

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 1st August, 2023

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Speaker (Hon. Kingi) in the Chair]

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?

(The Clerk-at-the-Table consulted the Speaker)

The Speaker (Hon. Kingi): Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): I am informed that we now have quorum. Clerk, proceed to call the first Order.

PAPER LAID

REPORT OF THE SECOND ORDINARY SESSION OF THE SIXTH PAP

Sen. (Prof.) Kamar: Mr. Speaker, Sir, on behalf of my leader of delegation, Sen. Mungatana, MGH, I beg to lay the following Paper on the Table of the Senate, today, 1st August, 2023.

Report of the Second Ordinary Session of the 6th Pan-African Parliament (PAP) held in Midrand, South Africa, from 15th May, 2023 to 2nd June, 2023.

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(Sen. (Prof.) Kamar laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

NOTICE OF MOTION

ADOPTION OF REPORT OF THE SECOND ORDINARY SESSION OF THE SIXTH PAP

Sen. (Prof.) Kamar: Mr. Speaker, Sir, I beg to give notice of the following Motion -

THAT, the Senate adopts the Report of the Second Ordinary Session of the 6th Pan-African Parliament (PAP) held in Midrand, South Africa, from 15th May to 2nd June, 2023, laid on the Table of the Senate, today, Tuesday, 1st August, 2023.

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Since Sen. Lemaletian is not here, the Statement pursuant to Standing Order No.52(1) is deferred.

INCESSANT SUPPRESSION AND CLAWBACK OF DEMOCRACY IN KENYA

(Statement deferred)

Let us move to Statements pursuant to Standing Order No.53 (1). Proceed, Sen. Hamida Kibwana.

STATUS OF THE UHC IN THE COUNTRY

Sen. Kibwana: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health regarding the status of the rollout of the Universal Health Coverage (UHC) in the country. In the Statement, the Committee should-

(1) state the current status of the UHC rollout in the country, explaining progress made in terms coverage, key achievements and any challenges encountered in rolling out the programme, further, stating possible interventions that can be applied to overcome the challenges;

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(2) clarify whether the Government has any plans to halt further rollout of the UHC or terminate it;

(3) outline measures in place to improve health infrastructure, human resources, capacity in the health sector and accreditation of health facilities across the country;

(4) state plans in place, if any, to strengthen health information management systems to support data driven decision-making and monitoring of UHC implementation; and,

(5) explain measures put in place to expand the coverage and benefits provided by the National Health Insurance Fund (NHIF) to ensure a more comprehensive and accessible healthcare system, and spell out strategies in place to enhance proper governance, transparency and accountability in the implementation of the UHC.

I thank you.

The Speaker (Hon. Kingi): Next is Sen. Faki.

KUZOROTA KWA MIUNDOMBINU NA HUDUMA
KATIKA BIMA TOWERS, KAUNTI YA MOMBASA

Sen. Faki: Bw. Spika, nasimama kwa mujibu wa Kanuni ya Kudumu No. 53(1), kuomba Taarifa kutoka kwa Kamati ya Kudumu ya Barabara, Uchukuzi na Makao kuhusu kuzorota kwa miundombinu na huduma katika Jengo la Bima Towers katika Kaunti ya Mombasa.

Katika Taarifa hiyo, kamati inafaa kuchunguza na kuripoti katika Seneti-

(1) sababu zilizopelekea lifti katika jengo hilo kutofanya kazi kwa muda wa zaidi ya miaka miwili pamoja na ukosefu wa huduma za maji safi katika jengo hilo, ikizingatiwa kwamba jumba hilo lina ofisi mbalimbali za Serikali ya Kaunti ya Mombasa na Serikali Kuu, ambapo mamia ya watu huzuru kila siku kutafuta huduma za dharura katika ofisi hizo; na,

(2) iarifu Seneti chanzo cha utepetevu katika usimamizi ikizingatiwa kwamba jengo hilo lilikabidhiwa serikali kipindi kifupi kilichopita.

Asante, Bw. Spika.

The Speaker (Hon. Kingi): Next is Sen. Mwaruma. Since he is not here, that Statement is dropped.

MINING IN KISHUSHE AREA OF TAITA-TAVETA COUNTY

(Statement dropped)

The Speaker (Hon. Kingi): the next Statement is by Sen. Chute. Since he is not here, that Statement is dropped.

