



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, MARCH 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 Speaker.

3. **QUORUM IN THE SENATE**

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 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 Kisii County Assembly

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of a delegation from the Kisii County Assembly comprising Members of the Committee on Broadcasting and Communication and its Secretariat. The delegation is undertaking a two (2) day benchmarking visit with the Directorate of Hansard, Library Services and Broadcasting Units 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.

<u>NAME</u>	<u>DESIGNATION</u>
1. Hon. John Sambo	Chairperson
2. Hon. Damaris Nyanchoka	Member
3. Hon. Brenda Giteya	Member
4. Hon. Edna Nyabuto	Member
5. Hon. Everline Moraa	Member
6. Hon. Fartuma Alio	Member
7. Hon. Halima Kaliya	Member
8. Hon. Lilian Anyango	Member
9. Hon Michael Motume	Member
10. Hon. Nicholas Orina	Member
11. Hon. Paul Okombo	Member
12. Hon. Shem Mogesa	Member
13. Mr. Vincent Okemwa	Hansard Reporter
14. Mr. Wesley Obwaya	Clerk Assistant
15. Ms. Jane Kagendo	Research Officer
16. Mr. Justin Omundi	Serjeant-At-Arms

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.”

b) Visiting Delegation from the Maasai Mara University in Narok County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of a visiting delegation from the Maasai Mara University Political Science class in Narok County. The delegation comprises three (3) lecturers and thirty-nine (39) students who are in the Senate for a one-day academic exposition.

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.”

c) Retreat of the Senate with Constitutional Commissions, Independent Offices and Other Oversight Institutions

“Honourable Senators,

As part of the robust programme to equip Senators with the requisite information and tools necessary to execute our constitutional mandate, the Senate has organized a two-day retreat with constitutional commissions, independent offices and other oversight institutions. The theme of the retreat is *“Building synergies and exploring interlinkages for effective and efficient oversight towards successful implementation of devolution”*.

The event will contextualize the oversight mandate of the Senate, in relation to those of a select number of the said commissions, independent offices and oversight institutions. The retreat will also afford the Senate an opportunity to identify viable opportunities to strengthen devolution and address existing and emerging threats to the devolved system of government, and to make appropriate legislative interventions.

Honourable Senators,

I take this opportunity to invite you to the retreat, which is scheduled to take place from 23rd to 26th March, 2023, in Mombasa County. The venue and further details pertaining to the event will be communicated through the Office of the Clerk.

To facilitate the conclusion of the business of the House on Thursday, 23rd March, 2023, I hereby direct that travel to Mombasa will take place at the rise of the Senate.

I urge all Senators to purpose to attend and participate at this important event.

I thank you.”

d) Visiting delegation from Riara Group of Schools in Nairobi City County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of a visiting delegation from the Riara Group of Schools in Nairobi City County. The delegation comprises five (5) teachers and fifty-six (56) pupils 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. **PAPERS**

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

- a) Report by the National Treasury and Economic Planning concerning all new loans contracted by the Government from 1st September, 2022 to 31st December, 2022.
- b) Report of the Auditor General on financial statement of the County Executive of Tharaka Nithi for the year ended 30th June, 2022.
- c) Report of the Auditor General on financial statement of the County Assembly of Tharaka Nithi for the year ended 30th June, 2022.
- d) Report of the Auditor General on financial statement of the County Executive of Nandi for the year ended 30th June, 2022.
- e) Report of the Auditor General on financial statement of the County Assembly of Nandi for the year ended 30th June, 2022.
- f) Report of the Auditor General on financial statement of the County Executive of West Pokot for the year ended 30th June, 2022.
- g) Report of the Auditor General on financial statement of the County Assembly of West Pokot for the year ended 30th June, 2022.
- h) Report of the Auditor General on the West Pokot County Government Revenue Fund for the year ended 30th June, 2022.
- i) Report of the Auditor General on financial statement of the County Executive of Elgeyo Marakwet for the year ended 30th June, 2022.
- j) Report of the Auditor General on financial statement of the County Assembly of Elgeyo Marakwet for the year ended 30th June, 2022.

(The Senate Deputy Majority Leader)

- a) Report of the Standing Committee on Land, Environment and Natural Resources on its consideration of the Natural Resources (Benefit Sharing) Bill (Senate Bills No. 6 of 2022).

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Land, Environment and Natural Resources)

- a) The fifth Report of the Procedure and Rules Committee on the review of the Senate Standing Orders.

(Sen. Hillary Sigei MP on behalf of the Vice- Chairperson, Procedure and Rules Committee)

6. **NOTICE OF MOTION – BAN ON THE CULTIVATION OF EUCALYPTUS TREES ON RIPARIAN LANDS**

(Sen. James Kamau Murango, MP)

THAT, AWARE THAT the Constitution of Kenya acknowledges the Nation’s respect for the environment and obligates the State to eliminate processes and activities that are likely to endanger it;

FURTHER AWARE THAT there has been extensive cultivation of eucalyptus trees in Kenya owing to their rapid growth, high biomass yield, and adaptability to a wide range of climatic regimes and soil types;

CONCERNED THAT eucalyptus trees require high amounts of water through their growth, have deep root systems that extract water from the soil at a rapid rate and their cultivation on riparian land depletes the water in the riparian ecosystem, often resulting in the drying up of streams, aggravating the effects of climate change, particularly the infrequent and insufficient rainfall currently being experienced in the country;

NOW THEREFORE the Senate urges the Ministry of Environment, Climate Change and Forestry in coordination with the National Environment Management Authority to:

- i) develop and implement a policy framework to guide the cultivation of eucalyptus trees with the aim of mitigating their adverse effect on the environment; and
- ii) undertake a systematic nation-wide removal program for eucalyptus tree cultivations on riparian lands.

