



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, MARCH 19, 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 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 the ten minutes;

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

4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

i) **Visiting Students from the Mama Ngina University College, Kiambu County**

“Honorable Senators,

In the Speaker’s gallery, we have sixteen (16) students and one (1) faculty member from Mama Ngina University College in Kiambu County, who are undertaking a one-day 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!”

ii) **Co- Sponsorship of Senate Bills in the National Assembly**

“Honourable Senators,

The Standing Orders outline the procedure for introduction, consideration and voting on Bills in the Senate. As Honourable Senators are aware; the First Reading is the formal introduction of a Bill in the Senate; the Second Reading relates to debate on the merits and demerits of a Bill; while the Committee of the Whole relates to consideration of a Bill clause by clause including amendments (if any); The Third Reading serves as the final stage where general comments on a Bill may be made before voting and referral to the National Assembly.

It has now become necessary for me to communicate a provision in the Standing Orders relating to co-sponsorship of Bills, as a number of Sponsors may have overlooked this provision upon conclusion of Bills in the Senate and subsequent referral to the National Assembly for consideration.

Honourable Senators,

As you are aware, Standing Order 161 of the Senate Standing Orders provides that upon passage of a Bill originating in the Senate, a certified copy of the Bill shall be forwarded to the Clerk of the National Assembly by way of a Message. Further, Standing Order 162 provides for the framework for co-sponsorship of Senate Bills in the National Assembly. Standing Order I62 (1) and (2) state-

*(1) A Senator who intends to nominate a Member or Members of the National Assembly to co-sponsor a Bill passed by the Senate, shall upon passage of the Bill, notify the Speaker in writing of the name or names of the proposed co-sponsors.*

*(2) The National Assembly shall be notified of the proposed co-sponsorship through the message referring the Bill to the National Assembly under Standing Order 161(1) (Referral of Senate Bills to the National Assembly)*

A similar provision has been made in the National Assembly relating to Bills originating from the National Assembly to the Senate, at Standing Order 142 of the National Assembly Standing Orders.

Honourable Senators,

Implementation of the framework referred to above is ongoing. This can be evidenced by a number of Bills that have been co -sponsored in both the Senate and the National Assembly. The Bills that have so far been co-sponsored in both Houses include;

- a. The Cotton Industry Development Bill (Senate Bills No. 5 of 2023) sponsored by Sen. Beth Syengo, MP and co-sponsored by Hon. Mary Emaase, MP in the National Assembly;
- b. The County Licensing (Uniform Procedure) Bill (Senate Bills No. 9 of 2022) sponsored by Sen. Mariam Sheikh Omar, MP and co-sponsored by the Leader of the Majority Party in the National Assembly;
- c. The Mung Beans Bill (Senate Bills No. 13 of 2022) sponsored by Sen. Enoch Kiiio Wambua, MP and co-sponsored by Hon. Paul Musyimi Nzengu, MP in the National Assembly;
- d. The Startup Bill (Senate Bills No. 14 of 2022) sponsored by Sen. Crystal Asige, MP and co-sponsored by Hon. Irene Mayaka, MP in the National Assembly;
- e. The Persons with Disabilities Bill (Senate Bills No. 7 of 2023) sponsored by Sen. Crystal Asige, MP and co-sponsored by Hon. Millie Odhiambo, MP in the National Assembly;
- f. The Kenyan Sign Language Bill (Senate Bills No. 9 of 2023) sponsored by Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP and co-sponsored by Hon. Millie Odhiambo, MP in the National Assembly;
- g. The Agricultural and Livestock Extension Services Bill (Senate Bills No. 12 of 2022) sponsored by Sen. Maureen Tabitha Mutinda, MP and co-sponsored by Hon. (Dr.) John Kanyuithia Mutunga, MP in the National Assembly;
- h. The Care and Protection of Child Parents Bill (Senate Bills No. 29 of 2023) sponsored by Sen. Miraj Abdillahi Abdulrahman, and co-sponsored by Hon. Beatrice Kemei, MP in the National Assembly;
- i. The Sugar Bill (National Assembly Bills No. 34 of 2022) sponsored by Hon. Emmanuel Wangwe, MP and co-sponsored by Sen. David W. Wafula, MP in the Senate; and
- j. The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bills No. 46 of 2022) sponsored by Hon. Abdul Rahim Dawood, MP and co-sponsored by Sen. Samson Cherarkey, MP in the Senate.

