



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, FEBRUARY 23, 2023 AT 2.30 P.M.**

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Deputy Speaker.

3. **QUORUM IN THE HOUSE**

The Deputy Speaker, having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was no Quorum, caused the Bell to be rung for ten minutes pursuant to Standing Order 40;

And there being no Quorum at the expiry of ten minutes, he ordered the Bell to be rung for a further ten minutes;

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

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

4. **COMMUNICATIONS FROM THE CHAIR**

The Deputy Speaker conveyed the following Communications from the Chair: -

**i. Visiting teachers and students from Kahawa Garisson Secondary School, Nairobi City County**

“Honourable Senators,

In the public gallery, we have ninety two (92) students, accompanied by four (4) teachers from Kahawa Garisson Secondary School in Nairobi City County who are in the Senate on an education tour.

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!”

**ii. Visiting teachers and students from Sabis International School in Runda, Kiambu County**

“Honourable Senators,

In the public gallery, we have twenty two (22) students, accompanied by eight (8) teachers from Sabis International School in Runda, Kiambu County who are in the Senate on an education tour.

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.) Annual Report of the Parliamentary Service Commission for the financial year 2021/2022.

*(The Vice-Chairperson, Parliamentary Service Commission)*

- ii.) Report of the Parliament of Kenya Delegation to the 145<sup>th</sup> Assembly and Related meetings of the Inter-parliamentary Union (IPU), held from 11<sup>th</sup> to 15<sup>th</sup> October, 2022, in Kigali, Rwanda.

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

- iii.) Statement of the Business of the Senate for the week commencing Tuesday 28<sup>th</sup> February, 2023

*(The Senate Majority Leader)*

6. **NOTICE OF MOTION- DROUGHT MITIGATION PROGRAMME IN PUBLIC SCHOOLS**

(Sen. Enoch Wambua, MP)

THAT AWARE THAT, Kenya is experiencing the most intense, severe and alarming drought in forty (40) years, as a result of the failure of four consecutive rainy seasons, affecting more than twenty (20) counties in arid and semi-arid lands (ASAL);

FURTHER AWARE THAT, more than 4.2 million people representing 24% of the ASAL population are facing high levels of acute food insecurity, with about 2.7 million in crisis phase and 785,000 people in emergency state;

NOTING THAT, the national and county governments, both local and international development partners and philanthropists have made attempts to respond to the dire situation occasioned by the severe drought;

CONCERNED THAT, thousands of children did not attend school during the third term of the academic year 2022 and beginning of 2023 as a result of the ongoing drought;

NOW THEREFORE, the Senate urges: -

- i) the Ministry of East African Community (EAC), the ASALs and Regional Development to develop immediate and long-term interventions to alleviate the ravaging effects of drought and hunger periodically affecting the country and more severely the ASAL areas;
- ii) the Ministry of Education, in conjunction with the Council of Governors, to establish modalities to ensure no learners are sent away from schools due to lack of school fees to ensure that children from vulnerable families have access to education; and
- iii) the Ministry of Education, in conjunction with the Council of Governors to implement effective school feeding programmes to ensure that children from vulnerable families in drought-hit regions have access to at least one hot meal per day and that no child misses class due to lack of food.

7. **NOTICE OF MOTION- COMPENSATION TO KENYAN VICTIMS OF THE 1998 BOMBING OF THE UNITED STATES EMBASSY IN NAIROBI**

(Sen. Agnes Kavindu, MP)

THAT, AWARE THAT, disaster is defined as an overwhelming event and circumstance that tests the adaptation of responses of a community or individuals beyond their capability and leads momentarily to massive disruption of function for a community or individual that often exceeds their capacity to cope using existing resources;

FURTHER AWARE THAT, such was the case with the 1998 US Embassy Bomb

disaster in Nairobi in which many of the Kenyan casualties resulted from the collapse of adjacent buildings located within a two to three block radius, and with reverberations being felt in most parts of Nairobi that resulted in 213 Kenyans and 12 Americans killed and over 5000 citizens of both countries being seriously injured;

NOTING THAT, US Allies, including Kenya, have endured the great burden of death, and long-term and in many instances permanent, physical and psychological injury;

FURTHER NOTING THAT, the United States Government has since compensated some of the victims and families of US citizens, leaving the families of Kenyan citizens and certain other victims uncompensated;

NOW, THEREFORE, the Senate resolves that the Ministry of Foreign Affairs:

- i) Advances friendship and co-operation between the United States and Kenya by supporting the eligibility of Kenyan and American victims and their personal representatives, surviving spouses and next of kin in the Victim Compensation Fund pursuant to the Justice for United States Victims of State Sponsored Terrorism Act; and
- ii) Partners with the Ministry of Health to explore subsidized medical treatment for the surviving victims of the bomb blast.

