



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, APRIL 17, 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 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. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair:-

i. Visiting delegation from the Parliament of Zambia

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of a visiting delegation from the Parliament of Zambia comprising Members of the Committee on Health, Community Development and Social Services and its Secretariat. The delegation is undertaking a benchmarking visit in the Senate.

Honourable Senators,

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

Hon. (Dr.) Christopher Kalila	-	Leader of Delegation
Hon. Marjorie Nakaponda	-	Member
Hon. Masautso Tembo	-	Member
Hon. Monty Chinkuli	-	Member
Hon. Alex Katawe	-	Member
Hon. Leevan Chibombwe	-	Member
Hon. Paul Chala	-	Member
Hon. Joseph S. Munsanje	-	Member
Hon. Heartson Mabeta	-	Member
Hon. Miles Sampa	-	Member
Ms. Betty Zulu	-	Senior Committee Clerk/ Secretary to the Delegation.

Honourable Senators,

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to the delegation and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

ii. Students from the Starehe Boys’ Centre and School under the school’s Voluntary Service Scheme (VSS)

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of students from the Starehe Boys’ Centre and School, who are undertaking a two (2) week service in the Senate under the school’s Voluntary Service Scheme (VSS).

I request the students to stand when called out so that they may be acknowledged in the Senate tradition:

Kisito Mulema	-	Form 5
Simion Sinkeet	-	Form 5
Anderson Murithi	-	Form 4
Emmanuel Baraka	-	Form 4
Davin Ngugi	-	Form 4
Benjamin Wafula	-	Form 4
Zephania Enyaman	-	Form 4
Ezekiel Idambira	-	Form 3

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.”

iii. Visiting delegation from the County Assembly of Kisumu

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of a delegation from the County Assembly of Kisumu comprising Members of the House Business Committee and its Secretariat. The delegation is undertaking benchmarking visit in the Senate.

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

Hon. Elisha Jack Oraro	-	Speaker of the County Assembly/Chairperson
Hon. Okombo Nereah Akoth	-	Deputy Speaker/Chairperson
Hon. Lumumba Patrick Owade	-	Deputy Leader of Majority
Hon. Okumu Seth Ogutu	-	First Panelist
Hon. Odhiambo Carren Ajwang’	-	Third Panelist
Hon. Alandoh Eunice	-	Member
Mr. Owen Eliud Ojuok	-	Clerk of the Assembly
Ms. Angelyne Adams Obonyop	-	Clerk Assistant
Ms. Jessica Otieno	-	Hansard Reporter
Ms. Faith Atieno	-	Serjeant-At-Arms

Honourable Senators,

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to the delegation and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

iv. Official opening of the Bunge Tower by His Excellency the President

“Honourable Senators,

As you may recall, yesterday, Tuesday 16th April, 2024, I informed the Senate that the Parliamentary Service Commission had expedited the completion of the Bunge Tower with a view to having the building ready for occupation by Members of Parliament. I am pleased to inform Honourable Senators that significant progress in the completion of the Tower has been made and that the offices are ready for occupation.

In line with my Communication referred to above, the Office of the Clerk of the Senate issued a circular in the evening of Tuesday, 16th April, 2024, highlighting the office number and the physical location of

the offices allocated to each Senator, following the order of precedence as set out in Standing Order 3 (2) of the Senate Standing Orders. Any Senator who is ready to move into their office is required to liaise with the Office of the Chief Serjeant - at - Arms for the necessary logistics for relocation.

Honourable Senators,

The journey of facilitating Members of Parliament with adequate facilities has been a long one. Honourable Senators will recall that the plenary meetings and the premises of the precursor to the Legislature as we know it today, the Legislative Council, were held in prefabricated structures, at what is now the Kenya Railways buildings, more than a century ago. For many years, Members of Parliament did not have offices from which to undertake their parliamentary work.

During the term of the 11th Parliament (2013 – 2017), the initial plenary sittings, committee meetings and office spaces for the Senate in 2013 and in 2014 were held on leased premises at the Kenyatta International Convention Centre (KICC). Members of Parliament who were unlucky to get office space within Parliament Buildings or at KICC were facilitated by the Parliamentary Service Commission to rent office spaces outside the precincts of Parliament. This meant that a significant number of Members had offices in different locations within the city, thereby making it difficult for Members to effectively attend Plenary sittings and Committee meetings.

