



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, MARCH 07, 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 ten 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 teachers and students from Sawagongo High School in Siaya County**

“Honorable Senators,

In the public gallery, we have two hundred and sixty (260) History and Government students, accompanied by nine (9) teachers, from Sawagongo High School in Siaya 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!”

**b) Visiting delegation from the County Assembly of Makueni**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation from the County Assembly of Makueni. The delegation is in the Senate on a five- day benchmarking visit with the counterpart Departments in 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:-

| <b><u>NAME</u></b>  | <b><u>DESIGNATION</u></b>        |
|---------------------|----------------------------------|
| 1. Joseph Nzioki    | Deputy Chief Serjeant – At- Arms |
| 2. Clarice Komu     | Senior Serjeant – At- Arms       |
| 3. Brian Mutua      | Assistant Serjeant – At- Arms    |
| 4. Joseph Kimanthi  | Assistant Serjeant – At- Arms    |
| 5. Joram Kaunga     | Assistant Serjeant – At- Arms    |
| 6. Antony Kingóo    | Assistant Serjeant – At- Arms    |
| 7. Denis Kimeu      | Assistant Serjeant – At- Arms    |
| 8. Clementine Mukii | Clerk Assistant                  |
| 9. James Ngao       | Research Officer                 |

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

I thank you.”

**c) Visiting delegation from the Edmund A. Walsch School of Foreign Affairs, Georgetown University**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation from the Georgetown University's Edmund A. Walsch School of Foreign Affairs, located in Washington, D.C. The delegation comprises of 12 students, 2 University Professors and one delegation leader who are in the Country on a learning tour and on a one-day study tour in 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:-

| <b><u>NAME</u></b>               | <b><u>DESIGNATION</u></b> |
|----------------------------------|---------------------------|
| 1. Prof. Lahra Smith             | Professor                 |
| 2. Prof. John Kraemer            | Professor                 |
| 3. Wedad Osman                   | Student                   |
| 4. Yunyi Qi                      | Student                   |
| 5. Suria Gabriela Gopal Crabtree | Student                   |
| 6. Fiona O'Brien                 | Student                   |
| 7. Katie – Meelel Nodjimbadem    | Student                   |
| 8. Robert Whitlow                | Student                   |
| 9. Andrew Edghill                | Student                   |
| 10. Rory Dixon                   | Student                   |
| 11. Chloe Hammock                | Student                   |
| 12. Nakita Guiteau               | Student                   |
| 13. Luz Velazquez                | Student                   |
| 14. Emily Langlois               | Student                   |
| 15. Sammy Davies Mochama         | Delegation Leader         |
| 16. Peter Gichiri Njenga         | Driver                    |

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

I thank you.”

5. **PAPERS**

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

- i) Annual Performance Report for the Ministry of Defence for the financial year 2021/2022.
- ii) Report of the Auditor General on the Financial Statements of County Executive of Nyeri for the year ended 30<sup>th</sup> June, 2022.
- iii) Report of the Auditor General on the Financial Statements of County Assembly of Nyeri for the year ended 30<sup>th</sup> June, 2022.

- iv) Report of the Auditor General on the Financial Statements of County Executive of Kirinyaga for the year ended 30<sup>th</sup> June, 2022.
- v) Report of the Auditor General on the Financial Statements of County Assembly of Kirinyaga for the year ended 30<sup>th</sup> June, 2022.
- vi) Report of the Auditor General on the Financial Statements of County Executive of Murang'a for the year ended 30<sup>th</sup> June, 2022.
- vii) Report of the Auditor General on the Financial Statements of County Assembly of Murang'a for the year ended 30<sup>th</sup> June, 2022.
- viii) Report of the Auditor General on the Financial Statements of County Executive of Nyandarua for the year ended 30<sup>th</sup> June, 2022.
- ix) Report of the Auditor General on the Financial Statements of County Assembly of Nyandarua for the year ended 30<sup>th</sup> June, 2022.

*(The Senate Majority Whip)*

- x) Report of the Joint Sittings of the Standing Committee on Finance and Budget of the Senate and the Departmental Committee on Finance and National Planning of the National Assembly, on the nomination of Dr. Susan Jemtai Koech, for appointment to the position of Deputy Governor of the Central Bank of Kenya.

