



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 20, 2024 (AFTERNOON SITTING)

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 Hon. 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. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

a) Visiting delegation from the County Assembly of Makueni

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of a visiting delegation from the County Assembly of Makueni comprising Members of the County Assembly Business Committee and its Secretariat, who are on a courtesy call.

Honourable Senators,

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

- | | | |
|-----------------------|---|--------------------------------|
| 1. Hon. Douglas Mbilu | - | Speaker of the County Assembly |
| 2. Hon. Kyalo Mumo | - | Leader of the Majority Party |
| 3. Hon. Jades Kalunda | - | Leader of the Minority Party |

4. Hon. Francis Munyao	-	Deputy Leader of the Majority Party
5. Hon. Meshack Kalii	-	Minority Party Whip
6. Hon. Joseph Muema	-	Member, Speaker's Panel
7. Hon. Josephine Muasa	-	Member
8. Hon. Janet Kitunga	-	Member
9. Mr. Kevin Mutuku	-	Clerk of the County Assembly
10. Mr. Robert Musyoka	-	Deputy Clerk, Legislation and Procedure
11. Mr. Faustine Mutuku	-	Deputy Clerk, Administration
12. Ms. Esther Musau	-	Director, Legislative Services
13. Mr. William Owuor	-	Principal Research Officer
14. Mr. Meshack Kyenze	-	Principal Public Relations and Communications Officer
15. Mr. Stephen Malu	-	Table Office Officer
16. Ms. Felistus Matheka	-	Commissionaire

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

I thank you.”

b) Visiting teachers and students from Kiurani Boys High School in Tharaka Nithi County

“Honourable Senators,

In the Public gallery, we have one hundred and forty-eight (148) form four students and five (5) teachers from Kiurani Boys’ High School in Tharaka Nithi County, who are undertaking a one-day education visit in the Senate.

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.”

c) Visiting Student Leaders from Kenyatta University School of Law in Nairobi City County

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of visiting Student Leaders from the Kenyatta University School of Law in Nairobi City County. The delegation comprises eleven (11) students who are in the Senate for a one-day academic exposition.

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. **PAPERS LAID**

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

- i.) The Social Health Insurance (Tribunal Procedure) Rules (Legal Notice No. 48 of 2024)
- ii.) The Social Health Insurance Regulations (Legal Notice No. 49 of 2024)
- iii.) Report of the Auditor General on Financial Statements of Kisii Municipality for the year ended 30th June, 2022.
- iv.) Report of the Auditor General on Financial Statements of Kisii Municipality for the year ended 30th June, 2023.
- v.) Report of the Auditor General on Financial Statements of the County Government of Kisii – County Revenue Fund for the year ended 30th June, 2023.
- vi.) Report of the Auditor General on Financial Statements of Tetu Aberdare Water and Sanitation Company Limited for the year ended 30th June, 2023.
- vii.) Report of the Auditor General on Financial Statements of Naromoru Water and Sanitation Company Limited for the year ended 30th June, 2023.
- viii.) Report of the Auditor General on Financial Statements of Bungoma County Trade Development Loans Fund for the year ended 30th June, 2023.
- ix.) Report of the Auditor General on Financial Statements of Bungoma County Education Support Scheme for the year ended 30th June, 2023.
- x.) Report of the Auditor General on Financial Statements of Bungoma County Youth and Women Empowerment Fund for the year ended 30th June, 2023.

- xi.) Report of the Auditor General on Financial Statements of the County Government of Bungoma – Receiver of Revenue for the year ended 30th June, 2023.
- xii.) Report of the Auditor General on Financial Statements of County Executive of Nairobi City for the year ended 30th June, 2023.
- xiii.) Report of the Auditor General on Financial Statements of County Assembly of Nairobi City for the year ended 30th June, 2023.
- xiv.) Report of the Auditor General on Financial Statements of Municipality of Murang'a for the year ended 30th June, 2023.
- xv.) Report of the Auditor General on Financial Statements of Murang'a West Water and Sanitation Company Limited for the year ended 30th June, 2023.
- xvi.) Report of the Auditor General on Financial Statements of Municipality of Awendo for the year ended 30th June, 2023.
- xvii.) Report of the Auditor General on Financial Statements of Migori County Ward Development Fund for the year ended 30th June, 2023.
- xviii.) Report of the Auditor General on Financial Statements of Vihiga County Trade and Enterprise Fund for the year ended 30th June, 2023.
- xix.) Report of the Auditor General on Financial Statements of the County Government of Vihiga – County Revenue Fund for the year ended 30th June, 2023.
- xx.) Report of the Auditor General on Financial Statements of Vihiga County Assembly Members and Staff Mortgage and Car Loans Scheme Fund for the year ended 30th June, 2023.
- xxi.) Report of the Auditor General on Financial Statements of Homa Bay County Executive Car Loan and Mortgage (Members) Scheme Fund for the year ended 30th June, 2023.
- xxii.) Report of the Auditor General on Financial Statements of Homa Bay County Assembly for the year ended 30th June, 2023.
- xxiii.) Report of the Auditor General on Financial Statements of Homa Bay County Education Bursary Fund for the year ended 30th June, 2023.

