



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, MARCH 14, 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 three minutes pursuant to Standing Order 40.

And there being a Quorum after the expiry of three 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 Samburu County Assembly

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a delegation from the Samburu County Assembly comprising Members of the Committee on Delegated Legislation and its Secretariat. The delegation is undertaking a five (5) day capacity building programme at the Centre for Parliamentary Studies and Training (CPST).

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

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|----------------------------------|------------------|
| 1. Hon. Lolosoli Rebecca Samaria | Chairperson |
| 2. Hon. Lenanguram James Ntiituk | Vice-Chairperson |
| 3. Hon. Lorunyei Lawrence | Member |
| 4. Hon. Stacy Nareyo Lekirimpoto | Member |

5. Hon. Esther Lenolkulal	Member
6. Hon. Loloju Joseph Lekoren	Member
7. Hon. Lemantaan Kelvin Ipesina	Member
8. Mr. Lekupanai Leleo	Principal Clerk Assistant
9. Ms. Dorcas Naeku	Clerk Assistant
10. Mr. Bernard Lenanyokie	Serjeant-At-Arms
11. Mr. William Lelampa	Hansard Officer
12. Ms. Naanyu Letipila	Legal Counsel
13. Mr. Evans Leleruk	Research Officer

Honorable Senators,

In our usual tradition of receiving and welcoming visitors to Parliament, 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.”

b) Visiting delegation from the Nyamira County Assembly

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of officers from the Sergeant-At-Arms Department of the Nyamira County Assembly. The officers are in the Senate for a five (5) day benchmarking visit with their counterparts.

I request each officer to stand when called out so that you may be acknowledged in the Senate tradition.

1. Brian Moriasi Ondieki
2. Erick Nyambati Mokua
3. Robinson Moonwa Maosa
4. Duke Nyakundi Mokua
5. Stella Mose Moraa
6. Jackline Kerubo Nyamboga

Honorable 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.”

c) Visiting students and teachers from Tassia Primary School

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, a visiting delegation from Tassia Primary School, Nairobi City County. The delegation comprises 4 teachers and 34 students who are in the Senate for a one-day study visit.

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.”

d) Visiting teachers and students from Koru Girls’ High School in Kisumu County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, a visiting delegation from Koru Girls’ High School in Kisumu County. The delegation comprises seven (7) teachers and one hundred and sixty-one (161) students who are in the Senate for a one-day study visit.

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. PETITION TO THE SENATE

Pursuant to Standing Order 236(2)(b), the Speaker reported to the Senate a Petition submitted by Mr. Calvin Luther Munayi, on behalf of residents of Jamii Bora Estate, concerning non-compensation and delayed issuance of title deeds to residents of Jamii Bora Estate, Kisaju, in Kajiado County.

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 Roads, Transportation and Housing, pursuant to Standing Order 238(1).

6. **PAPERS**

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

- i) Report of the Auditor General on the Financial Statement of County Executive of Bomet for the year ended 30th June, 2022.
- ii) Report of the Auditor General on the Financial Statement of County Assembly of Bomet for the year ended 30th June, 2022.
- iii) Report of the Auditor General on the Financial Statement of County Executive of Kwale for the year ended 30th June, 2022.
- iv) Report of the Auditor General on the Financial Statement of County Assembly of Kwale for the year ended 30th June, 2022.
- v) Report of the Auditor General on the Financial Statement of Diani Municipality for the year ended 30th June, 2022.

(The Deputy Senate Majority Whip)

- vi) Report of the Joint Committee of the National Assembly Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee on Land, Environment and Natural Resources on the Approval Hearing for Ms. Emily Mwendu Waita; Mr. John Kioli; Ms. Umra Omar; and Prof. George Odera Outa, the Nominees for Appointment as Members of the National Climate Change Council.

(The Vice- Chairperson, Standing Committee on Land, Environment and Natural Resources)

7. **NOTICE OF MOTION – ADOPTION OF THE REPORT OF THE JOINT COMMITTEE OF THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING AND THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES ON THE APPROVAL HEARING THE NOMINEES FOR APPOINTMENT AS MEMBERS OF THE NATIONAL CLIMATE CHANGE COUNCIL**

(The Vice - Chairperson, Standing Committee on Land, Environment and Natural Resources)

THAT the Senate adopts the Report of the Joint Committee of the National Assembly Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee on Land, Environment and Natural Resources on the Approval Hearing for the Nominees for Appointment as Members of the National Climate Change Council laid on the Table of the Senate on Tuesday, 14th March, 2023; and pursuant to Section 7 (4) of the Climate Change Act and Section 8 of the Public Appointments (Parliamentary Approval) Act, approves the nomination of Ms. Emily Mwendu Waita; Mr. John Kioli; and Prof. George Odera Outa for appointment as Members of the

National Climate Change Council, and rejects the nomination of Ms. Umra Omar.

8. **STATEMENTS PURSUANT TO STANDING ORDER 53(1)**

- i) The Senator for Murang'a County (Sen. Joe Nyutu, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources concerning the exploitation of water resources in Murang'a County by the Nairobi Water and Sewerage Company.
- ii) The Senator for Nyeri County (Sen. Wamatinga Wahome, MP) on behalf of the Senator for Marsabit County (Sen. Mohammed Chute, MP), sought a Statement from the Standing Committee on Energy regarding the status of oil exploration in Turkana County.
- iii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Education regarding scholarships in the education sector between counties in Kenya and academic institutions outside the country.
- iv) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources concerning the encroachment of land belonging to Ikanga residents by the Kenya Airports Authority (KAA).
- v) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding delayed payment of pension to retired Kenya Railways Corporation (KR) employees.
- vi) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Committee on Devolution and Intergovernmental Relations concerning the county boundary cutline between Taita Taveta County and its three neighbors.
- vii) The Senator for Laikipia County (Sen. John Kinyua Nderitu, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the distribution of subsidized fertilizers in Laikipia County.
- viii) The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) sought a Statement from the Standing Committee on Education concerning the status of Kaimosi Friends University College, following the award of a Charter on 2nd August 2022.
- ix) The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources concerning the harvesting of cypress trees at Kibiri forest in Vihiga County.

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

(Sen. Danson Mungatana, MP)

Order read;

(Second Reading)

***(Resumption of debate interrupted on Thursday 9th March, 2023)
(Division)***

Order deferred.

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

(Sen. Moses Kajwang', MP)

Order read;

(Second Reading)

Order deferred.

11. **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.

12. **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
- e) 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)

Debate interrupted on Thursday, 9th March, 2023, resumed.

13. **QUORUM OF THE SENATE**

Rising on a Point of Order pursuant to Standing Order 41(1), the Senator for Migori County (Sen. Eddy Oketch, MP), drew the attention of the Temporary Speaker (Sen. Hillary Sigei, MP) to the fact that there was no quorum in the Senate.

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

And there being no Quorum after the expiry of five minutes, the Temporary Speaker (Sen. Hillary Sigei, MP) adjourned the Senate at fifty-three minutes past Five O'clock, pursuant to Standing Order 41(2)(a), without Question put.

14. **SENATE ROSE** – at fifty-three minutes past Five O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Wednesday, March 15, 2023 at 2:30 p.m.*