8. **NOTICE OF MOTION- RECORD OF THE PROCEEDINGS OF THE FIRST ORDINARY SESSION OF THE SIXTH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT (PAP) HELD IN GALLAGHER CONVENTION CENTRE, MIDRAND, SOUTH AFRICA ON 23RD OCTOBER – 12TH NOVEMBER, 2022.**  
(Sen. Danson Mungatana, MP)

THAT, the Senate notes the Record of the Proceedings of the First Ordinary Session of the Sixth Parliament of the Pan-African Parliament (PAP) held in Gallagher Convention Centre, Midrand, South Africa on 23<sup>rd</sup> October – 12<sup>th</sup> November, 2022 laid on the Table of the Senate on Thursday, 16<sup>th</sup> February, 2023.

9. **NOTICE OF MOTION- REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 145TH ASSEMBLY AND RELATED MEETINGS OF THE INTERPARLIAMENTARY UNION (IPU), HELD FROM 11TH TO 15TH OCTOBER, 2022, IN KIGALI, RWANDA.**  
(Sen.(Dr.) Boni Khalwale, MP)

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 145<sup>th</sup> Assembly and Related meetings of the Interparliamentary Union (IPU), held from 11<sup>th</sup> to 15<sup>th</sup> October, 2022, in Kigali, Rwanda laid on the Table of the Senate on Thursday, 23<sup>rd</sup> February, 2023.

10. **STATEMENTS****a) Pursuant to Standing Order 53(1)**

- i.) The Senator for Kisumu County (Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding misuse of firearms by officers of the Kenya Wildlife Service in Kisumu county.
- ii.) The Senator for Kisumu County (Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning the status of construction of Koru-Soin dam.
- iii.) The Senator for Kisumu County (Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning threat to human life and destruction of farm crops by hippopotamuses in the paddy fields in West Kano Irrigation Scheme in Kisumu county.
- iv.) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) sought a statement from the Standing Committee Health concerning an alleged plan by the Ministry of Health to restrict health workers from seeking employment opportunities abroad.
- v.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a statement from the Standing Committee on Labour and Social Welfare concerning non-remittance of statutory deductions from the staff of the County Government of Marsabit to the Statutory bodies.
- vi.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Finance and Budget concerning the re-introduction of bank charges on mobile *wallets*.
- vii.) Nominated Senator (Sen. Hamida Kibwana, MP) sought a statement from the Standing Committee on Health on the crisis of unemployed Kenyan doctors and the influx of Cuban doctors in Kenya's healthcare system.
- viii.) Nominated Senator (Sen. Tabitha Mutinda, MP) sought a statement from the Standing Committee on Finance and Budget on allegations of fraudulent activities at various Kenyan banks.
- ix.) Nominated Senator (Sen. Crystal Asige, MP) sought a statement from the Standing Committee on Justice, Legal Affairs and Human Rights on the status of implementation of the Legal Aid Act No. 6 of 2016.

**b) Pursuant to Standing Order 57(1)**

The Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 28<sup>th</sup> February, 2023.

11. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENT ADDITIONAL ALLOCATION CASH DISBURSEMENT SCHEDULE FOR FINANCIAL YEAR 2022/2023**

Motion made and Question proposed-

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 2022/2023, laid on the Table of the Senate on Thursday, 16<sup>th</sup> February, 2023 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 2022/2023.

*(Chairperson, Standing Committee on Finance and Budget – 21.02.2023)*

Debate interrupted on Tuesday, 21<sup>st</sup> February, 2023 resumed on a Division;

Before the Question was put and pursuant to Standing Order 84(2), the Deputy Speaker ruled that the matter affects Counties and therefore, voting will be done by delegations;

The Deputy Speaker directed that a Roll Call voting be taken pursuant to Standing Order 88 (1), and that the Division Bell be rung for one minute;

After the expiry of one minute, the Deputy Speaker directed that the doors be locked and the bars drawn;

The names of the Tellers were announced as follows;