In the absence of a co-sponsor in another House, the Bill is likely to be introduced and moved by a Member who may not fully appreciate the importance and gist of the Bill.

Honourable Senators,

In numerous jurisdictions, including the United States of America, co-sponsorship of House Bills is a norm. In an effort to show their support for a Bill and increase its prospects of passing the other House, sponsors frequently look for co-sponsors.

Sponsors of Bills in the Senate are therefore encouraged to identify co-sponsors in the National Assembly and communicate the same in writing, to the Office of the Speaker of the Senate, immediately the Bill is passed in the Senate. The Message to the National Assembly on the passage of a Bill originating from the Senate will, therefore, include the name of the co-sponsor

identified in the National Assembly, as required under Standing Order 162 (2).

I thank you.”

## 5. MESSAGES

The Speaker conveyed the following Messages from the National Assembly -

i.) **Decision of the National Assembly, on the Senate amendments to the Affordable Housing Bill (National Assembly Bills No. 75 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 with respect to the Senate amendments to the Affordable Housing Bill (National Assembly Bills No. 75 of 2023).

The Message, which is dated 14<sup>th</sup> March, 2024 was received in the Office of the Clerk of the Senate on the same date.

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

*“PURSUANT to the provisions of Standing Order 41(1) and 148(a) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-*

*WHEREAS, the National Assembly considered and passed the Affordable Housing Bill (National Assembly Bills No. 75 of 2023) with amendments on Wednesday, 21<sup>st</sup> February 2024 and referred it to the Senate for consideration in accordance with Article 110 (4) of the Constitution;*

*AND WHEREAS, on Tuesday, 12<sup>th</sup> March 2024, the Senate considered the Affordable Housing Bill (National Assembly Bill No. 75 of 2023) and passed it with amendments and referred the Bill back to the National Assembly for concurrence;*

*AND FURTHER WHEREAS, the National Assembly having considered the amendments, concurred with the Senate on Thursday, 14<sup>th</sup> March, 2024;*

*NOW THEREFORE, having concluded the bicameral passage of the Bill, I will present the Bill to the H.E. the President for Assent in accordance with the provisions of Article 112 of the Constitution.”*

Honourable Senators,

In accordance with the provisions of Article 112 of the Constitution, the Speakers of Parliament presented the Bill to His Excellency the President for assent today, Tuesday, 19<sup>th</sup> March 2024. The same is now an Act of Parliament.

I thank you.”

ii.) **Decision of the National Assembly, on the Natural Resources (Benefit Sharing) Bill (Senate Bills No. 6 of 2022).**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3) & (4), I received the following Message from the Speaker of the National Assembly regarding the Decision of the National Assembly to reject the Natural Resources (Benefit Sharing) Bill (Senate Bills No. 6 of 2022) at Second Reading.

The Message, dated Tuesday, 12<sup>th</sup> March, 2024, was received on Thursday, 14<sup>th</sup> March, 2024, 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 Orders 41 and 149(1)(b) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –*

*WHEREAS, the Senate considered and passed the Natural Resources (Benefit Sharing) Bill (Senate Bills No. 6 of 2022) with amendments on Tuesday, 1st August, 2023, and referred it to the National Assembly for consideration in accordance with the provisions of Article 110 of the Constitution;*

*AND WHEREAS, upon consideration, the National Assembly rejected the Bill at Second Reading on Tuesday, 12th March, 2024 thereby committing the Bill to a mediation committee pursuant to the provisions of Article 112(1)(a) of the Constitution;*

*NOW THEREFORE, in accordance with the provisions of Article 112 of the Constitution and Standing Order 149 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate and seek the appointment of Senators to the Mediation Committee on the Bill.”*

Honourable Senators,

Consequent to the said Decision, the Speaker of the National Assembly appointed the following Members of the National Assembly to the Mediation

Committee to consider the Bill in accordance with Article 113 of the Constitution –

- 1) The Hon. David Gikaria, MP - Co-Chairperson,
- 2) The Hon. Charles Kamuren, MP
- 3) The Hon. Beatrice Kemei, MP,
- 4) The Hon. Joseph Emathe, MP,
- 5) The Hon. T. J. Kajwang, MP,
- 6) The Hon. Irene Kasalu, MP; and
- 7) The Hon. Dick Maungu, MP.

Honourable Senators,

Pursuant to the provisions of Standing Order 166 (2) of the Senate Standing Orders, and in consultation with the Majority and Minority Leaders, I will, at an appropriate time, appoint Senators to the Mediation Committee.

