



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**AFTERNOON SITTING**

**WEDNESDAY, FEBRUARY, 21, 2024**

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 no Quorum, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

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

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

4. **PAPERS LAID**

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

- i.) Report of the Mediation Committee on the County Governments Additional Allocations Bill (National Assembly Bills No. 23 of 2023)  
*(Sen. (Dr.) Boni Khalwale, MP – Co-Chairperson, Mediation Committee)*
- ii.) The Revision of the Laws Order, 2023 (Legal Notice No. 221 of 2023).
- iii.) The National Government Budget Implementation Review Report for the First Six Months for the Financial Year 2023/2024.
- iv.) Report of the Auditor General on Financial Statement of the County Executive of Machakos for the year ended 30<sup>th</sup> June, 2023.

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- v.) Report of the Auditor General on Financial Statement of the County Assembly of Machakos for the year ended 30<sup>th</sup> June, 2023.
- vi.) Report of the Auditor General on Financial Statement of the County Government of Machakos – County Revenue Fund for the year ended 30<sup>th</sup> June, 2023.
- vii.) Report of the Auditor General on Financial Statement of the County Government of Machakos – Receiver of Revenue for the year ended 30<sup>th</sup> June, 2023.
- viii.) Report of the Auditor General on Financial Statement of the Machakos County Executive Committee and Chief Officer’s Car Loan and Mortgage Scheme for the year ended 30<sup>th</sup> June, 2023.
- ix.) Report of the Auditor General on Financial Statement of the County Executive of Kajiado for the year ended 30<sup>th</sup> June, 2023.
- x.) Report of the Auditor General on Financial Statement of the County Assembly of Kajiado for the year ended 30<sup>th</sup> June, 2023.
- xi.) Report of the Auditor General on Financial Statement of the Kajiado County Emergency Fund for the year ended 30<sup>th</sup> June, 2023.
- xii.) Report of the Auditor General on Financial Statement of the County Government of Kajiado – County Revenue Fund for the year ended 30<sup>th</sup> June, 2023.
- xiii.) Report of the Auditor General on Financial Statement of the Kajiado County Disability Mainstreaming Fund for the year ended 30<sup>th</sup> June, 2023.
- xiv.) Report of the Auditor General on Financial Statement of the Kajiado County Assembly Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2023.

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

5. **NOTICE OF MOTION – REPORT OF THE MEDIATION COMMITTEE ON THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2023)**

(Sen. (Dr.) Boni Khalwale, MP – Co-Chairperson, Mediation Committee)

THAT, the Senate adopts the Report of the Mediation Committee on the County Governments Additional Allocations Bill (National Assembly Bills No. 23 of 2023) laid on the Table of the Senate on Wednesday, 21<sup>st</sup> February, 2024.

6. STATEMENTS PURSUANT TO STANDING ORDER 53(1)

- i) The Senator for Machakos County (Sen. Agnes Kavindu, MP) sought a Statement from the Standing Committee on Education regarding the state of Iiani Kivaa Hearing Impairment Primary School in Machakos County.
- ii) The Senator for Kitui County (Sen. Enoch Wambua, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the repair of rails vandalized during public demonstrations at the Mlolongo Pay Point on the Nairobi Expressway.
- iii) Nominated Senator (Sen. Beatrice Ogola, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding the operations of Sukari Industries Limited in Homabay County.
- iv) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) sought a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights concerning the predicament of Master Austin Karanja, a minor with a hearing impairment, who was mauled by school dogs on 28<sup>th</sup> October, 2023, at the Isinya School for the Deaf, while heading for his morning preps, and who was subsequently forced to sit his KCPE in heavy bandages.
- v) The Senator for Bungoma County (Sen. David Wakoli, MP) sought a Statement from the Standing Committee on Trade, Industrialization and Tourism regarding cooperative societies in Bungoma County.
- vi) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the processing of title deeds for estates in Taita Taveta County.
- vii) Request for statement by the Senator for Nandi County (Sen. Samson Cherarkey, MP) from the Standing Committee on Trade, Industrialization and Tourism regarding police raid on businesses in Eastleigh over counterfeit products was **dropped** in the absence of the Senator.
- viii) Request for statement by the Senator for Lamu County (Sen. Joseph Kamau, MP) from the Standing Committee on Roads, Transportation and Housing Regarding the provision of National Transport and Safety Authority (NTSA) services at the Huduma Centre in Lamu County was **dropped** in the absence of the Senator.

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

Order read;

Motion made and Question proposed;

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 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 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 11<sup>th</sup> March, 2024.

*(The Chairperson, Committee on Delegated Legislation)*

And there being no more Senators 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, 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 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 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 11<sup>th</sup> March, 2024.

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 – 20.02.2024)*

Debate interrupted on Tuesday, 20<sup>th</sup> February, 2024 resumed;

And there being no more Senators 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, 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. **THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2023)**

Order 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 – 30.11.23)*

Debate interrupted on Thursday 15<sup>th</sup> February, 2024 resumed;

And there being no more Senators wishing to contribute;

Mover replied;

Raising a point of order, the Mover requested for the deferment of the putting of the Question to a later date Pursuant to Standing Order 66 (1).

And the Temporary Speaker (Sen. Catherine Mumma, MP), acceding to the request, nominated Thursday, 22<sup>nd</sup> February, 2024, as the day when the Question shall be put.

10. **THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO. 37 OF 2023)**

Order read;

THAT, the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No. 37 of 2023) be now read a Second Time.

*(Sen. Godfrey Osotsi, MP – 14.02.2024)*

11. **QUORUM IN THE SENATE**

Rising on a Point of Order pursuant to Standing Order 41(1), the Senator for Migori County (Sen. Eddy Oketch, MP) drew the attention of the Temporary Speaker (Sen. Catherine Mumma, MP) to the fact that there was not a quorum in the Senate;

And the Temporary Speaker (Sen. Catherine Muma, MP) having counted the Senators present and confirming that there was not a Quorum in the House, directed that the Quorum Bell be rung for ten minutes;

And there being no Quorum at the expiry of the ten minutes, the Temporary Speaker (Sen. Catherine Mumma, MP) adjourned the Senate at twenty-eight minutes past six O'clock without Question put, pursuant to the Standing Orders.

12. **SENATE ROSE** – at twenty-eight minutes past six O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Thursday, February 22, 2024 at 2:30 p.m.*

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