



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, MARCH 09, 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 Speaker.
3. **QUORUM IN THE HOUSE**

The 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 five minutes pursuant to Standing Order 40;

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

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

4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

a) Visiting Delegation from the Parliament of the Kingdom Of Eswatini

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation from the Parliamentary Service Board of the Kingdom of Eswatini. They are in Kenya on a two-day benchmarking visit with the Parliamentary Service Commission. The delegation is led by the President of the Senate.

Honourable Senators,

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

- | | | |
|-----|------------------------|--|
| 1. | Madam Lindiwe Dlamini | President of the Senate |
| 2. | Sen. Mphatfwa Dlamini | Senator |
| 3. | Hon. Victor Malambe | Member of the House of Assembly |
| 4. | Mr. Benedict Xaba | Clerk to Parliament, Parliament of Eswatini |
| 5. | Mrs. Jabulile Mashwana | CEO, Eswatini Water Services Corporation Board and Member of the Parliamentary Service Board |
| 6. | Ms. Hlobisile Ndlovu | Member of the Parliamentary Service Board |
| 7. | Mr. Lunga Dlamini | Legal Counsel, Parliament of Eswatini |
| 8. | Ms. Lungile Siyaya | Personal Secretary |
| 9. | Mr. Patrick Mnisi | Director, Millenium Projects |
| 10. | Mr. Philip Maseko | Project Manager, Millenium Projects Ministry of Economic Planning |
| 11. | Mrs. Elena Dlamini | Architect |
| 12. | Mr. Steven Dlamini | Architect |
| 13. | Ms. Nkhosephayo Masuku | Millenium Projects |

Honourable Senators,

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

I thank you.”

b) Visiting Teachers and Students from St. Mary’s Kagio Boys High School in Kirinyaga County

“Honorable Senators,

In the public gallery, we have ninety eight (98) students, accompanied by six (6) teachers from St. Mary’s Kagio Boys High School in Kirinyaga County who are in the Senate on an education tour.

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.”

c) Visiting Teachers and Pupils from Christ the King Cathedral Primary School in Bungoma County

“Honorable Senators,

In the public gallery, we have fifty (50) pupils, accompanied by seven (7) teachers from Christ the King Cathedral Primary School in Bungoma County who are in the Senate on an education tour.

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.”

d) Visiting Delegation from Various County Assemblies

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, a delegation from various County Assemblies. The delegation comprises fifteen (15) members of staff from the County Assemblies of Busia, Siaya, Kisii, Kericho and Kakamega. The delegation is undertaking a capacity building programme at the Centre for Parliamentary Studies and Training (CPST).

Honourable Senators,

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

I thank you.”

5. PETITION TO THE SENATE

Pursuant to Standing Order 236(2)(a), the Senator for Kericho County (Sen. Aaron Cheruiyot, MP) presented a petition by Mr. Joel K. Kimetto on behalf of the Kipsigis Community Clans Organization concerning land injustices suffered by the Kipsigis community.

Pursuant to Standing Order 237, the Speaker invited Senators to make comments, observations or seek clarification in relation to the Petition and, subsequently, committed it to the Standing Committee on Justice, Legal Affairs and Human Rights, pursuant to Standing Order 238(1).

6. **PAPERS**

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

- i. Report by the Controller of Budget (COB) on the First Half County Government Budget Implementation Review for financial year 2022/2023.

(The Senate Majority Leader)

- ii. Statement of the Business of the Senate for the week commencing Tuesday, 13th March, 2023.

(The Senate Majority Whip)

7. **STATEMENTS**

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

i.) **Launch of the Parliamentary Caucus on Open Government Partnership**

The Senator for Nandi County (Sen. Samson Cherarkey, MP) made a statement regarding the launching of the Parliamentary Caucus on Open Government Partnership (OGP), scheduled to be held on Thursday, 16th March, 2023.

Thereupon, the Senator informed the Senate that the Open Government Partnership (OGP) is a global initiative that promotes transparent, participatory, inclusive and accountable governance. Member States participate in the partnership by way of submitting two year action plans, with specific country commitments to achieve within the stated period. The Senator further informed the Senate that Kenya became a member of OGP in 2011 and had so far, implemented three (3) National Action Plans (NAPs). Implementation of the Fourth NAP for the period 2020 to 2023 was ongoing.