- xxiv.) Report of the Auditor General on Financial Statements of the County Government of Homa Bay - Homa Bay County Alcoholic Drinks Control Fund for the year ended 30th June, 2023.
- xxv.) Report of the Auditor General on Financial Statements of Homa Bay County Emergency Fund for the year ended 30th June, 2023.
- xxvi.) Report of the Auditor General on Financial Statements of the County Government of Homa Bay – Receiver of Revenue for the year ended 30th June, 2023.
- xxvii.) Report of the Auditor General on Financial Statements of the County Executive of Bomet for the year ended 30th June, 2023.
- xxviii.) Report of the Auditor General on Financial Statements of the County Assembly of Bomet for the year ended 30th June, 2023.
- xxix.) Report of the Auditor General on Financial Statements of Bomet County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.
- xxx.) Report of the Auditor General on Financial Statements of the County Government of Bomet – Receiver of Revenue for the year ended 30th June, 2023.
- xxxi.) Report of the Auditor General on Financial Statements of the County Executive of Kiambu for the year ended 30th June, 2023.
- xxxii.) Report of the Auditor General on Financial Statements of the County Assembly of Kiambu for the year ended 30th June, 2023.
- xxxiii.) Report of the Auditor General on Financial Statements of the County Government of Samburu – County Revenue Fund for the year ended 30th June, 2023.
- xxxiv.) Report of the Auditor General on Financial Statements of Samburu County Assembly Staff Mortgage Scheme Fund for the year ended 30th June, 2023.
- xxxv.) Report of the Auditor General on Financial Statement of Samburu Water and Sanitation Company Limited for the year ended 30th June, 2023.
- xxxvi.) Report of the Auditor General on Financial Statements of Siaya County Assembly Car Loan and Mortgage Fund for the year ended 30th June, 2023.

xxxvii.) Report of the Auditor General on Financial Statements of the County Government of Siaya – Receiver of Revenue for the year ended 30th June, 2023.

xxxviii.) Report of the Auditor General on Financial Statements of the County Assembly of Siaya for the year ended 30th June, 2023.

xxxix.) Report of the Auditor General on Financial Statements of Embu Municipality for the year ended 30th June, 2023.

xl.) Report of the Auditor General on Financial Statements of the Municipality of Kathwana for the year ended 30th June, 2023.

xli.) Report of the Auditor General on Financial Statements of Mandera Municipality for the year ended 30th June, 2023.

xlii.) Report of the Auditor General on Financial Statements of Elwak Municipality – County Government of Mandera for the year ended 30th June, 2023.

(Sen. John Kinyua, MP on behalf of the Senate Majority Leader)

xlili.) Report of the Standing Committee on Finance and Budget on the County Governments (Additional Allocations) Cash Disbursement Schedule for the Financial Year 2023/2024.

(Vice Chairperson, Standing Committee on Finance and Budget)

6. **NOTICE OF MOTION - REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENT (ADDITIONAL ALLOCATIONS) CASH DISBURSEMENT SCHEDULE FOR FINANCIAL YEAR 2023/2024**

(Vice Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments (Additional Allocations) Cash Disbursement Schedule for the Financial Year 2023/2024, laid on the Table of the Senate on Wednesday 20th March, 2024 and that, pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 189 (3), the Senate approves the County Governments (Additional Allocations) Cash Disbursement Schedule for the Financial Year 2023/2024.

7. **NOTICE OF MOTION - EXTENSION OF TIME FOR CONSIDERATION OF THE SACCO SOCIETIES (NON-DEPOSIT TAKING LEVY) ORDER, 2023 LEGAL NOTICE NO. 178 OF 2023**

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

THAT, AWARE THAT the Sacco Societies (Non-Deposit Taking Levy) Order, 2023 Legal Notice No. 178 of 2023 were tabled in the Senate on 15th November, 2023 and referred to the Select Committee on Delegated Legislation for consideration;

RECOGNIZING THAT this Order relates to imposition of a levy on non-deposit taking sacco societies;

COGNIZANT THAT Section 5 of the Statutory Instruments Act (Cap 2A, Laws of Kenya) requires that before a regulation making authority makes a statutory instrument that has a direct or substantial indirect effect on business, the regulation making authority must make appropriate consultations with persons likely to be affected by the proposed instrument;

REALIZING THAT the 28 sitting days timeline for consideration of the Regulations lapses on Thursday, 21st March, 2024, and yet the Committee has not been able to complete its work within the duration;

NOW THEREFORE, the Senate resolves to extend the timeline for the consideration of the Sacco Societies (Non-Deposit Taking Levy Order), 2023 (Legal Notice No. 178 of 2023) by a further twenty-one days pursuant to section 15(3) of the Statutory Instruments Act to enable the Committee consider the regulations and engage with all stakeholders and make its determination on or before Thursday, 11th April, 2024.