STATUS OF ELECTRICITY CONNECTION
IN MARSABIT COUNTY

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(Statement dropped)

The Speaker (Hon. Kingi): The next one is the Statement by the Senator for Kisumu, Sen. (Prof.) Tom Odhiambo Ojienda, SC. That Statement is dropped because he is not here.

PROVISION OF AGRICULTURAL EXTENSION
SERVICES IN KISUMU COUNTY

(Statement dropped)

The Speaker (Hon. Kingi): In fact, Sen. (Prof.) Tom Odhiambo Ojienda, SC, had three Statements. Those Statements are dropped.

STATUS OF ECDE IN KISUMU COUNTY

(Statement dropped)

PENDING BILLS ACCRUED BY THE
COUNTY GOVERNMENT OF KISUMU

(Statement dropped)

The Speaker (Hon. Kingi): The next Statement is by Sen. Ogola. That Statement is also dropped because she is not here.

HIGH RATE OF TEENAGE PREGNANCIES
IN HOMA BAY COUNTY

(Statement dropped)

The Speaker (Hon. Kingi): Let us move to Statements pursuant to Standing Order No.56(1)(b). We will begin with the Chairperson of the Standing Committee on Information, Communication and Technology (ICT).

ACTIVITIES OF THE STANDING COMMITTEE ON ICT

Sen. Chesang: Mr. Speaker, Sir, I rise pursuant to Standing Order No.56(1)(b) to make a Statement relating to the activities of the Standing Committee on Information, Communication and Technology for the period commencing 31st March, 2023 to date.

The Senate Standing Committee on Information, Communication and Technology is established under Standing Order No.228(3) of the Senate Standing Orders and is

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mandated to consider all matters relating to technology, engineering, electronic research, information broadcasting, information communications and technology development.

During the period under review, the Committee held a total of 17 sittings, during which it considered one legislative proposal, two Bills, six Statements and one inquiry.

Regarding legislative proposals, during the period, the Committee undertook pre-publication scrutiny on the legislative proposal on the Digital Literacy Bill, 2023, which was committed to the Committee on 29th May, 2023. The Committee sought for responses from the Ministry of Information, Communication and Digital Economy and the Ministry of Education.

Concerning Bills, during the period under review, the Committee considered the following two Bills-

(1) The Office of the County Printer Bill (Senate Bills No.10 of 2022). The Office of the County Printer Bill (Senate Bills No.10 of 2022) was referred to the Committee on Thursday, 16th February, 2023, following its introduction in the Senate by way of First Reading. The Committee facilitated public participation pursuant to the provisions of Article 118 of the Constitution and prepared its report, which was tabled in the Senate on Wednesday, 12th April, 2023.

(2) The Konza Technopolis Bill (Senate Bills No.2 of 2023). The Konza Technopolis Bill (Senate Bills No.2 of 2023) was referred to the Committee on Thursday, 16th February, 2023, following its introduction in the Senate by way of First Reading. The Committee facilitated public participation pursuant to the provisions of Article 118 of the Constitution and Standing Order No.145(5) of the Senate Standing Orders and prepared its report, which was tabled in Senate on Tuesday, 20th June, 2023.

Moving to Statements, two Statements were ongoing from the previous reporting period and three Statements were sought from the Committee during the current period. The Committee considered and concluded three of them and is currently considering the remaining two.

The Committee considered the Statements through physical sittings with the stakeholders and the respective Senators who made the requests, while in other instances, admitted written submissions and shared the responses, which are with the respective Senators.

The Statements below have been concluded and responses shared with the Senators who requested for them-

(1) Statement regarding the routing of international gateway tariffs by mobile telecommunications firms and mobile service providers requested by Sen. Wafula.

(2) Statement regarding the data protection in the SIM card registration process requested by Sen. Orwoba.

(3) Statement regarding the management of Media Council of Kenya (MCK) funds requested by Sen. Orwoba.

Mr. Speaker, Sir, the Committee has since received a response to the Statements regarding the plans to install device management system, a spyware on mobile phones which was requested by Sen. Cherarkey, and it is scheduled to be considered on Tuesday, 1st August, 2023.

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The Committee is pursuing responses on the following Statements -

(1) Statement regarding the delays in Exchequer disbursement and reports of hacking of the Integrated Financial Management Information System (IFMIS) requested by Sen. Dullo.