Honourable Senators,

Appreciating the journey leading to the completion of the Bunge Tower, His Excellency (Dr.) William Samoei Ruto, CGH, President of the Republic of Kenya and Commander-in-Chief of the Kenya Defence Forces has acceded to the request of the Parliamentary Service Commission, to officially open the Tower on Friday, 19th April, 2024. The opening of this building will mark a monumental leap in the history of Parliament, by ensuring that Members of Parliament are provided with the necessary facilities to effectively discharge the Constitutional roles of legislation, representation, and oversight.

On behalf of the Parliamentary Service Commission, and on my own behalf, I take this opportunity to invite all Honourable Senators to the official opening of the Bunge Tower by His Excellency the President on Friday, 19th April, 2024, at the forecourt of the Tower. The programme of events will commence at 9.00 am. Honourable Senators are requested to be seated by 8.30am.

I thank you!"

5. **MESSAGE FROM THE NATIONAL ASSEMBLY - PASSAGE, BY THE NATIONAL ASSEMBLY, OF THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 40 OF 2022).**

The Speaker conveyed the following Message from the National Assembly:

“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 passage by the National Assembly of the Land (Amendment) Bill (National Assembly Bills No. 40 of 2022).

The Message, dated Friday, 12th April, 2024, was received on Monday, 15th April, 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 Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS, the Land (Amendment) Bill (National Assembly Bill No. 40 of 2022) was published vide Kenya Gazette Supplement No. 165 on 28th October, 2022 as a Bill seeking to amend the Land Act No. 6 of 2012 to provide that where public land has been allocated to a public body or public institution by the National Land Commission for a public purpose, the Registrar of Lands under the Land Registration Act, 2012 shall issue a certificate of title in the name of the public body, public institution, the relevant ministry or county government as the case may be so as to secure public land;

AND WHEREAS, on 20th March, 2024, the National Assembly considered the said Bill and passed it without amendments and in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) 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 that 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 the Land (Amendment) Bill (National Assembly Bills No. 40 of 2022) a First Time.

I thank you.”

6. PETITION

Pursuant to Standing Order 236 (2) (b), the Speaker reported to the Senate a Petition by Mr. David Rono Kibuiywo and four others regarding compensation of residents of Elgeyo Marakwet County affected by the construction of Kamwosor – Nyaru road in Keiyo South.

The Speaker committed the Petition to the Standing Committee on Roads, Transportation and Housing for consideration Pursuant to Standing Order 238.

7. PAPERS LAID

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

- i.) The Fisheries Management and Development (Beach Management Units) Regulations, Legal Notice No. 49 of 2024.
- ii.) The Fisheries Management and Development (Inland Fisheries) Regulations, Legal Notice No. 50 of 2024.
- iii.) The Fisheries Management and Development (Recreational Fisheries) Regulations, Legal Notice No. 51 of 2024.
- iv.) The Fisheries Management and Development (General) Regulations, Legal Notice No. 54 of 2024.
- v.) The Fisheries Management and Development (Safety and Quality) Regulations, Legal Notice No. 55 of 2024.
- vi.) The Fisheries Management and Development (Aquaculture) Regulations, Legal Notice No. 56 of 2024.
- vii.) Report of the Auditor General on Financial Statements of Marsabit Water and Sewerage Company Limited for the year ended 30th June, 2019.
- viii.) Report of the Auditor General on Financial Statements of Marsabit Water and Sewerage Company Limited for the year ended 30th June, 2020.
- ix.) Report of the Auditor General on Financial Statements of Marsabit Water and Sewerage Company Limited for the year ended 30th June, 2021.
- x.) Report of the Auditor General on Financial Statements of Marsabit County Enterprise Fund for the year ended 30th June, 2021.