*(The Chairperson, Standing Committee on Finance and Budget)*

**6. NOTICE OF MOTION – ADOPTION OF THE REPORT OF THE JOINT SITTINGS OF THE STANDING COMMITTEE ON FINANCE AND BUDGET OF THE SENATE AND THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING OF THE NATIONAL ASSEMBLY, ON THE NOMINATION OF DR. SUSAN JEMTAI KOECH, FOR APPOINTMENT TO THE POSITION OF DEPUTY GOVERNOR OF THE CENTRAL BANK OF KENYA**

*(The Chairperson, Standing Committee on Finance and Budget)*

THAT, the Senate adopts the Report of the Joint Sittings of the Standing Committee on Finance and Budget of the Senate and the Departmental Committee on Finance and National Planning of the National Assembly, on the nomination of Dr. Susan Jemtai Koech, for appointment to the position of Deputy Governor of the Central Bank of Kenya laid on the Table of the Senate on Tuesday, 7<sup>th</sup> March, 2023; and pursuant to Section 13B (1) of the Central Bank of Kenya Act and Section 8 of the Public Appointments (Parliamentary Approval) Act, approves the nomination of Dr. Susan Jemtai Koech for appointment to the position of the Deputy Governor of the Central Bank of Kenya.

7. **NOTICE OF MOTION – THE DOPING MENACE THREATENING KENYA’S IMPECCABLE GLOBAL REPUTATION IN ATHLETICS**

(Sen. Samson Cherarkey, MP)

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 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.

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

- a) Nominated Senator (Sen. Crystal Asige, MP) sought a Statement from the Standing Committee on Finance and Budget regarding Kenya Revenue Authority (KRA) directive to suspend tax reliefs.

- b) The Senator for Bungoma County (Sen. David Wakoli, MP) sought a Statement from the Standing Committee on Information, Communication and Technology concerning the routing of international gateway tariffs by mobile telecommunications firms and mobile service providers.
- c) Nominated Senator (Sen. Tabitha Mutinda, MP) on behalf of Sen. Hamida Kibwana, MP, sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the state of the Nut industry in Kenya.
- d) Nominated Senator (Sen. Tabitha Mutinda, MP) on behalf of Sen. Hamida Kibwana, MP, sought a Statement from the Standing Committee on Finance and Budget regarding the tax incentives available that support climate change programmes in Kenya.

9. **THE EQUALIZATION FUND APPROPRIATION BILL (SENATE BILLS NO. 3 OF 2023)**

(The Chairperson, Standing Committee on Finance and Budget)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Finance and Budget.

10. **THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)**

(Sen. Margaret Kamar, MP and Sen. Crystal Asige, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Education.

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

(The Chairperson, Standing Committee on Finance and Budget)

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, 28<sup>th</sup> 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.

***(Resumption of debate interrupted on Tuesday 28<sup>th</sup> February, 2023)***  
***(Division)***

Order deferred.

12. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE ON THE 2023 MEDIUM TERM DEBT MANAGEMENT STRATEGY**

(The Chairperson, Standing Committee on Finance and Budget)

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, 28<sup>th</sup> February, 2023.

***(Resumption of debate interrupted on Wednesday 1<sup>st</sup> March, 2023)  
(Division)***

Order deferred.

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

(Sen. Danson Mungatana, MP)

*(Second Reading)*

***(Resumption of Debate interrupted on Thursday, 23<sup>rd</sup> February, 2023)  
(Division)***

Order deferred.

14. **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 now read a second time

*(Sen. Danson Mungatana, MP – 02.03.2023)*

Debate interrupted on Thursday, 2<sup>nd</sup> March, 2023 resumed;

15. **QUORUM OF THE SENATE**

Rising on a Point of Order pursuant to Standing Order 41, Nominated Senator (Sen. Gloria Orwoba, MP) drew the attention of the Temporary Speaker (Sen. Abdul Haji, MP) to the fact that there was no quorum in the Senate;

And the Temporary Speaker (Sen. Abdul Haji, 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 no Quorum after the expiry of ten minutes, the Temporary Speaker (Sen. Abdul Haji, MP) adjourned the Sitting at eleven minutes past Five O'clock pursuant to Standing Order 40(2) without Question put.

16. SENATE ROSE – at eleven minutes past Five O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Wednesday March 08, 2023 at 2:30 p.m.*

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