(2) Statement regarding the alleged breach of customer data at the Naivas Supermarket requested by Sen. Cherarkey.

Mr. Speaker, Sir on inquiry, the Committee is currently concluding conducting an inquiry on the digital assets infrastructure in Kenya and will table a report once it has concluded.

Further, the Committee is presently investigating allegations raised by ATC Kenya, a subsidiary of American Tower Cooperation on Telkom Kenya regarding the alleged debt owned to ATC Kenya amounting to approximately Kshs4 billion.

The Committee is also scheduled to conduct county oversights and networking engagements with county governments and conduct monitoring of national Government activities in the counties. It intends to begin with Uasin Gishu and Kisumu counties.

In conclusion, I thank your Office and that of the Clerk of the Senate for the continuous support accorded to the Committee in undertaking its work. I also wish to thank the Members of the Committee for their commitment and diligence in and contribution during Committee activities.

I thank you.

The Speaker (Hon. Kingi): Okay

The Chairperson Senate Standing Committee on Land, Environmental and Natural Resources, Sen. Methu, you may proceed.

ACTIVITIES OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES

Sen. Methu: Thank you very much, Mr. Speaker, Sir. This is a Statement relating to the activities of the Senate Standing Committee on Land Environment and Natural Resources for the period between 1st April, 2023 to 30th July, 2023.

During the period under review, the Committee held a total of 12 sittings during which they considered one legislative proposal; six Petitions; 28 Statements, and two Messages.

The Committee is tasked with the most Messages, Petitions, and Statements and therefore embarked on a formula to ensure that they are all tackled within the available time by having the matters jointly tackled in a single sitting.

The Committee invited stakeholders to ensure that each of the five Government ministries and Constitutional Commissions that the Committee oversights, appear at least once every quarter, and that all legislative business that touches on that respective ministries is responded to in that particular sitting.

The purpose of this is to ensure efficiency and value for time and also to ensure that we are within the timelines provided by the Senate Standing Orders

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Mr. Speaker, Sir, on the legislative proposal, during the period under review, the Committee considered one legislative proposal; the Real Estate Regulation and Development Bill, 2023, sponsored by Sen. Chesang', which was committed to the Committee on 18th of April, 2023.

Pursuant to Standing Order No.131(1) and Standing Order No.130, the Committee considered the legislative proposal on 27th April, 2023; sought the views of the sponsor and the Committee Members. It proposed slight variations to improve the legislative proposal giving consensus for its publishing.

During the period under review, the Committee had a total of six Petitions, which are currently under consideration by the Committee. The Committee adopted a workplan to consider these Petitions. It has met a majority of the petitioners, the relevant Cabinet Secretaries, the Principal Secretary, Ministry of Lands, Housing and Urban Development; the Chairperson for the National Land Commission (NLC) on the subject of these Petitions.

The Committee is scheduled to meet the remainder of the petitioners within the next two weeks, and the Cabinet Secretary for Environment, Climate Change, and Forestry on Thursday, 3rd August 2023.

Once the Committee meets there with the remaining petitioners and the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry, it will retreat for report writing and will table four of the reports on the Petitions, once the Senate resumes after the recess period.

Mr. Speaker, Sir, to enumerate the progress made so far on each of the Petitions, below is the breakdown -

There is a Petition on the degazettement of LR.No.12493 which is situated West of Rumuruti Township in Laikipia County. This was assigned to the Committee on 11th of April, 2023.

The Committee has met with the petitioners, the Principal Secretary, the State Department of Lands and Physical Planning, and the Chairperson of the NLC on the Petition.

What is remaining is a meeting with the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry who has failed to show up for three earlier scheduled meetings. The Committee has since scheduled a meeting on the 3rd of August, 2023 after which, the Committee can retreat and do its report, which it will table before the House.

The second Petition is on Historical Injustices and Illegal Alienation of land LR No.7153/1/2/R, assigned to the Committee on the 23rd of May, 2023. The Committee has met with the petitioners, the Principal Secretary, the State, Department of Lands and Physical Planning, and received written submissions from the NLC.

Thereafter, the Committee noted that it would be important to listen to the respondent. Upon inviting them through their lawyer, they informed the Committee that they will not appear as had been requested and instead, preferred sending written submissions.

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The Committee is considering the possibility of conducting a site visit to the land in question and conduct a report writing session thereafter.

