



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, FEBRUARY 20, 2024 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 a Quorum, invited the Clerk to call out the Orders of the day.

**4. PAPERS LAID**

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

- (i) The Refugees (General) Regulations Legal Notice No. 39 of 2024.

*(Sen. Lelegwe Ltumbesi on behalf of the Senate Majority Leader)*

- (i) Report of the Standing Committee on Land, Environment and Natural Resources on the Water (Amendment) Bill (National Assembly Bills No. 33 of 2023).

*(Chairperson, Committee on Land, Environment and Natural Resources)*

**5. NOTICE OF MOTION - EXTENSION OF TIME FOR CONSIDERATION OF THE 2024 BUDGET POLICY STATEMENT**

(Sen. Lelegwe Ltumbesi on behalf of the Senate Majority Leader)

THAT, AWARE THAT the 2024 Budget Policy Statement was tabled in the Senate on 15<sup>th</sup> February, 2024 for consideration pursuant to the provisions of the Public Finance Management Act;

NOTING THAT the 14 days timeline for consideration of the Budget Policy Statement lapses on Thursday, 29<sup>th</sup> February, 2024;

CONCERNED THAT the magnitude of the work involved in the consideration of the Budget Policy Statement is immense as it involves consideration by all Standing Committees, stakeholder engagement, reporting by the Standing Committees to the Standing Committee on Finance and Budget and consideration and approval of the Report of the Standing Committee on Finance and Budget by the Senate;

NOW THEREFORE, notwithstanding the provisions of Standing Order 186 of the Senate Standing Orders, the Senate resolves to extend the time for consideration of the 2024 Budget Policy Statement by a further seven (7) days to enable the Senate make a determination by 7<sup>th</sup> March, 2024.

6. **NOTICE OF MOTION - EXTENSION OF TIME FOR CONSIDERATION OF REGULATIONS IN REGARD TO LAKE OL BOLOSSAT; THE KARAI WETLAND; MWANGEA HILLS; AND LARI SWAMP**

(Sen. Faki Mohamed Mwinyihaji on behalf of Chairperson, Select Committee on Delegated Legislation)

THAT, AWARE THAT the Lake Ol Bolossat Catchment Protection Area Order, (Legal Notice No. 116 of 2023); the Karai Wetland Conservation Area Order, (Legal Notice No. 117 of 2023); the Mwangea Hills Catchment Protection Area Order, (Legal Notice No. 118 of 2023); and the Lari Swamp Catchment Protection Area Order, (Legal Notice No. 119 of 2023, were tabled in the Senate on 11<sup>th</sup> October, 2023 and referred to the Select Committee on Delegated Legislation for consideration;

REALIZING THAT that the 28 sitting days timeline for consideration of the Regulations lapses on Wednesday, 21<sup>st</sup> February, 2024, but owing to the magnitude of the work involved, the Committee has not been able to complete its work within the duration;

AWARE THAT Section 15(3) of the Statutory Instruments Act, 2013, provides that by a resolution, Parliament may extend the time for consideration of a Statutory Instrument by a period not exceeding twenty-one calendar days;

NOTING THE NEED for more time to scrutinize the submission from the public engagement forums especially the Ministry of Water, Sanitation and Irrigation and the Council of Governors;

NOW THEREFORE, the Senate resolves to extend the time for consideration of the the Lake Ol Bolossat Catchment Protection Area Order, (Legal Notice No. 116 of 2023); the Karai Wetland Conservation Area Order, (Legal Notice No. 117 of 2023); the Mwangea Hills Catchment Protection Area Order, (Legal Notice No. 118 of 2023); and the Lari Swamp Catchment Protection Area Order, (Legal Notice No.

119 of 2023, by a further twenty-one (21) calendar days and table its report on or before 13<sup>th</sup> March, 2024.

**7. QUESTIONS AND STATEMENTS****a) Requests for Statements, pursuant to Standing Order 53(1)**

- i.) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a Statement from the Standing Committee on Finance and Budget regarding the expenditure of funds in Isiolo County.
- ii.) Nominated Senator (Sen. Hamida Kibwana, MP) sought a Statement from the Standing Committee on Health regarding the circumstances that led to the amputation of baby Jennifer Mwasi's hand at Wesu Hospital in Taita Taveta County.
- iii.) Nominated Senator (Sen. Hamida Kibwana, MP) sought a Statement from the Standing Committee on Health regarding the absence of a data bank for unclaimed bodies in Kenya.
- iv.) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning the failure to compensate farmers in Embu County from losses incurred following desert locust invasion in their farms in the year 2020.
- v.) Nominated Senator (Sen. Miraj Abdulrahman, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the breakdown of ferries at the Likoni Channel in Mombasa County.
- vi.) Nominated Senator (Sen. Miraj Abdulrahman, MP) sought a Statement from the Standing Committee on Energy regarding the upsurge of electric fire incidents in Likoni and Changamwe constituencies in Mombasa County.
- vii.) The Senator for Narok County (Sen. Ledama Olekina, MP) sought a Statement from the Standing Committee on Energy concerning electricity connectivity at various hospitals and public schools in Narok County.
- viii.) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Committee on Education concerning the welfare of adult education teachers in Taita Taveta County.
- ix.) Nominated Senator (Sen. Beatrice Ogola, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources concerning waste disposal by Sukari Industries in Ndhiwa Sub- County, Homabay County.

- x.) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning tragic incident that led to the death of Master Jollyben Iboshe, a 9-year old child, who drowned following flash floods in Mashimoni, Kibra Constituency, on 5<sup>th</sup> January, 2024 and whose body is yet to be retrieved after being swept into Nairobi Dam.
- xi.) Request for a Statement by the Senator for Muranga County (Sen. Joe Nyutu, MP) from the Standing Committee on Health regarding the state of Medical Equipment supplied by Megascop to level 5 hospitals across the country was **dropped** in the absence of the Senator.

#### 8. **MOTION - REPORT OF THE NATIONAL DIALOGUE COMMITTEE**

Order read;

Motion made and Question proposed;

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.

*(The Senate Majority Leader)*

Motion made and Question proposed;

THAT, pursuant to Standing Order 111 (1) of the Senate, the debate on the Motion be limited to not more than ten minutes for each other Senator speaking;

*(Sen. (Dr.) Boni Khalwale, MP)*

And there being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (2), the Speaker ruled that the Motion did not affect counties.

Question put and agreed to.

Debate arising;

#### 9. **SUSPENSION OF A SENATOR FOR DISORDERLY CONDUCT PURSUANT TO THE PROVISIONS OF STANDING ORDER 121 (1)**

Pursuant to the provisions of Standing Order 121 (2), the Temporary Speaker (Sen. Veronica Maina, MP) ordered the Senator for Kilifi County (Sen. Stewart Madzayo, MP) to withdraw from the chamber for the remainder of the sitting day, for disorderly conduct.

Thereupon, the Senator withdrew from the Chamber.

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.

10. **SENATE ROSE** - at thirty Minutes past Six O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Wednesday, February 21, 2024 at 9:30 a.m.*

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