1. Ayes: Sen. Eddy Oketch Gicheru, MP
2. Noes: Sen. Raphael Chimera, MP

The Deputy Speaker put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

The results of the Division were as follows: -

AYES – 32

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan, Dullo Fatuma
2. Sen. Boy, Issa Juma
3. Sen. Cherarkey, Samson
4. Sen. Cheruiyot, Aaron Kipkirui
5. Sen. Chute, Mohamed Said
6. Sen. Haji, Abdul Mohammed
7. Sen. Kajwang', Moses Otieno
8. Sen. Kathuri, Murungi
9. Sen. Khalwale, Boni
10. Sen. Kipkiror, William Cheptumo
11. Sen. Kisang, William Kipkemoi
12. Sen. Lelegwe, Steve Ltumbesi
13. Sen. Maanzo, Daniel Kitonga
14. Sen. Madzayo, Stewart Mwachiru
15. Sen. Mandago, Jackson Kiplagat
16. Sen. Methu, John Muhia
17. Sen. Mogeni, Erick Okong'o
18. Sen. Mungatana, Danson Buya
19. Sen. Muthama, Agnes Kavindu
20. Sen. Mwaruma, Johnes Mwashushe
21. Sen. Ojienda, Odhiambo Tom
22. Sen. Oginga, Oburu
23. Sen. Oketch, Eddy Gicheru
24. Sen. Okoiti, Andrew Omtatah
25. Sen. Olekina, Ledama
26. Sen. Onyonka, Richard Momoima
27. Sen. Osotsi, Godfrey Atieno
28. Sen. Roba, Ali Ibrahim
29. Sen. Seki, Lenku Ole Kanar
30. Sen. Sifuna, Edwine Watanya
31. Sen. Wafula, David Wakoli
32. Sen. Wambua, Enoch Kiio

Question agreed to;

**RESOLVED ACCORDINGLY;**

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 2022/2023, laid on the Table of the Senate on Thursday, 16<sup>th</sup> February, 2023 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 2022/2023.

12. **THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 3 OF 2022)**  
(Sen. Moses Kajwang', MP)

*(Second Reading)*

Order for Second Reading read;

Order deferred.

13. **THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO. 5 OF 2022)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, The Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No. 5 of 2022) be now read a Second Time.

*(Sen. Danson Mungatana, MP)*

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) to defer putting of the Question to a later date;

And the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) acceding to the request, nominated Tuesday, 28<sup>th</sup> February, 2023 as the day when the Question shall be put.

14. **THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 6 OF 2022)**  
(Sen. Danson Mungatana, MP)

*(Second Reading)*

Order for Second Reading read;

Order deferred.

15. **THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 7 OF 2022)**  
(Sen. Danson Mungatana, MP)



*(Second Reading)*

Order for Second Reading read;

Order deferred.

16. **MOTION – PROVISION OF FREE SANITARY TOWELS TO END PERIOD POVERTY**

(Sen. Gloria Orwoba, MP)

Order read;

THAT, AWARE THAT, period poverty refers to the common challenge plaguing women globally wherein they are unable to attend schools or work as a cause of a lack of funds for sanitary products that is both a health risk and a signal of gender inequity;

FURTHER AWARE THAT, in rural Kenya, 2 out of 3 pad users receive pads from sexual partners and 65 percent of women and girls can't afford sanitary pads, forcing them to use alternative materials like grass, cotton wool and cloth which lack adequate absorbent qualities resulting in frequent leakage and hygiene issues;

CONCERNED THAT, period poverty also referred to as the "shadow pandemic" contributes to global and regional gender inequity, as women are forced to solicit help from men in order to satisfy a basic health need with 10% of 15-year-old girls having sex to pay for sanitary products;

FURTHER CONCERNED THAT, data from the Ministry of Education indicates that a girl that is absent from school for four days a month loses 13 learning days, equivalent to two weeks of learning in every school term, translating to 39 learning days or six weeks of learning time in a term and up to 18 of 108 weeks in primary and 24 weeks of 144 weeks of learning in secondary school;

NOTING THAT, while the Government, through the State Department for Gender Affairs was charged with the responsibility of procuring and distributing sanitary towels for 3.7 million girls in public primary schools, special primary and secondary schools in the country at a cost of Kshs. 470 million during the 2017/2018 Financial year, which amount needs to be increased in order to fully address and mitigate the problem;

NOW THEREFORE, the Senate resolves that the Ministry of Public Service, Gender and Affirmative Action in partnership with the Ministry of Education and the Council of Governors to:-

1. facilitate provision of feminine hygiene products in all public schools;

2. ensure that all schools that don't have bathrooms that facilitate privacy, cleanliness or proper disposal of hygiene products are properly equipped;
3. create awareness and take advocacy measures on reproductive health issues related to period poverty;
4. include in the curriculum a dedicated lesson per week to teach girls on menstrual hygiene; and
5. ensure that sanitary products will be obtainable timely, consistently, and in a way that respects the dignity of concerned persons.

Order deferred.