- xi.) Report of the Auditor General on Financial Statements on Marsabit County Enterprise Fund for the year ended 30th June, 2022.
- xii.) Report of the Auditor General on Financial Statements of Marsabit Water and Sewerage Company Limited for the year ended 30th June, 2022.
- xiii.) Report of the Auditor General on Financial Statements of the County Executive of Marsabit for the year ended 30th June, 2023.
- xiv.) Report of the Auditor General on Financial Statements of the County Assembly of Marsabit the year ended 30th June, 2023.
- xv.) Report of the Auditor General on Financial Statements of Marsabit County Assembly Car Loan and Mortgage Fund for the year ended 30th June, 2023.
- xvi.) Report of the Auditor General on Financial Statements of Marsabit County Emergency Fund for the year ended 30th June, 2023.
- xvii.) Report of the Auditor General on Financial Statements of the County Revenue Fund - County Government of Marsabit, for the year ended 30th June, 2023.
- xviii.) Report of the Auditor General on Financial Statements of the Receiver of Revenue – County Government of Marsabit, for the year ended 30th June, 2023.
- xix.) Report of the Auditor General on Financial Statements of Marsabit Water and Sewerage Company Limited for the year ended 30th June, 2023.
- xx.) Report of the Auditor General on Financial Statements of Marsabit County Education Fund for the year ended 30th June, 2023.
- xxi.) Report of the Auditor General on Financial Statements of the County Government of Marsabit Car Loan Scheme Fund the year ended 30th June, 2023.
- xxii.) Report of the Auditor General on Financial Statements of Marsabit County Enterprise Fund for the year ended 30th June, 2023.
- xxiii.) Report of the Auditor General on Financial Statements of Marsabit County Assembly Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.
- xxiv.) Report of the Auditor General on Financial Statements of Londiani Sub-County Level 4 Hospital for the year ended 30th June, 2022.

- xxv.) Report of the Auditor General on Financial Statements of Vihiga County Executive Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.
- xxvi.) Report of the Auditor General on Financial Statements of Vihiga Municipal Board the year ended 30th June, 2023.
- xxvii.) Report of the Auditor General on Financial Statements of Homa Bay County Assembly Car and Mortgage Loan Fund for the year ended 30th June, 2023.
- xxviii.) Report of the Auditor General on Financial Statements of Embu County Emergency Fund for the year ended 30th June, 2023.
- xxix.) Report of the Auditor General on Financial Statements of Ngandori-Nginda Water Consumers Association the year ended 30th June, 2023.
- xxx.) Report of the Auditor General on Financial Statements of Nithi Water and Sanitation Company Limited for the year ended 30th June, 2023.
- xxxi.) Report of the Auditor General on Financial Statements of the County Assembly of Kakamega for the year ended 30th June, 2023.
- xxxii.) Report of the Auditor General on Financial Statements of Siaya County Alcoholic Drinks Control Fund for the year ended 30th June, 2023.
- xxxiii.) Report of the Auditor General on Financial Statements of Kapsabet Nandi Water and Sanitation Company Limited the year ended 30th June, 2023.
- xxxiv.) Report of the Auditor General on Financial Statements of Kisumu Urban Project (Project Advance Account) – CKE 1035.01.G – County Government of Kisumu for the year ended 30th June, 2023.
- xxxv.) Report of the Auditor General on Financial Statements of Kisumu Urban Project (Cash Expenditure Fund) – CKE 1035.01.G – County Government of Kisumu for the year ended 30th June, 2023.
- xxxvi.) Report of the Auditor General on the Kenya Health Sector Programme Support III (CANIDA REF:104 KENYA 810.300-GRANT) – County Government of Kisii for the year ended 30th June, 2023.
- xxxvii.) Report of the Auditor General on Nairobi Sanitation Output Based Aid (OBA) Project IDA Grant No.TF014251 and No.TF0A5607) – Nairobi City Water and Sewerage Company Limited for the year ended 30th June, 2023.

xxxviii.) Report of the Auditor General on Busia Port Victoria Household Sanitation Project Grant/Credit No.02HS/LVWVDA/Busia/054 – Busia Water and Sewerage Services Company Limited for the year ended 30th June, 2023.