8. **QUESTIONS AND STATEMENTS**

a) Statement pursuant to Standing Order 52(1)

The Senator for Mombasa County (Sen. Mohamed Faki Mwinyihaji, MP) made a statement on a matter of national importance regarding the escalating incidents of road accidents in the country, which has led to an alarming number of deaths and injuries among citizens.

Thereupon, the Senator pointed out with concern that the statistics on road accidents were sobering indicating a distressing increase in the number of fatalities and regretted that most of those fatalities were men, particularly those aged 30-34, representing a significant drain on the country's potential.

The Senator also pointed out that the pattern of the tragic incidents reveal that the majority of accidents occur during weekends and holidays, with the period from 5:00 PM to 8:00 AM being particularly dangerous and that drunk driving and reckless behaviour on the roads were the primary contributors, with vulnerable groups, especially pedestrians, motorcyclists and cyclists, bearing the brunt of the crisis.

The Senator nonetheless commended the government's partnership with St. John's Ambulance to establish Emergency Trauma Centres, which are crucial in providing immediate care to accident victims, thereby reducing fatalities and serious injuries and urged the Standing Committee on Health to liaise with the Council of Governors to extended the reach of that initiative in different counties.

The Senator, in conclusion, urged all stakeholders to unite in addressing the urgent issue and ensure that the road safety measures are robust and effective in preserving the lives and well-being of the citizens.

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

- i.) The Senator for Meru County (Sen. Kathuri Murungi, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the abduction, torture and execution of Meru-based political blogger Daniel Muthiani Benard a.k.a Sniper.
- ii.) The Senator for Laikipia County (Sen. John Kinyua, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the status of upgrading Nanyuki – Mutara – Rumuruti and Mutara – Gwaku roads in Nanyuki County.
- iii.) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding fees introduced by the Human Resource Management Professionals Examinations Board (HRMPEB).
- iv.) The Senator for Kilifi County (Sen. Justice (Rtd.) Stewart Madzayo, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the environmental degradation and pollution at Jaribuni iron ore mining area in Kilifi County.
- v.) Request for Statement by the Senator for Embu County (Sen. Alexander Mundigi, MP) from the Standing Committee on Energy regarding the alleged disproportionate expenditure of Corporate Social Responsibility (CSR) funds by the Kenya Power and Lighting Company (KPLC) in Embu County was deferred on request of the Senator.
- vi.) Request for Statement by the Senator for Embu County (Sen. Alexander Mundigi, MP) from the Standing Committee on Agriculture, Livestock and Fisheries regarding the purchase of cereals by National Cereals and Produce Board (NCPB) from the farmers in Embu County was deferred on request of the Senator.
- vii.) Request for Statement by the Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) from the Standing Committee on Education regarding the provision of medical insurance coverage for teachers in Taita Taveta County was dropped in the absence of the Senator.
- viii.) Request for Statement by the Senator for Bungoma County (Sen. David Wakoli, MP) from the Standing Committee on Devolution and

Intergovernmental Relations regarding the state of markets in Bungoma County was dropped in the absence of the Senator.

- ix.) Request for Statement by the Senator for Bungoma County (Sen. David Wakoli, MP) from the Standing Committee on Labour and Social Welfare concerning safety guidelines at Rai Paper Mills formerly the Pan-African Paper Mills, in Webuye, Bungoma County was dropped in the absence of the Senator.
- x.) Request for Statement by Nominated Senator (Sen. Raphael Chimera, MP) from the Standing Committee on Land, Environment and Natural Resources regarding land adjudication challenges and the plight of squatters at Lunga Lunga Ranch in Kwale County was dropped in the absence of the Senator.

9. **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, 7th March, 2024.

(The Chairperson, Standing Committee on Finance and Budget – 19.03.2024)

Debate interrupted on 19th March, 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 (3).

And the Temporary Speaker (Sen. Wakili Hillary Sigei, MP), acceding to the request, nominated Thursday, 21st March, 2024, as the day when the Question shall be put.

10. **THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed -

THAT, the County Boundaries Bill (Senate Bills No. 6 of 2023) be now read a Second Time.

(Sen. Moses Kajwang', – 05.03.2024)

Debate interrupted on Tuesday, 5th March, 2024 resumed;

And the time being thirty minutes past six O'clock, 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.

MEMORANDUM

*The Speaker will take the Chair on
Thursday, March 21, 2024 at 2:30 p.m.*