



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, FEBRUARY, 14, 2024 (MORNING SITTING)**

1. The Senate assembled at thirty minutes past Nine 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, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

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

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

4. **COMMUNICATION FROM THE CHAIR - VISITING TEACHERS AND STUDENTS FROM LESIRWA SECONDARY SCHOOL, KERICHO COUNTY**

The Temporary Speaker (Sen. Wakili Hillary Sigei, MP) conveyed the following communication from the Chair: -

“Honorable Senators,

In the public gallery, we have forty-eight (48) students, accompanied by six (6) teachers from Lesirwo Secondary School in Kericho County, who are undertaking an education visit in the Senate.

Honorable 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. **MESSAGES**

The Speaker conveyed the following Messages from the National Assembly –

**i.) Passage by the National Assembly of the Conflict of Interest Bill (National Assembly Bills No. 12 of 2023)**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3) and (4), I received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Conflict of Interest Bill (National Assembly Bill No. 12 of 2023).

The Message, which is dated Wednesday 6<sup>th</sup> December, 2023 was received on the same day in the Office of the Clerk of the Senate.

Pursuant to the said Standing Order, I now report the Message-

*“PURSUANT to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly—*

*WHEREAS, the Conflict of Interest Bill (National Assembly Bill No. 12 of 2023) was published vide Kenya Gazette Supplement No. 41 of 3rd April 2023 as a Bill seeking to provide for the management and regulation of conflict of interest in the discharge of official duties and subsequent repeal of the Public Officer Ethics Act, 2003;*

*AND WHEREAS, on Wednesday, 29th November 2023 and Thursday, 30th November 2023, the National Assembly considered the Conflict of Interest Bill (National Assembly Bill No. 12 of 2023) and passed it **with amendments** and in the form attached herewith;*

*NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration”*

Honourable Senators,

Pursuant to Standing Order No. 163 which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.144; I will at the appropriate time, direct the Clerk to Read a First Time, the Conflict of Interest Bill (National Assembly Bill No. 12 of 2023).

I thank you!”

**ii.) Passage by the National Assembly of the Gambling Control Bill (National Assembly Bills No. 70 of 2023)**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46(3) & (5), I received the following Message, while the Senate was on recess, from the Speaker of the National Assembly regarding the passage by the Gambling Control Bill (National Assembly Bills No. 7 of 2023).

The Message, which is dated Monday, 18<sup>th</sup> December, 2023 was received on Monday, 8<sup>th</sup> January, 2024, in the Office of the Clerk of the Senate, and was transmitted to all Senators on Tuesday, 9<sup>th</sup> January, 2024.

Pursuant to the said Standing Order, I now report the Message-

*“PURSUANT to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-*

*WHEREAS the Gambling Control Bill (National Assembly Bills No. 70 of 2023) was published vide Kenya Gazette Supplement No. 212 of 31<sup>st</sup> October 2023 as a Bill to repeal the Lotteries and the Gaming Act (Cap. 131), provide for a legal framework for the regulation of gambling in Kenya and to incorporate gambling principles in the gambling sector by regulating betting, casinos and other forms of gambling, including authorization of prize competitions, public lotteries and media promotion;*

*AND WHEREAS, the Gambling Control Bill (National Assembly Bills No. 7 of 2023) was passed by the National Assembly on Wednesday, 6<sup>th</sup> December, 2023 with amendments and in the form attached herewith;*

*NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”*

Honourable Senators,

Pursuant to Standing Order No. 163 which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.144.

I now direct that, at the appropriate time during this Sitting, the said Bill be read First Time.

I thank you!”

## **6. PAPERS LAID**

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

- i.) Report of the Auditor General on Level 4 and Level 5 hospitals in Kenya for financial year 2021/2022.
- ii.) Summary Report of the Auditor General on Level 4 and Level 5 hospitals in Kenya for financial year 2021/2022.
- iii.) Report of the Auditor General on financial statement of the Parliamentary Service Commission for the year ended 30<sup>th</sup> June, 2023
- iv.) The Annual Report of the Kenya Law Reform Commission for Financial Year 2022/2023.