(The Senate Majority Leader)

8. **NOTICE OF MOTION – ADJOURNMENT OF THE SENATE PURSUANT TO STANDING ORDER 37(1) TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE REGARDING THE ON-GOING STRIKE BY MEDICAL PERSONNEL IN THE COUNTRY.**

Rising in her place, pursuant to Standing Order 37(1), Nominated Senator (Sen. Catherine Mumma, MP) sought leave to move a Motion for the adjournment of the Senate for the purpose of discussing a definite matter of urgent national importance regarding the on-going strike by medical personnel in the country.

And there being the requisite number of Senators rising in support of the claim;

The Speaker nominated thirty minutes past five O'clock as the time when the Motion would be moved.

9. **QUESTIONS AND STATEMENTS**

a) Statements Pursuant to Standing Order 53 (1)

- i) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a Statement from the Standing Committee on Education regarding the welfare of teachers employed by the Teachers Service Commission (TSC) on fixed term contracts.
- ii) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a Statement from the Standing Committee on Health regarding the on-going strike by medical personnel in the country.
- iii) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the dumping of nuclear waste in the North-Eastern region of Kenya by multinational oil exploration companies in the 1980s.
- iv) Nominated Senator (Sen. Beth Syengo, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the status of construction of the Enziu River bridge.

- v) The Senator for Machakos County (Sen. Agnes Muthama Kavindu, MP) sought a Statement from the Standing Committee on Health regarding the outstanding bills owed to faith-based health facilities by the National Health Insurance Fund.
- vi) The Senator for Meru County (Sen. Kathuri Murungi, MP) sought a Statement from the Standing Committee on Trade, Industrialization and Tourism regarding the drastic reduction of *Miraa* prices and other issues affecting the *Miraa* sector.
- vii) Request for Statement by the Senator for Narok County (Sen. Ledama Olekina) from the Standing Committee on Finance and Budget concerning the status of Senators' statutory deductions and remittances was dropped in the absence of the Senator.

b) Statements Pursuant to Standing Order 56 (1) (b)

- i) The Chairperson, Standing Committee on Energy made a Statement relating to the activities of the Committee for the period January to March, 2024.
- ii) The Senate Majority Whip on behalf of the Chairperson, Standing Committee on Finance and Budget made a Statement relating to the activities of the Committee for the period January to March, 2024.
- iii) The Statement by the Chairperson, Standing Committee on Health relating to the activities of the Committee for the period January to March, 2024 was dropped in the absence of the Chairperson.

10. THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2024)

(The Senate Majority Leader)

Order for First Reading read;

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

11. THE ELECTION OFFENCES (AMENDMENT) BILL (SENATE BILLS NO. 9 OF 2024)

(The Senate Majority Leader and the Senate Minority Leader)

Order for First Reading read;

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

12. **THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 10 OF 2024)**

(The Senate Majority Leader and the Senate Minority Leader)

Order for First Reading read;

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

13. **THE ELECTIONS (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2024)**

(The Senate Majority Leader and the Senate Minority Leader)

Order for First Reading read;

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

14. **THE POLITICAL PARTIES (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2024)**

(The Senate Majority Leader and the Senate Minority Leader)

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 GAMBLING CONTROL BILL (NATIONAL ASSEMBLY BILLS NO. 70 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed -

THAT, the Gambling Control Bill (National Assembly Bills No. 70 of 2023) be now read a Second Time.

(The Senate Majority Leader)

Debate arising;

And the time being thirty minutes past five O'clock, the Deputy Speaker interrupted the debate.

16. **MOTION - ADJOURNMENT OF THE SENATE PURSUANT TO STANDING ORDER 37(1) TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE REGARDING THE ON-GOING STRIKE BY MEDICAL PERSONNEL IN THE COUNTRY.**

Motion made and Question proposed;

THAT, pursuant to Standing Order 37(1), the Senate do now adjourn to discuss a definite matter of urgent national importance regarding the on-going strike by medical personnel in the country.

(Sen. Catherine Mumma, MP)

Debate arising;

And there being no other Senator wishing to contribute;

The Temporary Speaker (Sen. Veronicah Maina, MP) adjourned the Senate at twenty-two minutes past six o'clock without Question put, pursuant to the Standing Orders.

17. **SENATE ROSE** – at twenty-two minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Thursday, April, 18, 2024 at 2:30 p.m.*

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