The third Petition is on illegal demolition of houses by the Kenya Power and Lightening Company in Chokaa, Mihangó area, which was committed on the 31st of May 2023.

The Committee considered the Petition and resolved to invite the petitioners on the 2nd of August, 2023, to be apprised on the matters relating to the Petition before engaging the relevant stakeholders, mainly the Kenya Power and Lightening Company.

The fourth Petition is on the destruction of Siany Wetland which was assigned to the Committee on the 13th of June, 2023. The Committee considered the Petition and resolved to invite the petitioners on the 28th of June, 2023. However, it later admitted the written responses. It is now awaiting the appearance of the Cabinet Secretary, Ministry of Environment, Climate Change, and Forestry, which is scheduled for Thursday, 3rd of August, 2023. Thereafter it will consider the viability of finalising and presenting its report to the House or conduct site visit first.

The fifth Petition is on delayed degazettement of approximately 1577.86 hectares of land in Lugari, Turbo Forest, Kakamega County, which was assigned to the Committee on the 20th of June, 2023.

The Committee met with the petitioners on the 26th of July, 2023 in the presence of the Senator of Kakamega County and other elected leaders from the county. What is remaining is a meeting with the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry, who is scheduled to appear on the 3rd August, 2023.

The Committee will possibly seek responses from the NLC and the Ministry of Lands, Housing and Urban and Development and thereafter consider the viability of finalizing and presenting its report to the House or conduct a site visit to the forest in Lugari, Kakamega County, first.

The sixth Petition is by the Nyandarua Internally Displaced Persons (IDPs) on delayed compensation and occupation of parcels of lands, bought for their settlement between 2010 and 2013. This was assigned to the Committee on the 22nd of June, 2023. The Committee considered the Petition and resolved to invite the petitioners on the 9th August, 2023.

Subsequently, the Committee will meet with the NLC and the Ministry of Lands, Housing and Urban Development to consider the viability of conducting a site visit and later retreat to do its report on the Petitions.

Mr. Speaker, Sir, on Statements, since the beginning of the 13th Parliament, the Committee has received a total of 63 Statements and has concluded 41 Statements thus remaining with 22, which is a completion rate of 65 percent demonstrating the high level of commitment by my Members.

During the period of review, 31 Statements were considered by the Committee. It considered and concluded nine of them and is currently considering the remaining 22.

The Committee considered the said Statements through physical sittings with stakeholders and respective Senators who made the requests. In other instances, it

admitted written submissions and shared the responses with the respective Senators who sought the Statements.

Mr. Speaker Sir, the Statements where submissions have been shared with the respective Senators and have been considered concluded are –

(1) Statement requested by Sen. Johnes Mwaruma concerning the implementation of the Mzima II Water Project in Taita Taveta County;

(2) Statement requested by Sen. (Prof.) Tom Ojienda regarding the status of construction of the Koru-Soin Dam;

(3) Statement requested by Sen. Joe Nyutu regarding the exploitation of water resources in Murang'a County by the Nairobi Water and Sewerage Company Limited;

(4) Statement requested by Sen. Wamatinga Wahome regarding the alleged irregularities in land acquisition for dam construction projects;

(5) Statement requested by Sen. Mohamed Chute regarding the status of boreholes in Marsabit County;

(6) Statement requested by Sen. James Kamau Murango regarding the supply of clean piped water to residents of settlement villages in Mwea Constituency, Kirinyaga County, for domestic use;

(7) Statement requested by Sen. Edwin W. Sifuna regarding the perennial water shortages in Nairobi City County;

(8) Statement requested by Sen. William Kisang regarding contributions *in lieu* of rates paid by the National Treasury to counties.

Mr. Speaker Sir, on the Statement requested by Sen. Beatrice Ogola regarding the proposed relocation of Homa Bay GoK Prisons to Ndhiwa Sub-County, the Senator has expressed concern that the response is unsatisfactory. The Committee has embarked on seeking supplementary responses and further conduct a site visit.

Mr. Speaker Sir, through Statements, the Committee has been able to have meetings with governors from some counties. For instance, through the Statement requested by Sen. Tabitha Mutinda, on 27th July, 2023, the Committee met the Governors from Kitui and Machakos counties on the matter of sand harvesting.

