUSA) Congress**

"Honourable Senators,

I would like to acknowledge the presence, in the public gallery this afternoon, a visiting delegation from Zetech University Students' Association (ZUSA) Congress. The delegation comprises twenty-two (22) students who are in the Senate for a one- day visit.

"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 Petition was considered in the Senate: -

The Speaker, pursuant to Standing Order 236 (2) (b), reported to the Senate a Petition by Mr. Laban Omusundi on behalf of residents of Nakuru County concerning the enactment of a clause in the electoral laws

that will make sure that all nominated Members of the County Assembly (MCAs) are voters and residents of respective counties.

Pursuant to Standing Order 237, the Speaker invited Senators to comment on the Petition and, subsequently, pursuant to Standing Order 238, committed the Petition to the Standing Committee on Justice, Legal Affairs and Human Rights for consideration.

6. PAPERS LAID

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

- i.) Annual Report of the Public Service Commission (PSC) for Financial Year 2022/2023.
- ii.) Annual Report of the National Cohesion and Integration Commission (NCIC) for Financial Year 2021/2022.
- iii.) Office of the Controller of Budget (CoB) Annual County Governments Budget Implementation Review Report for Financial Year 2022/2023.

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

7. QUESTIONS AND STATEMENTS

STATEMENTS

a) Pursuant to Standing Order 52(1)

- i.) Nominated Senator (Sen. Karen Nyamu, MP) made a statement regarding World Breast Cancer Awareness Month, the state of cancer disease in Kenya and the challenges facing victims of Breast Cancer.

Thereupon, the Senator pointed out that the month of October is a very important month in the global calendar of health and wellness as it is the month dedicated to sensitizing and creating awareness to the people about Breast Cancer as well as other classes of Cancer.

The Senator, thereafter shared some shocking statistics about the state of cancer in Kenya indicating the high costs related to treating the disease.

The Senator also applauded the Senate on the passage of the Primary Health Care Bill (Senate Bills No. 44 of 2023), which sought to address the health challenges in the country and urged every Kenyan to be champions of the war against cancer, by ensuring timely screening and early treatment of the disease.

- ii.) The Senator for Turkana County (Sen. James Lomenen, MP) made a statement concerning the effects of climate change and the mitigation strategies in Turkana County.

Thereupon, the Senator drew the attention of the House to the severe impact of climate change that has befallen the Turkana community inflicting profound suffering upon the community, majority of whom rely on pastoralism for their livelihoods.

The Senator informed the Senate that this has caused loss of lives due to devastating floods, decimated livestock through famine and drought, and brought about numerous other hardships.

The Senator also pointed out that Turkana County, being situated in an arid and semi-arid region, relies heavily on agriculture as its primary source of livelihood, making the community particularly vulnerable to the adverse impacts of climate change and variability. He called upon the Senate Standing Committee on Agriculture, Livestock and Fisheries to engage the National Government in regards to the adverse effects of climate change.

- iii.) The Senator for Kakamega County (Sen. Dr. Boni Khalwale, MP) made a statement regarding the temporary suspension, by the High Court in Eldoret, of all official sittings, meetings and deliberations by Members of the Uasin Gishu County Assembly pending the hearing and determination of a Petition challenging the composition of the County Assembly.

Thereupon, the Senator informed the House that the suspension arose from the filing of a Petition in the High Court by a civil society activist challenging the composition of the County Assembly, specifically that the Assembly lacks adequate representation of women and marginalized groups following the revocation, by the Courts, of the nomination of nine (9) United Democratic Alliance (UDA) Members of County Assembly (MCAs).

The Senator urged the House to take note of these developments and their potential impact on our democratic processes as it raises critical questions about the state of our democratic institutions and argued that, by dint of Section 7A (2) and Section 14 of the County Governments Act, the County Assembly is duly constituted and that such a suspension unnecessarily disrupts the normal functioning of the County Assembly.

The Senator called for the vacation of the Court orders and subsequent speedy resolution of the matter.

b) Statements pursuant to Standing Order 53(1)

- i.) The request for a statement by the Senator for Kirinyaga County (Sen. James Murango, MP) from the Standing Committee on Trade, Industrialization and Tourism regarding the mismanagement of farmers' cooperative Societies in Turkana County was **dropped** in the absence of the Senator.
- ii.) The Senator for Trans Nzoia County (Sen. Allan Chesang, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the distribution of maize dryers to farmers to avert post-harvest losses.
- iii.) The Senator for Trans Nzoia County (Sen. Allan Chesang, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the subsidization of farm inputs by the government.
- iv.) The Senator for West Pokot County (Sen. Julius Murgor, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the safeguarding of the stability of the agricultural sector.
- v.) The Senator for Taita Taveta (Sen. Johnes Mwaruma, MP), on behalf of Nominated Senator (Sen. Beatrice Ogolla, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding promotion of LGBTQ agenda within Kakuma Refugee Camp in Turkana County.
- vi.) The Senator for Turkana County (Sen. James Lomenen, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing concerning the status of construction of the Lodwar court building in Turkana County.
- vii.) The Senator for Turkana County (Sen. James Lomenen, MP) sought a Statement from the Standing Committee on Education concerning the burning of schools in Turkana County by suspected armed bandits.
- viii.) The Senator for Kakamega County (Sen. Dr. Boni Khalwale, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding the hosting of the 2027 Africa Cup of Nations (AFCON) by Kenya, Uganda and Tanzania.
- ix.) The Senator for Bungoma County (Sen. David Wafula Wakoli, MP) sought a Statement from the Standing Committee on Education regarding a court ruling against the management of St. Joseph's Lumboka Primary School in Bungoma County.

8. **THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2023)**

Order for Second Reading read;

Motion made and question proposed –

THAT, the County Governments Additional Allocations Bill (National Assembly Bills No. 23 of 2023) be now read a second time

(The Senate Majority Leader – 03.10.2023)

Debate interrupted on Wednesday, 4th October, 2023 – Morning Sitting resumed;

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

9. **SENATE ROSE** – at thirty minutes past Six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Thursday, October 04, 2023, at 2:30 p.m.*

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