- v.) The National Government Budget Implementation Review Report for Financial Year 2022/2023.
- vi.) The National Government Budget Implementation Review Report for the First Three Months for the Financial Year 2023/2024.
- vii.) The County Governments Budget Implementation Review Report for the First Quarter for Financial Year 2023/2024.
- viii.) The Eleventh Report on the Status of the Public Service Compliance with the Values and Principles in Articles 10 and 232 of the Constitution for Financial Year 2022/2023.
- ix.) The 3<sup>rd</sup> Annual Report of the Office of the Data Protection Commissioner for financial year 2022/2023.
- x.) Report of the Auditor General on financial statement of Mandera Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2023.
- xi.) Report of the Auditor General on financial statement of Northern Water Works Development Agency for the year ended 30<sup>th</sup> June, 2023.
- xii.) Report of the Auditor General on financial statement of Elwak Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2023.
- xiii.) Report of the Auditor General on financial statement of Garissa Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2023.

*(The Deputy Senate Majority Whip)*

- xiv.) Report of the Select Committee on County Public Investments and Special Funds on non-remittance of pension deductions to the Pension Schemes by County Government entities.

*(The Chairperson, Select Committee on County Public Investments and Special Funds)*

- xv.) Report of the National Dialogue Committee.

*(Sen. Okong'o Omogeni, SC, MP)*

**7. NOTICE OF MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON NON-REMITTANCE OF PENSION DEDUCTIONS TO THE PENSION SCHEMES BY COUNTY GOVERNMENT ENTITIES.**

*(The Chairperson, Select Committee on County Public Investments and Special Funds)*

THAT, the Senate adopts the Report of the Select Committee on County Public Investments and Special Funds on non-remittance of pension deductions to the Pension Schemes by County Government entities laid on the Table of the Senate on Wednesday, 14<sup>th</sup> February, 2024.

8. **NOTICE OF MOTION – REPORT OF THE NATIONAL DIALOGUE COMMITTEE**  
(Sen. Okongo Omogeni, SC, MP)

THAT, the Senate adopts the Report of the National Dialogue Committee laid on the Table of the Senate on Wednesday, 14<sup>th</sup> February, 2024.

9. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON MOTIONS**

Order read;

Motion made and Question proposed;

THAT, pursuant to Standing Order 111 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner: -

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party official responder, twenty minutes for the Minority Party official responder and fifteen minutes for each other Senator speaking; and further that fifteen minutes before the time expires, the Mover shall be called upon to reply.

*(The Senate Majority Whip)*

And there being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1), the Speaker ruled that the Motion did not affect counties.

Question put and **agreed to.**

**RESOLVED ACCORDINGLY**

THAT, pursuant to Standing Order 111 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner: -

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party official responder, twenty minutes for the Minority Party official responder and fifteen minutes for each other Senator speaking; and further that fifteen minutes before the time expires, the Mover shall be called upon to reply.

10. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON ADJOURNMENT MOTION**

Order read;

Motion made and Question proposed;

THAT, notwithstanding the provisions of Standing Order 111(4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be

limited to a maximum of two hours, with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

*(The Senate Majority Whip)*

Debate arising;

And there being no other Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1), the Speaker ruled that the Motion did not affect counties.

Question put and **agreed to.**

**RESOLVED ACCORDINGLY**

THAT, notwithstanding the provisions of Standing Order 111(4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours, with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

11. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON THE MOTION ON THE PRESIDENT’S ADDRESS TO PARLIAMENT**

Order read;

Motion made and Question proposed;

THAT, pursuant to Standing Order 27 (6), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

*(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 84 (1), the Speaker ruled that the Motion did not affect counties.

Question put and **agreed to.**

**RESOLVED ACCORDINGLY**

THAT, pursuant to Standing Order 27(6), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

12. **THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2023)**

(Sen. Johnes Mwaruma, MP)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Land, Environment and Natural Resources.

13. **THE NUTS AND OIL CROPS DEVELOPMENT BILL (SENATE BILLS NO. 47 OF 2023)**

(Sen. Hamida Kibwana, MP)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Agriculture, Livestock and Fisheries.

14. **THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 52 OF 2023)**

(Sen. Raphael Chimera, MP)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Justice, Legal Affairs and Human Rights.

15. **THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Water (Amendment) Bill (National Assembly Bills No. 33 of 2023) be now read a Second Time.

*(The Senate Majority Leader - 30.11.2023)*

Debate interrupted on Thursday, 30<sup>th</sup> November, 2023 resumed;

And the time being One O'clock, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

16. SENATE ROSE – at One O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Wednesday, February 14, 2024, at 2:30 p.m.*

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