I thank you.”

**6. PETITIONS**

Pursuant to Standing Order 238 (2), the Chairperson, Standing Committee on Finance and Budget laid on the Table of the Senate, the Report of the Standing Committee on a Petition to the Senate by CCP. Mokaya Magembe Benard, regarding regulation of the financial credit profession.

**7. PAPERS LAID**

- i.) The National Building Code (Legal Notice No. 47 of 2024).
- ii.) The Fisheries Regulations (Legal Notice No. 49 of 2024).
- iii.) Report of the Auditor General on Financial Statements of Busia County Trade Development Revolving Fund for the year ended 30<sup>th</sup> June, 2022.
- iv.) Report of the Auditor General on Financial Statements of County Executive of Migori for the year ended 30<sup>th</sup> June, 2023.
- v.) Report of the Auditor General on Financial Statements of County Assembly of Migori for the year ended 30<sup>th</sup> June, 2023.
- vi.) Report of the Auditor General on Financial Statements of the County Government of Migori – Receiver of Revenue for the year ended 30<sup>th</sup> June, 2023.
- vii.) Report of the Auditor General on Financial Statements of the County Government of Migori – County Revenue Fund for the year ended 30<sup>th</sup> June, 2023.

- viii.) Report of the Auditor General on Financial Statements of Migori County Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June, 2023.
- ix.) Report of the Auditor General on Financial Statements of Municipality of Migori for the year ended 30<sup>th</sup> June, 2023.
- x.) Report of the Auditor General on Financial Statements of Municipality of Rongo for the year ended 30<sup>th</sup> June, 2023.
- xi.) Report of the Auditor General on Financial Statements of the County Assembly of Kisii for the year ended 30<sup>th</sup> June, 2023.
- xii.) Report of the Auditor General on Financial Statements of Kisii County Assembly Members' Loan and Mortgage for the year ended 30<sup>th</sup> June, 2023.
- xiii.) Report of the Auditor General on Financial Statements of Kisii County Emergency Fund for the year ended 30<sup>th</sup> June, 2023.
- xiv.) Report of the Auditor General on Financial Statements of Kisii County Veterinary Services Development Fund for the year ended 30<sup>th</sup> June, 2023.
- xv.) Report of the Auditor General on Financial Statements of Kisii County Loans and Mortgages Fund for the year ended 30<sup>th</sup> June, 2023.
- xvi.) Report of the Auditor General on Financial Statements of Kisii County Health Facilities Improvement Fund for the year ended 30<sup>th</sup> June, 2023.
- xvii.) Report of the Auditor General on Financial Statements of Demonstration Farm Fund Kisii for the year ended 30<sup>th</sup> June, 2023.
- xviii.) Report of the Auditor General on Financial Statements of the County Executive of Homa Bay for the year ended 30<sup>th</sup> June, 2023.
- xix.) Report of the Auditor General on Financial Statements of Municipality of Homa Bay for the year ended 30<sup>th</sup> June, 2023.
- xx.) Report of the Auditor General on Financial Statements of Nakuru County Emergency Fund for the year ended 30<sup>th</sup> June, 2023.
- xxi.) Report of the Auditor General on Financial Statements of Nakuru County Bursary Fund for the year ended 30<sup>th</sup> June, 2023.
- xxii.) Report of the Auditor General on Financial Statements of Laikipia County Business Stimulus Fund for the year ended 30<sup>th</sup> June, 2023.