7. **NOTICE OF MOTION – INCORPORATION OF INTELLIGENT WATER MANAGEMENT SYSTEMS IN BUILDING PLANS FOR SUSTAINABLE LIVING**

(Sen. Wahome Wamatinga, MP)

THAT, AWARE THAT water is an essential yet scarce resource whose demand is increasing rapidly due to population growth, urbanization, and industrialization, and whose wastage has become an issue that needs to be addressed urgently owing to Kenya’s vulnerability to climate change;

NOTING THAT there is a growth in the number of buildings coming up to accommodate the rapidly growing population thereby posing a challenge to water management;

APPRECIATING THAT the incorporation of water management systems in building plans include a variety of techniques and technologies such as rainwater harvesting, waste water recycling, low-flow plumbing, and sensor systems that detect leaks and (de)activate water flow when necessary thereby optimizing the use of water by eliminating water overexploitation, waste water management, and pollution;

NOW THEREFORE the Senate urges the Ministry of Lands, Public Works, Housing and Urban Development in coordination with the Council of Governors and the National Environment Management Authority to:

- i) incorporate into the building code and standards a requirement for intelligent water management systems in all building plans; and
 - ii) undertake a systematic nation-wide renovation to government-owned buildings to incorporate water management systems.
8. **NOTICE OF MOTION- REPOSSESSION OF MOVABLE ASSETS BY LENDING INSTITUTIONS DUE TO NON-PERFORMING LOANS**
(Sen. Wahome Wamatinga, MP)

THAT AWARE THAT the high unemployment rate in Kenya has pushed many Kenyans to seek loans from Saccos, Microfinance Institutions and Banks to start Small and Medium Enterprises (SMEs) to sustain their livelihoods;

NOTING THAT the youth in particular have invested in movable assets, including vehicles and motorcycles, to start business in the transport industry and most of them have signed up to the ride hailing apps including but not limited to Uber, Taxify, Bolt and Little cab;

COGNIZANT THAT the Banking Act 2015 CAP 488 does not provide for renegotiation on the loan repayment agreement whenever the business environment becomes unfavorable as a result of the high cost of living, lowered earnings from the App providers and high interest rates;

NOW THEREFORE the Senate urges the National Treasury and Economic Planning to come up with a policy framework to review the Banking Act in order to renegotiate the repayment terms of the loans and provide cushion for Kenyans with non - performing loans and prevent the loss of their movable assets.

9. **NOTICE OF MOTION – ADOPTION OF THE FIFTH REPORT OF THE PROCEDURE AND RULES COMMITTEE (PRC) ON THE REVIEW OF THE STANDING ORDERS OF THE SENATE**

(Sen. Hillary Sigei, MP on behalf of Vice Chairperson- Procedure and Rules Committee)

THAT, pursuant to Standing Orders 267 and 270, the Senate approves the Fifth Report of the Procedure and Rules Committee on periodic

amendments to the Standing Orders of the Senate, laid on the Table of the Senate, on Tuesday 21st March, 2023, and pursuant to the provisions of Article 124 (1) of the Constitution and Standing Orders 270 and 272:-

- i) Resolves to amend its Standing Orders as contained in Appendix 2 to the Report; and
- ii) Orders that the amendments to the Standing Orders as contained in Appendix 2 to the Report come into effect on the 11th April, 2023

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

- a) The Senator for Murangá County (Sen. Joe Nyutu, MP) sought a statement from the Standing Committee on Energy concerning the status of the 'Last Mile' project in Murangá County.
- b) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding the terms and conditions of service for the 5,500 Community Scouts engaged by the Kenya Wildlife Service (KWS).
- c) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing regarding the status of the Bura-Mghange-Werugha-Wundanyi-Mbale-Mto Mwangoti and Chala-Njukini-Illasit roads.
- d) The Senator for Kajiado County (Sen. Seki Lenku Ole Kanar, MP) sought a statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the implementation of the second level of devolution through decentralization of services in urban areas.
- e) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Trade, Industrialization and Tourism concerning the state of Foreign Direct Investment (FDI) in Kenya.
- f) The Senator for Migori County (Sen. Eddy Oketch, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the Ministry of Foreign and Diaspora Affairs directive to diplomatic and consular missions, to liaise with the Office of the Deputy President on issues of a cross cutting nature that involve more than one Ministry.

11. **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;

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

Order for Second Reading read;

Motion made and Question proposed –

THAT, The County Vocational Education and Training Bill (Senate Bills No. 3 of 2022) be now read a Second Time.

(Sen. Moses Kajwang', MP)

Debate arising;

And the time being thirty Minutes past Six O'clock, the Deputy Speaker interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

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

MEMORANDUM

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

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