The Committee was able to give guiding principles on how to mitigate the effects of illegal sand harvesting in the region. The Committee, together with the local leadership, guided by the Senators representing Kitui and Machakos counties, is intending to conduct a site visit to the counties affected by sand harvesting and meet with the residents and the sand harvesters with the aim of arriving at a win-win lasting solution to the impasse.

Mr. Speaker Sir, on the remainder of Statements, the Committee has written to the relevant Ministries and is awaiting responses as follows -

(1) Statement requested by Sen. (Prof.) Tom Ojienda regarding water and Sanitation in Katito Town in Kisumu County;

(2) Statement requested by Sen. Shakila Abdalla regarding the validity of title deeds for the land within Enganani Ranch;

(3) Statement requested by Sen. John Kinyua on the resettlement status of Kwambuzi Squatters in Laikipia County;

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(4) Statement requested by Sen. Beatrice Ogola on the construction of water pans in Homa Bay County;

(5) Statement requested by Sen. Samson Cherarkey on the state of land leases in Nandi County;

(6) Statement requested by Sen. Godfrey Osotsi on the state of licenses for gold mining companies in Vihiga County;

(7) Statement requested by Sen. (Prof.) Tom Ojienda on the ownership and registration of land on the irrigation schemes in Kisumu County;

(8) Statement requested by Sen. Shakila Abdalla on the state of affairs at Witu Nyangoro Ranch in Lamu County;

(9) Statement requested by Sen. Johnes Mwaruma regarding the status of mineral royalty accounts;

(10) Statement requested by Sen. James Murango regarding the expansion of Kibirigwi Irrigation Farmers' Cooperative Society Limited (KIFCO) Project in Kirinyaga County;

(11) Statement requested by Sen. Tabitha Mutinda regarding the regulation of sand harvesting in Kitui County;

(12) Statement requested by Sen. Enoch Wambua, regarding the issuance of title deeds to the residents of Kitui County;

(13) Statement requested by Sen. Hamida Kibwana regarding the lifting of the ban on logging in public and community forests in Kenya;

(14) Statement requested by Sen. (Prof.) Tom Ojienda regarding measures towards attainment of the recommended healthy forest cover levels nationally;

(15) Statement requested by Sen. Karungo Thangwa regarding the Government compulsory acquisition of private land belonging to the residents of Ndeiya in Kiambu County;

(16) Statement requested by Sen. Joseph Kamau regarding the alleged encroachment of land in Lamu County;

(17) Sen. Johnes Mwaruma, on the encroachment of land belonging to Ikanga residents by the Kenya Airports Authority (KAA);

(18) Sen. Godfrey Osotsi regarding the harvesting of cypress trees at Kibiri Forest in Vihiga County;

(19) Sen. Joseph Kamau on the compulsory acquisition of land by Lamu County Government;

(20) Statement by Sen. Johnes Mwaruma on the status of adjudication of Kaloleni Majengo Settlement Scheme in Voi Sub-County, Taita Taveta County; and,

(21) Statement by Sen. Johnes Mwaruma, regarding sharing of revenue generated from the Tsavo National Park

Mr. Speaker Sir, by the end of this week ending 3rd August, 2023, half of the pending business will be completed. The stakeholders scheduled to appear are the Managing Director, KAA on Tuesday, 1st August, 2023 is expected to respond to two pending Statements. The Cabinet Secretary, Ministry of Environment, Climate Change

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and Forestry, is expected to appear on Thursday, 3rd August, 2023, to respond to three the pending Statements.

Next week on Thursday, 10th August, 2023, the Committee will meet with the Cabinet Secretary, Ministry of Mining, Blue Economy and Maritime Affairs, on two of the pending Statements on mining matters.

Mr. Speaker Sir, once these scheduled meetings are concluded, the Committee will have exhausted 90 percent of the pending Statements and will begin the next round of invitations of stakeholders on the pending matters and arising supplementary questions

Mr. Speaker, Sir, the Committee is currently considering two Messages from the County Assembly of Nyandarua:

1. Message petitioning the Senate to consult with and initiate approval for construction of the Ihithe-Aberdare Forest-Kahuruko-Ndunyu Njeru Road; and,

2. Message petitioning the Senate to ensure-

(a) exploitation of water under the Sasumua Dam and Konoike Dam is reviewed and an agreement arrived at amongst the respective water service providers that own the two dams;

(b) exploitation of the forest harvest in the Aberdare Forest and other public forests in Nyandarua is done within the legal framework; and,

(c) allocation of funds by the national Government for the construction of dams in Nyandarua County for the distribution and use by the residents of the county.