- xxiii.) Report of the Auditor General on Financial Statements of Laikipia County Leasing Fund for the year ended 30<sup>th</sup> June, 2023.
- xxiv.) Report of the Auditor General on Financial Statements of the County Executive of Bungoma for the year ended 30<sup>th</sup> June, 2023.
- xxv.) Report of the Auditor General on Financial Statements of the County Assembly of Bungoma for the year ended 30<sup>th</sup> June, 2023.
- xxvi.) Report of the Auditor General on Financial Statements of the Bungoma County Assembly Members' Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2023.
- xxvii.) Report of the Auditor General on Financial Statements of Bungoma County Persons With Disabilities Empowerment Fund for the year ended 30<sup>th</sup> June, 2023.
- xxviii.) Report of the Auditor General on Financial Statements of Bungoma County Disaster Management and Emergency Fund for the year ended 30<sup>th</sup> June, 2023.
- xxix.) Report of the Auditor General on Financial Statements of the County Government of Bungoma – County Revenue Fund for the year ended 30<sup>th</sup> June, 2023.
- xxx.) Report of the Auditor General on Financial Statements of the County Executive of Busia for the year ended 30<sup>th</sup> June, 2023.
- xxxi.) Report of the Auditor General on Financial Statements of the County Assembly of Busia for the year ended 30<sup>th</sup> June, 2023.
- xxxii.) Report of the Auditor General on Financial Statements of the Busia County Assembly Revolving Fund of for the year ended 30<sup>th</sup> June, 2023.
- xxxiii.) Report of the Auditor General on Financial Statements of the County Government of Busia Receiver of Revenue for the year ended 30<sup>th</sup> June, 2023.
- xxxiv.) Report of the Auditor General on Financial Statements of Busia County Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June, 2023.
- xxxv.) Report of the Auditor General on Financial Statements of Busia County Trade Development Revolving Fund for the year ended 30<sup>th</sup> June, 2023.
- xxxvi.) Report of the Auditor General on Financial Statements of Busia County Health Services Fund for the year ended 30<sup>th</sup> June, 2023.

*(The Senate Majority Leader)*

xxxvii.) Report on the Inaugural High-Level Joint Session of the Council of Governors (CoG) and the Senate held from 15<sup>th</sup> – 18<sup>th</sup> June, 2023, in Naivasha, Nakuru County.

*(Sen. Mwinyihaji Mohamed Faki, MP on behalf of Sen. Ali Roba, MP)*

xxxviii.) Report of Proceedings and Resolutions of the Inaugural Biennial Devolution Conference held from 15<sup>th</sup> – 19<sup>th</sup> August, 2023 in Eldoret, Uasin Gishu County.

*(Sen. Samson Cherakey, MP on behalf of Sen. Moses Kajwang', MP)*

xxxix.) The County Governments (Additional Allocations) Cash Disbursement Schedule for the Financial Year 2023/2024.

*(Sen. Mwinyihaji Mohamed Faki, MP on behalf of the Chairperson, Standing Committee on Finance and Budget)*

xl.) Report of the Standing Committee on Finance and Budget on a Petition to the Senate by CCP. Mokaya Magembe Benard, regarding regulation of the financial credit profession.

*(The Chairperson, Standing Committee on Finance and Budget)*

**8. NOTICE OF MOTION – APPROVAL OF CONDITIONAL GRANT FOR THE CONSTRUCTION OF MOMBASA MUNICIPAL STADIUM**

(Sen. Mwinyihaji Mohamed Faki, MP)

THAT AWARE THAT Part 2 of the Fourth Schedule to the Constitution of Kenya obligates County Governments with the responsibility to develop, establish, manage, and maintain sports and cultural facilities which include stadiums, sports arenas, cultural centers, and other related infrastructure;

NOTING THAT the entire Coastal Region of the country lacks a modern stadium built to international standards, thereby depriving the people of the benefits that come with stadia and sports facilities;

CONCERNED THAT the construction of the Mombasa Municipal Stadium has encountered delays and setbacks since the inception of the project in 2019 due to financial constraints, which has since been halted depriving the community of the much-needed facility;

NOW, THEREFORE, the Senate resolves that the National Treasury and the Ministry of Youth Affairs, Creative Economy and Sports allocates a conditional grant to the County Government of Mombasa amounting to 1.7 billion Kenya Shillings for the completion of the Mombasa Municipal Stadium.

**9. QUESTIONS AND STATEMENTS****a) Statements pursuant to Standing Order 52(1)**

- i) Nominated Senator (Sen. Hezema Lemaletian, MP) made a Statement regarding the efforts made to address waste management through the development and implementation of a vibrant circular economy.

In the Statement, the Senator highlighted that Kenya generates over 8 million metric tonnes of waste annually. As such, the Senator emphasized the need for adoption of a circular economy to mitigate against waste, whose benefits included reducing waste and carbon emissions by extending the lifecycle of products through reuse, repair, and recycling.

The Senator called for equitable distribution of the circular economy's benefits, stressing the importance of gender and demographic analysis in the value chain to identify and address any accessibility disparities. The Senator advocated for decentralizing the circular economy to the grassroots level to empower communities, enhance local economic development, and environmental responsibility.

Furthermore, the Senator proposed diversifying industrial production plants to create a resilient and sustainable circular economy, contributing to job creation and economic growth. The integration of waste management processes at the local level was recommended to reduce transportation costs, minimize environmental impact, and maximize resource utilization.

