



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, FEBRUARY 21, 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. **COMMUNICATIONS FROM THE CHAIR**

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

**i) Changes in the Leadership of the Senate Minority Coalition**

“Honourable Senators,

As you may recall, at the sitting of the Senate held on Wednesday, 15th February, 2023, the Senate Minority Leader rose on a point of order seeking the directions of the Chair regarding a proposed change in the leadership of the Minority Party. The Senate Minority Leader asserted that he had communicated changes in the leadership of the Minority side the previous day and was concerned that the changes had not been effected and communicated to the Senate. The Senate Minority Leader, more or less, demanded that the changes be communicated at that sitting alleging that failure to do so portrayed badly on the part of the Speakership.

Honourable Senators,

As you will recall, I undertook to issue a Communication on this matter.

This morning, at a meeting of the Senate Business Committee, I indicated to the Committee that the Communication was ready and was to be communicated today.

However, this afternoon at 1:15 p.m, the Speaker of the Senate was served with an order from the Political Parties Disputes Tribunal in Political Parties Disputes Tribunal Number PPDTC/E003/2023; Fatuma Adan Dullo & Jubilee Party of Keya vs Azimio la Umoja One Kenya Coalition Party in which the Speaker of the Senate is joined as the 3rd Interested Party.

The Tribunal issued, amongst others, the following order:

*“That pending inter partes hearing and determination of the application, interim orders of injunction are hereby issued restraining the Respondent and Interested Parties either by themselves, their servants, agents and/or any other persons acting on their behest from implementing the communication and resolution by the Respondent’s Parliamentary Group meeting held on 14th February 2023 purporting to remove the 1st Applicant and other members of Jubilee Party from the position of Senate Minority Whip and Parliamentary Committees and its attendant privileges respectively.”*

The matter is scheduled for mention before the Tribunal on 28th February 2023 at 2:30 p.m to confirm compliance and for further directions.

Honourable Senators,

As you are all aware, Article 3 (1) of the Constitution places an obligation on every person to respect, uphold and defend the Constitution. Additionally, Article 10 of the Constitution includes, as one of the national values and principles of governance, the rule of law. Article 159 (1) of the Constitution further provides that judicial authority is derived from the people and vests in, and shall be exercised by, the courts and tribunals established by or under the Constitution.

Honourable Senators,

Respect of the rule of law and judicial authority are fundamental tenets of our democratic system of governance which we are all, without exception, obligated to uphold.

Accordingly, in the circumstances, I hereby defer the delivery of the Communication on this matter pending the outcome of the proceedings that are before the Political Parties Disputes Tribunal or the vacation of the orders in Political Parties Disputes Tribunal Number PPDTDC/E003/2023; Fatuma Adan Dullo & Jubilee Party of Keya vs Azimio la Umoja One Kenya Coalition Party.

I thank you.”

**ii) On Visiting Teachers from Moody Awori Primary School in Busia County**

“Honorable Senators,

In the Speaker’s gallery this afternoon, we have Ten (10) teachers from Moody Awori Primary School in Busia County who are in the Senate on an education tour.

I request each member of the group to stand when called out so that they may be acknowledged in the usual Senate tradition.

They are:-

i) Nobert Barasa Apeli	Head Teacher
ii) Eunice E. Bwire	Deputy Head Teacher
iii) Tolyn F. Awino	Teacher
iv) John O. Onditi	Teacher
v) Boniventure Luyemba	Teacher
vi) Boniface Wanjala	Teacher
vii) Mulekano Anne	Teacher
viii) Jackline Ngira	Teacher
ix) Vincent Oyobo	Welfare
x) Juma A. O. Josephat	Examination Council

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!"

4. **PAPER LAID**

The following Paper was laid on the Table of the Senate: -

Report of the Standing Committee on Education on its consideration of the County Vocational Education and Training Bill, 2022 (Senate Bills No. 3 of 2022).

*(The Senate Majority Whip on behalf of the Chairperson, Standing Committee on Education)*

5. **NOTICE OF MOTION – ENHANCING HIGHWAY SAFETY AND CONVENIENCE**  
(Sen. Wahome Wamatinga, MP, and Sen. Mohamed Faki, MP)

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 such as France and Germany 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.

## 6. **STATEMENTS**

### a) **Pursuant to Standing Order 52(1)**

Nominated Senator (Sen. Peris Tobiko, MP) made a Statement pursuant to Standing Order 52(1) on a matter of general topical concern, namely: the unacceptable disciplinary measures meted against children by uncouth individuals.

The Senator highlighted that the nation considers children as an important asset and noted that Article 53(1)(d) of the Constitution expressly provided for the rights of the child. She stated that the Children's Act (2022) and the Convention on the Rights of the Child (CRC) were further pieces of legislation protecting and preserving rights of children and that both the Education and Children's' Acts have given clear guidelines on how to discipline pupils.

Sen. Tobiko expressed concern over the punitive, embarrassing and pain-inflicting disciplinary measures and highlighted three cases that had occurred over the preceding two weeks.

The Senator concluded by calling for counselling of the victims to help them heal from the trauma and urged the Children's Department to work with law enforcers to take appropriate action whenever necessary to safeguard children from abuse, neglect and violence.

**b) Pursuant to Standing Order 53(1)**

- i) The Senator for Nyeri County (Sen. Wahome Wamatinga, MP) sought a Statement from the Standing Committee on Education regarding form one intake in the country.
- ii) 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 disaster management preparedness in Kisumu County.
- iii) The Senator for Kisumu County (Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the invasion of the Ahero rice fields by Quelea birds in Kisumu County.
- iv) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a statement from the Standing Committee on Devolution and Intergovernmental Relations concerning the acquisition and distribution of relief supplies by the County Government of Marsabit and neighboring counties.
- v) The Senator for Kirinyaga County (Sen. James Murango, MP) sought a Statement from the Standing Committee on Trade, Industrialization and Tourism concerning the ownership status and revival of Mwea Cotton Ginnery.
- vi) The Senator for Kirinyaga County (Sen. James Murango, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding registration and welfare of People Living with Disability (PWD).
- vii) The Senator for Lamu County (Sen. Joseph Githuku Kamau, MP) sought a Statement from the Standing Committee on Lands, Environment and Natural Resources on the status of land discharge process in Lamu County.

7. **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**

Order read;

Motion made;

**Quorum of the Senate**

Rising on a Point of Order pursuant to Standing Order 41, the Senator for Vihiga County (Sen. Godfrey Osotsi, MP) drew the attention of the Temporary Speaker (Sen. Veronica Maina, MP) to the fact that there was no quorum in the Senate;

And the Temporary Speaker (Sen. Veronica Maina, MP) having counted the Senators present and confirmed that there was no quorum in the House, ordered the quorum bell to be rung for ten minutes;

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

**Debate interrupted resumed;**

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, 16th 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)*

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Debate arising;

And there being no other Senator wishing to contribute;

Mover replied.

Raising a point of order and pursuant to Standing Order 66 (3), the Mover (Chairperson, Standing Committee on Finance and Budget) requested the Temporary Speaker (Sen. Veronica Maina, MP) to defer putting of the question to another day;

And the Temporary Speaker (Sen. Veronica Maina, MP) acceding to the request, nominated Wednesday, 22<sup>nd</sup> February, 2023 as the day when the Question shall be put.

And the time being Thirty Minutes past Six O'clock, the Temporary Speaker (Sen. Veronica Maina, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

8. **SENATE ROSE** – at thirty minutes past six O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Wednesday, February 22, 2023 at 2:30 p.m.*

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