Mr. Speaker Sir, for the Message petitioning the Senate to consult with and initiate approval for construction of the Ihithe-Aberdare Forest-Kahuruko-Ndunyu Njeru Road, the Committee is considering the matter jointly with the Senate Standing Committee on Roads and Transportation. It was able to meet with the County Assembly; the Cabinet Secretary Ministry of Tourism, Wildlife and Heritage; the Cabinet Secretary Ministry of Environment, Climate Change and Forestry and the Cabinet Secretary, Ministry of Roads and Transport on Thursday, 20th April, 2023.

Further, the Joint Committee undertook an inspection visit to the Aberdare Forest on Friday, 30th June, 2023 accompanied by all the relevant stakeholders to ascertain the validity of the proposed Ihithe-Aberdare Forest-Kahuruko-Ndunyu Njeru Road.

The Committee made insightful observations during the travel by road in subject from Nyandarua to Nyeri, through the Aberdare National Park. The Committee will be making its recommendations to this House once it is seized of the contents of the environmental social impact assessment study currently being done by the National Environment Management Authority (NEMA). Thereafter both Committees will conduct a report writing retreat and table a report in the Senate.

Mr. Speaker Sir, for the Message petitioning the Senate to ensure exploitation of water, forest harvest in the Aberdare Forest and allocation of funds by the National Government for the construction of dams in Nyandarua County; the Committee has held meetings with the Cabinet Secretary, Ministry of Water, Sanitation and Irrigation; the Governor of Nyandarua County and the Governor of Nairobi City County.

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The Committee is scheduled to meet with the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry on Thursday, 3rd August, 2023, before finalizing the report for tabling.

I thank you.

The Speaker (Hon. Kingi): The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration, proceed.

ACTIVITIES OF THE STANDING COMMITTEE ON NATIONAL COHESION,
EQUAL OPPORTUNITY AND REGIONAL INTEGRATION

Sen. Chute: Thank you, Mr. Speaker, Sir. I have a Statement in relation to the activities of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration, pursuant to Standing Order No. (56)(1)(b) for the period from 1st April, 2023 to 30th June 2023.

During the period under review, the Committee held a total of 22 sittings, considered the East African Legislative Assembly (EALA) calendar, Pan African Parliament (PAP) record of proceedings, two Statements and one legislative proposal.

During the period, the Committee undertook a seminar in Addis Ababa, Ethiopia and two county visits in Tharaka Nithi and Marsabit County.

During the period under review, the Committee did not consider any Bill.

Mr. Speaker, Sir, two Statements were on going from the previous reporting period and two other Statements were sought from the Committee during the current period. The Committee considered and concluded one and is currently considering the remaining three. The Committee has concluded and shared responses with Sen. Crystal Asige, MP, regarding the matter of representation of Persons with Disabilities (PwDs) in the county assemblies

The Committee has similarly since received responses to the Statement regarding the actualization of not more than two-thirds gender rule in counties requested by Sen. Beth Syengo, MP. The Committee noted that three quarter of the counties have complied with the two-thirds gender rule with only five counties who had not complied but have since sent responses, which will be considered on Tuesday, 1st August 2023, which is today.

Mr. Speaker, Sir, the Committee is pursuing and is yet to get responses on the following Statements –

(1) Statement sought by Sen. Gataya Mo Fire, MP, on the declassification of Igamba-Ng'ombe Sub-County in Tharaka Nithi County as an Arid and Semi-Arid area (ASAL)

(2) Statement sought by Sen. Mandago, EGH, MP, on reservation of 5 per cent of employment positions for Persons with PwDs in the Public Sector.

In considering the said Statements, the Committee considered the Statement through physical sitting with the Stakeholders and respective Senators who made the requests, while in other instances, admitted written submissions and shared the responses with the respective Senators.

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Mr. Speaker Sir, the Committee held a joint meeting with the National Assembly Departmental Committee on Regional Integration to consider a Joint Memorandum on the East African Community Political Confederation Constitution proposals. The Committee adopted the proposals on 6th June, 2023 and forwarded them to the Ministry of East Africa Community, ASAL and Regional Development for onward transmission to the East Africa Community Committee team of constitutional experts drafting the East African Community Political Confederation.