In conclusion, the Senator advocated for a bottom-up approach for advancing the circular economy from the village to the county level, impressing upon the role of community engagement and local resources in achieving a sustainable and inclusive economic model that is aligned to Kenya's national development goals.

- ii) The Senator for Turkana County (Sen. James Lomenen Ekomwa, MP) made a Statement concerning the urgent need to improve water transportation services in Lake Turkana in order to enhance trade and connectivity.

In the Statement, the Senator addressed the need for enhanced water transportation in Lake Turkana to boost trade and connectivity. The Senator highlighted the challenges faced by residents living within the Lake Turkana basin due to inadequate marine transport facilities. The Senator highlighted that due to insufficient marine transport in Lake Turkana, the potential for economic exchange was largely untapped.

The Senator decried the disparity in marine infrastructure development between Lake Turkana and Lake Victoria. He stated that the lack of adequate water transportation in Lake Turkana had resulted in limited market access, community isolation, hindered economic growth, and safety concerns due to the reliance on makeshift watercraft.

The Senator advocated for the Government of Kenya to prioritize the development of robust water transportation infrastructure in Lake Turkana, including acquisition of suitable vessels for large-scale goods and passenger transport. This development would in turn unlock the lake's economic potential, enhancing trade and connectivity, and fostering socio-economic development in the region.

- iii) Statement regarding the ruling of the Environment and Land Court on a petition concerning the boundary of Keroka town by the Senator for Nyamira County (Sen. Okong'o Mogeni, SC, MP) was **dropped** in the absence of the Senator.

**b) Request for Statements pursuant to Standing Order 53(1)**

- i) The Senator for Turkana County (Sen. James Lomenen Ekomwa, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding land acquisition process occasioned by the Lamu Port- South Sudan-Ethiopia-Transport (LAPSSET) project in Turkana County.
- ii) The Senator for Turkana County (Sen. James Lomenen Ekomwa, MP) sought a Statement from the Standing Committee on Energy regarding the operationalization of the Rural Electrification and Renewable Energy Cooperation (REREC) projects in Turkana County.
- iii) The Senator for Bungoma County (Sen. David Wakoli, MP) sought a Statement from the Standing Committee on Health regarding the assessment of policy on the availability and supply of medical oxygen in Kenya.
- iv) The Senator for Bungoma County (Sen. David Wakoli, MP) sought a Statement from the Standing Committee on Labour and Social Welfare concerning the policy for deployment of staff serving in Huduma Centres in counties.
- v) The Senator for Bungoma County (Sen. David Wakoli, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the shortage of suitable maize seed varieties for farmers in Bungoma County.

- vi) Nominated Senator (Sen. Gloria Orwoba, MP) sought a Statement from the Standing Committee on Health regarding the inadequate bed capacity at Mbagathi and Mama Lucy Hospitals in Nairobi City County.
- vii) Nominated Senator (Sen. Raphael Chimera, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the air accident involving Safari Link Aviation Limited and Ninety-Nines Flying School aircraft.
- viii) Nominated Senator (Sen. Raphael Chimera, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources concerning the impending shutdown of Base Titanium Limited in Kwale County.
- ix) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the distribution of subsidized fertilizer to farmers in the North Rift and other parts of the country.
- x) The Senator for Narok County (Sen. Ledama Olekina, MP) sought a Statement from the Standing Committee on Finance and Budget regarding budget formulation, execution and utilization in the counties.
- xi) The Senator for Uasin Gishu County (Sen. Jackson Mandago, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the production of the new generation vehicle number plates at the Kenya Prison Industries.
- xii) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a Statement from the Standing Committee on Finance and Budget regarding the utilization of emergency relief funds in Isiolo County.

10. **MOTION - REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE 2024 MEDIUM TERM DEBT MANAGEMENT STRATEGY**

Order read;

Motion made and Question proposed;

THAT, the Senate, adopts the Report of the Standing Committee on Finance and Budget on the 2024 Medium Term Debt Management Strategy, laid on the Table of the Senate on Thursday, 7<sup>th</sup> March, 2024.

*(Sen. Mwinyihaji Mohamed Faki, MP, on behalf of the Chairperson, Standing Committee on Finance and Budget)*

Debate arising;

And the time being thirty minutes past Six 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.

11. 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, 20<sup>th</sup> March, 2024 at 9:30 a.m.*

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