The Senator noted that Parliament, in its power to legislate and allocate resources, plays a key role in supporting sustainable open government reforms by institutionalizing and effectively implementing open government commitments. He informed the House that it was with this in mind that an OGP caucus for the Parliament of Kenya had been established and would launch on Thursday, 16th March, 2023.

The Senator concluded by inviting all Honourable Senators to the launch and urged Members to join the caucus.

ii.) Appeal by the Laikipia County Assembly for Adjustment of the Proposed Recurrent Ceiling

The Senator for Laikipia County (Sen. John Kinyua Nderitu, MP) made a statement regarding an appeal by the Laikipia County Assembly for adjustment of the proposed recurrent ceiling from Kshs. 507,677,108 to Kshs. 541,636,185.64.

The Senator informed the Senate that the County Assembly of Laikipia had initiated construction works of 15 Ward offices for the elected Members of the County Assembly (MCAs) which would provide a physical location from which the Members would operate from in the discharge of their constitutional roles. In the long term, the utilization of the offices by the Members would save the County Assembly millions in rent payments to various premises.

The Senator stated that the current ceiling would make it difficult for the County Assembly to finish the construction works within the specified period. The Senator concluded by reiterating the request by the County Assembly to adjust the recurrent expenditure ceilings as recommended by the Commission on Revenue Allocation, for Financial Year 2023/2024, and urged the Standing Committee on Finance and Budget to consider the matter in its report on the County Allocation of Revenue Bill.

b) Pursuant to Standing Order 53(1)

- i) The Senator for Kirinyaga County (Sen. James Murango, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the status of investigations into the death of Mr. Kennedy Njoroge and Mr. Ndung'u Njoroge in Mwea Sub-County.
- ii) Nominated Senator (Sen. Esther Okenyuri, MP), on behalf of Nominated Senator (Sen. Hamida Kibwana, MP), sought a statement from the Standing Committee on Health regarding the prevalence of Hyperemesis Gravidarum (HG).
- iii) Nominated Senator (Sen. Esther Okenyuri, MP), on behalf of Nominated Senator (Sen. Hamida Kibwana, MP), sought a statement from the Standing Committee on Labour and Social Welfare concerning reports of rampant sexual abuse in plantations owned by M/S. James Finlay (Kenya) Limited in Kericho and Bomet Counties.
- iv) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a statement from the Standing Committee on Labour and Social Welfare

concerning the status of Older Persons Cash Transfer Programme (OPCT) in Embu County.

- v) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a statement from the Standing Committee on Energy regarding a national power outage that occurred on Saturday, 4th March, 2023.
- vi) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning remuneration of Village Elders/ Nyumba Kumi officials in the country.
- vii) The Senator for Narok County (Sen. Ledama Ole Kina, MP) sought a statement from the Select Committee on County Public Accounts concerning the two (2) tenders for the Narok County Government for the supply and delivery of earth moving equipment tender No. NCG/OT/04/2022/2023 and tender No. NCG/MACHINE/REPARI/001/2022 - 2023.

c) Pursuant to Standing Order 57(1)

The Senate Majority Whip, issued a statement on the business of the Senate for the week commencing Tuesday, 14th March, 2023.

8. MOTION - APPROVAL OF SITTINGS OF THE SENATE OUTSIDE NAIROBI

Order read;

Motion made and Question proposed;

THAT, AWARE that the Senate of Kenya is established by Article 93 of the Constitution and its main role, as set out at Article 96 is to represent, serve and protect the interests of the counties and their governments;

FURTHER AWARE of the critical role that the Senate plays in the interlinkage between the National and County levels of government;

COGNIZANT of the need to enhance the interaction between the Senate and county governments, as a means of bringing the Senate closer to the counties and the general public;

ACKNOWLEDGING the success made during the sittings of the Senate outside Nairobi; held in Uasin Gishu and Kitui Counties in September, 2018 and in September, 2019, respectively;

APPRECIATING the recommendation of the Senate Business Committee that a Sitting of the Senate be held away from the traditional premises in Parliament

Buildings, Nairobi, during the term of the 13th Parliament, with the objective to
–

- 1) promote the role and work of the Senate and enhance public awareness regarding the Business of the Senate;
- 2) highlight existing and new opportunities for engagement in the legislative process;
- 3) develop and strengthen partnerships at the county level of government; and
- 4) provide an opportunity to members and staff of county assemblies to learn and share best practices with Senators and parliamentary officers;