17. **MOTION – INSTITUTION OF MEASURES TO CURB INCESSANT HIGH ELECTRICITY COSTS IN KENYA**  
(Sen. Mohamed Chute, MP)

Order read;

THAT, AWARE THAT energy is an essential factor of production and its total consumption is a major determinant of performance of the economy with its cost and reliability spurring or stifling economic growth;

FURTHER AWARE THAT there has been a significant growth in the demand for electricity in Kenya driven by economic growth and increased efforts towards rural electrification while the supply has been constrained due to, among other factors, the overreliance on hydro-electric power generating plants that have been negatively impacted by perennial drought experienced in the country;

NOTING THAT the imbalance in the demand and supply of power coupled with payments by the Kenya Power and Lighting Company (KPLC) for produced power not consumed and fluctuation in the foreign exchange rates contribute to the high cost of electricity;

APPRECIATING THAT Kenya has made strides in diversifying its power sources with geothermal plants, offering tremendous potential for zero-carbon source of power, already producing nearly one (1) Gigawatt (GW) of power;

CONCERNED THAT private power generating companies popularly referred to as Independent Power Producers (IPPs) only supply 28% of power to KPLC but account for 47% of power purchase costs calling for the need to enhance energy management in Kenya;

NOW THEREFORE the Senate resolves that the: -

- a) Standing Committee on Energy to undertake an inquiry into: -
  - i. Contracts signed by IPPs, detailing the cost, capacity and duration of the contractual agreements and their implications on affordability of electricity in the country;
  - ii. Discrepancy in the cost of electricity sold to Kenya Power by KenGen, imports from Ethiopia and IPPs; and
  - iii. The diversion of the electricity generated by Lake Turkana Wind Power to the national grid, bypassing the inadequately supplied northern frontier counties of Marsabit and Samburu.
  
- b) Ministry of Energy to come up with a policy framework aimed at:-
  - i. Lowering the cost of electricity as a way of addressing the high cost of living; and
  - ii. Enhancing clean energy by switching to renewable sources of energy such as geothermal power, wind energy, among others as a way of reducing the carbon footprint.

Order deferred.

18. **MOTION - ENHANCING HIGHWAY SAFETY AND CONVENIENCE**

(Sen. Wahome Wamatinga, MP and Sen. Mohamed Faki, MP)

Order read;

THAT, AWARE THAT 67% of road crash fatalities and injuries in the country comprise of the economically productive age groups of 15 - 64 years, and that the importance of good post-crash care reduces deaths and disability and the suffering for road crash survivors creates the urgent need for effective emergency medical care system elements and processes on our highways;

FURTHER AWARE THAT lives and properties are lost or irreparably damaged daily on major highways in the country due to accidents and explosion of fuel tankers, and the lack of accessible roadside amenities such as medical clinics, rescue centers, fire engines and ambulances hamper efforts to mitigate the carnage caused by the accidents, rescue lives and put out fires;

COGNIZANT THAT setting up safe stopping points for road users at regular intervals with the necessary road-side amenities such as fuel stations, parking spaces, restaurants, telephone booths, minor repair shops, medical facilities, and toilets enhances total travel experience and the lack of these points make

it impractical for drivers to stop as often as they would wish to resulting into driving-related fatigue, a significant contributor to accidents on the highways;

FURTHER COGNIZANT THAT provision of amenities such as ambulances, firetrucks and satellite medical clinics to provide emergency services to road accident victims would save lives lost daily on major roads;

ACKNOWLEDGING THAT governments across the world have taken on the task of setting up such amenities through incorporation of the basic provisions in their road transport infrastructure through different models of Public Private Partnership (PPP), lease, or ownership;

NOW THEREFORE the Senate resolves that: -

- i) The Kenya National Highway Authority, in collaboration with the Council of Governors, to come up with a policy framework on the incorporation of road reserves for road-side amenities in all highway designs;
- ii) The Ministries of Health, Roads, Transport and Public Works, in conjunction with the Council of Governors, to undertake a survey to ascertain the specific amenities required but not available on the existing highways such as satellite medical clinics, firetrucks and ambulances, and identify the most convenient locations to develop them; and
- iii) The Ministry of Roads and Transport, in conjunction with the Council of Governors, to develop Public Private Partnership guideline on leasing of the road reserves to developers, financing the construction of the amenities, and the packaging of incentives to attract investors.

Order deferred.

And there being no other business on the Order Paper, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) adjourned the Senate at sixteen Minutes past six O'clock without Question put, pursuant to the Standing Orders.

19. **SENATE ROSE** – at sixteen minutes past six O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Tuesday, February 28, 2023 at 2:30 p.m.*

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