NOW THEREFORE, pursuant to Article 126 (1) of the Constitution, the Senate resolves that its plenary and committee sittings be held in the counties for a one week period within the month of September in every Session of the 4th Senate, except during an election year; and further that a programme of sittings outside Parliament Buildings in Nairobi be drawn, to ensure that such sittings take place in different counties of the Republic.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

The Senate Majority Whip replied on behalf of the Mover;

Before the Question was put, and pursuant to Standing Order 84(1) the Temporary Speaker (Sen. Abdul Mohammed Haji, MP) ruled that the Motion does not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY;

THAT, AWARE that the Senate of Kenya is established by Article 93 of the Constitution and its main role, as set out at Article 96 is to represent, serve and protect the interests of the counties and their governments;

FURTHER AWARE of the critical role that the Senate plays in the interlinkage between the National and County levels of government;

COGNIZANT of the need to enhance the interaction between the Senate and county governments, as a means of bringing the Senate closer to the counties and the general public;

ACKNOWLEDGING the success made during the sittings of the Senate outside Nairobi; held in Uasin Gishu and Kitui Counties in September, 2018 and in September, 2019, respectively;

APPRECIATING the recommendation of the Senate Business Committee that a Sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, during the term of the 13th Parliament, with the objective to

–

- 1) promote the role and work of the Senate and enhance public awareness regarding the Business of the Senate;
- 2) highlight existing and new opportunities for engagement in the legislative process;
- 3) develop and strengthen partnerships at the county level of government; and
- 4) provide an opportunity to members and staff of county assemblies to learn and share best practices with Senators and parliamentary officers;

NOW THEREFORE, pursuant to Article 126 (1) of the Constitution, the Senate resolves that its plenary and committee sittings be held in the counties for a one week period within the month of September in every Session of the 4th Senate, except during an election year; and further that a programme of sittings outside Parliament Buildings in Nairobi be drawn, to ensure that such sittings take place in different counties of the Republic.

9. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE 2023 BUDGET POLICY STATEMENT**

Order read;

Motion made and Question proposed;

THAT, the Senate, adopts the Report of the Standing Committee on Finance and Budget on the 2023 Budget Policy Statement, laid on the Table of the Senate on Tuesday, 28th February, 2023, and pursuant to Section 25 (7) of the Public Finance Management Act and Standing Order 186 (7) of the Senate, approves the 2023 Budget Policy Statement.

(Chairperson, Standing Committee on Finance and Budget – 28.02.2023)

Debate interrupted on Tuesday, 28th February, 2023 resumed on a Division; Before the Question was put and pursuant to Standing Order 84 (2), the Speaker ruled that the matter affects Counties and therefore, voting would be by county delegations;

The Speaker directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Speaker directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as “**Yes**”-

1. Sen. Onyonka Richard Momoima, MP
2. Sen. Mwenda Gataya Mo Fire, MP

The results of the Division were as follows:-

AYES – 25

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Cherarkey Samson , MP
3. Sen. Cheruiyot Aaron Kipkirui, MP
4. Sen. Chesang Allan Kiprotich, MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Ekomwa James Lomenen, MP
7. Sen. Haji Abdul Mohammed, MP
8. Sen. Kamau Joseph Githuku, MP
9. Sen. Khalwale Boni, MP
10. Sen. Kipkiror William Cheptumo, MP
11. Sen. Kisang William Kipkemoi, MP
12. Sen. Maanzo Daniel Kitonga, MP
13. Sen. Mandago Jackson Kiplagat, MP
14. Sen. Mundigi Alexander Munyi, MP
15. Sen. Murango James Kamau, MP
16. Sen. Muthama Agnes Kavindu, MP
17. Sen. Mwenda Gataya Mo Fire, MP –voted verbally
18. Sen. Nderitu John Kinyua, MP
19. Sen. Ngugi Joe Joseph Nyutu, MP
20. Sen. Onyonka Richard Momoima, MP –voted verbally
21. Sen. Roba Ali Ibrahim, MP
22. Sen. Seki Lenku Ole Kanar, MP
23. Sen. Thangwa Paul Karungo, MP

- 24. Sen. Wafula David Wakoli, MP
- 25. Sen. Wamatinga Wahome, MP

Question, agreed to;

RESOLVED ACCORDINGLY:

THAT, the Senate, adopts the Report of the Standing Committee on Finance and Budget on the 2023 Budget Policy Statement, laid on the Table of the Senate on Tuesday, 28th February, 2023, and pursuant to Section 25 (7) of the Public Finance Management Act and Standing Order 186 (7) of the Senate, approves the 2023 Budget Policy Statement.

10. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE 2023 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 2023 Medium Term Debt Management Strategy, laid on the Table of the Senate on Tuesday, 28th February, 2023.

(Chairperson, Standing Committee on Finance and Budget – 01.03.2023)

Debate interrupted on Wednesday, 1st March, 2023 resumed on a Division;

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

The Speaker directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Speaker directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed one (1) Senator to record his vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

1. Sen. Kipkorir William Cheptumo

The results of the Division were as follows:-

AYES – 25

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Cherarkey Samson , MP
3. Sen. Cheruiyot Aaron Kipkirui, MP
4. Sen. Chesang Allan Kiprotich, MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Ekomwa James Lomenen, MP
7. Sen. Haji Abdul Mohammed, MP
8. Sen. Kamau Joseph Githuku, MP
9. Sen. Khalwale Boni, MP
10. Sen. Kipkiror William Cheptumo, MP – voted verbally
11. Sen. Kisang William Kipkemoi, MP
12. Sen. Maanzo Daniel Kitonga, MP
13. Sen. Mandago Jackson Kiplagat, MP
14. Sen. Mundigi Alexander Munyi, MP
15. Sen. Murango James Kamau, MP
16. Sen. Muthama Agnes Kavindu, MP
17. Sen. Mwenda Gataya Mo Fire, MP
18. Sen. Nderitu John Kinyua, MP
19. Sen. Ngugi Joe Joseph Nyutu, MP
20. Sen. Onyonka Richard Momoima, MP
21. Sen. Roba Ali Ibrahim, MP
22. Sen. Seki Lenku Ole Kanar, MP
23. Sen. Thangwa Paul Karungo, MP
24. Sen. Wafula David Wakoli, MP
25. Sen. Wamatinga Wahome, MP

Question, agreed to;

RESOLVED ACCORDINGLY;

THAT, the Senate, adopts the Report of the Standing Committee on Finance and Budget on the 2023 Medium Term Debt Management Strategy, laid on the Table of the Senate on Tuesday, 28th February, 2023.

11. **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 – 23.02.2023)

Debate interrupted on Thursday, 23rd February, 2023, resumed on a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Speaker directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

The results of the Division were as follows:-

AYES – 25

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Cherarkey Samson , MP
3. Sen. Cheruiyot Aaron Kipkirui, MP
4. Sen. Chesang Allan Kiprotich, MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Ekomwa James Lomenen, MP
7. Sen. Haji Abdul Mohammed, MP
8. Sen. Kamau Joseph Githuku, MP
9. Sen. Khalwale Boni, MP
10. Sen. Kipkiror William Cheptumo, MP
11. Sen. Kisang William Kipkemoi, MP
12. Sen. Maanzo Daniel Kitonga, MP
13. Sen. Mandago Jackson Kiplagat, MP
14. Sen. Mundigi Alexander Munyi, MP
15. Sen. Murango James Kamau, MP
16. Sen. Muthama Agnes Kavindu, MP
17. Sen. Mwenda Gataya Mo Fire, MP
18. Sen. Nderitu John Kinyua, MP
19. Sen. Ngugi Joe Joseph Nyutu, MP
20. Sen. Onyonka Richard Momoima, MP
21. Sen. Roba Ali Ibrahim, MP
22. Sen. Seki Lenku Ole Kanar, MP
23. Sen. Thangwa Paul Karungo, MP

- 24. Sen. Wafula David Wakoli, MP
- 25. Sen. Wamatinga Wahome, MP

Question, agreed to;

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

12. **THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 6 OF 2022)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Natural Resources, Benefit Sharing Bill (Senate Bills No. 6 of 2022 be read a Second Time.

(Sen. Danson Mungatana, MP – 02.03.2023)

Debate interrupted on Tuesday, 7th March, 2023 resumed;

And there being no Senator wishing to contribute;

The Senator for Kakamega County (Sen. (Dr.) Boni Khalwale, MP) replied on behalf of the Mover.

Pursuant to Standing Order 66 (3), the Senator for Kakamega County (Sen. (Dr.) Boni Khalwale, MP) requested the Temporary Speaker (Sen. Abdul Haji, MP) to defer putting of the Question to another day.

And the Temporary Speaker (Sen. Abdul Haji, MP) acceding to the request, deferred putting of the Question to Tuesday, 14th March, 2023, at 2:30 pm.

13. **THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 3 OF 2022)**

(Sen. Moses Kajwang', MP)

Order for Second Reading read;

(Second Reading)

Order deferred.

14. **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.

***(Resumption of debate interrupted on Tuesday 28th February, 2023 –
Balance of time – 2hrs 41mins)***

Order deferred.

15. **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.

16. **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.

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

(Sen. Agnes Kavindu Muthama, MP)

Order read;

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.

Order deferred.

18. **MOTION - REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 145TH ASSEMBLY AND RELATED MEETINGS OF THE INTER-PARLIAMENTARY UNION (IPU), HELD FROM 11TH TO 15TH OCTOBER, 2022, IN KIGALI, RWANDA.**

Order read;

Motion made and Question proposed;

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

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

Debate arising;

And there being no Senator wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 84 (1), the Temporary Speaker (Sen. Abdul Haji, MP) ruled that the Motion does not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

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

19. **MOTION - REPORT OF THE 61ST SESSION OF THE ORGANISATION OF AFRICAN, CARRIBEAN AND PACIFIC STATES (OACPS) PARLIAMENTARY ASSEMBLY AND THE 42ND SESSION OF THE OACPS -EU JOINT PARLIAMENTARY ASSEMBLY HELD IN MAPUTO, MOZAMBIQUE ON 23RD OCTOBER TO 2ND NOVEMBER, 2022**
(Sen. Tabitha Mutinda, MP)

Order read;

THAT, the Senate notes the Report of the 61st Session of the Organisation of African, Carribean and Pacific States (OACPS) Parliamentary Assembly and the 42nd Session of the OACPS -EU Joint Parliamentary Assembly held in Maputo, Mozambique on 23rd October to 2nd November, 2022.

Order deferred.

20. **MOTION - THE DOPING MENACE THREATENING KENYA'S IMPECCABLE GLOBAL REPUTATION IN ATHLETICS**

Order read;

Motion made;

THAT, AWARE THAT in 2018 Kenya was placed under Category A by the world Anti-Doping Agency and since then forty Kenyan athletes have been banned by either the Athletics Integrity Unit (AIU) or the Anti - Doping Agency of Kenya (ADAK) and has led to a situation whereby the Kenyan athletes have to undergo intense testing before participating in major events and has immensely affected the reputation of the Kenyan athletes and the standing of Kenya in the international Sports arena where it currently ranks at number five;

CONCERNED THAT, despite the high number of alleged doping cases Kenya has only one World Anti- Doping Agency (WADA) approved blood testing laboratory forcing it to send urine tests to Qatar and South Africa for analysis and that the

Anti- Doping Agency of Kenya (ADAK) is taking too long to address the doping menace which is likely to affect the state of preparedness for the athletes in the upcoming 2024 Olympic games in Paris;

NOW THEREFORE the Senate resolves that the Ministry of Youth, Sports and Arts:-

- a. Come up with modalities that can help achieve increased testing, intelligence gathering on athletes and doping awareness programmes;
- b. In collaboration with Athletics Kenya (AK) and National Olympic Committee of Kenya (NOCK) to vet all training camps, coaches, trainers and other athlete handlers;
- c. Initiate investigations at Anti – Doping Agency Kenya (ADAK) to identify and sanction all responsible officers liable for the menace of doping;
- d. In collaboration with the Directorate of Criminal Investigations and the Ethics and Anti – Corruption Commission finalize pending investigations and recommend prosecution of individuals involved in giving this banned substance to athletes; and

In collaboration with the Ministry of Health to identify and revoke licenses for medics, pharmacies and hospitals responsible for the prescription of the commonly abused drugs by the athletes.

(Sen. Samson Cherarkey, MP)

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

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

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, March 14, 2023 at 2:30 p.m.*

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