The Committee also conducted a county visit to Tharaka Nithi and Marsabit counties for community peace dialogue aimed at restoration of peace and cohesion. The Committee wrote to the Ministry of Land and Planning, Ministry of Education and Ministry of Interior and Coordination of National Government to address the issues raised by the residents.

The Principal Secretary, Ministry of Lands, Housing and Urban Development, briefed the Committee that land adjudication was ongoing and there is need for consensus between the communities having land issues.

Mr. Speaker, Sir, as part of way forward, the Committee intends to carry out the following key activities during the next quarter:

(1) Consideration of a legislative proposal for the County Youth Council Bill with a view of enacting it into law.

(2) Consideration of the proposed amendments by the National Cohesion and Integration Commission (NCIC) on the NCIC Act.

(3) A meeting with the Cabinet Secretary, Ministry of Education on the status of the following nine primary schools; Karimba, Kibangua, Mpunguru, Machabini, Kanjoro, Riamwaniki, Kioru, Riamikuu and Kiumbe that were razed down in Tharaka Nithi County after the 1995-1997 clashes.

(4) A meeting with the Ministry of Interior and Coordination of National Government to consider their responses on a statement sought on the steps taken to restore peace in the following locations; Ntoroni, Turima, Murinda, Gakurungu and Nkondi.

(5) Consideration of a proposed inquiry on the state of access to public facilities by PwDs in Kenya.

(6) Regular engagements with key stakeholders and state agencies, which fall under the mandate of the Committee.

Mr. Speaker, Sir, going forward, the Committee intends to conclude pending legislative business that is before it within this quarter, particularly such business as may be subject to timelines provided under the Standing Orders or any other law.

In conclusion, I wish to thank your office and that of the Clerk of the Senate for the continuous support accorded to the Committee in undertaking its work. Lastly, I also wish to thank the Members of the Committee for their commitment and diligence in and contributions during the Committee activities.

The Speaker (Hon. Kingi): Hon. Senators, before I allow the next Chairperson to make his Statement, I have the following communication to make.

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(Interruption of debate on Statements)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM
MOODY AWORI PRIMARY SCHOOL

I acknowledge the presence in the Public Gallery this afternoon of visiting teachers and pupils from Moody Awori Primary School. The group comprises of 10 teachers and 108 students who are in the Senate for a one-day academic exposition.

Hon. 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.

In the absence of the Senator for Busia County, I will allow the immediate neighbour, I believe it is Sen. Wafula, in under one minute, to welcome the students and teachers from Moody Awori Primary School.

Sen. Wafula: Thank you, Mr. Speaker, Sir, for this opportunity to welcome our good friends, neighbours, brothers, sisters and my colleague teachers from Busia County. They have made it a priority to visit the ‘Upper House’ which is the Senate where our good friend, Sen. Okiya Omtatah, self-proclaimed defender of the poor to see and listen by themselves on what happens in the House.

I assure them that in the Senate, they are in safe hands. Their issues and those of the Republic of Kenya are always addressed with decorum, clarity of mind and fairness to ensure that all of us benefit from the resources of the Republic of Kenya. We also assure you, as the people of Busia County, that every rule, regulation and opportunities that are availed in this country, Busia County is given an opportunity and its fair share to ensure that all of us are proud to be Kenyans.

On matters of education, Early Childhood Development (ECD) and vocational training are devolved which we will ensure that we do the best we can. Generally, we will support every initiative to empower the girl and boy child because the future is for both children. There is no favouritism between a boy and a girl but give an equal opportunity for all.

For my colleague teachers, I know we are suffering servants in this country but let us not give up. There is always a window of hope and we will strive to ensure that the rules of the game in the Teachers Service Commission (TSC) and the Government are favourable for teachers to be promoted and to equally enjoy terms of service like any other civil servant in this country.

For those few remarks, I thank you.

The Speaker (Hon. Kingi): The Chairperson Committee on National Security, Defence and Foreign Relations, please, proceed.

(Resumption of debate on Statements)

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ACTIVITIES OF THE STANDING COMMITTEE ON NATIONAL
SECURITY, DEFENCE AND FOREIGN RELATIONS

Sen. Cheptumo: Mr. Speaker, Sir, I rise pursuant Standing Order No. 56 (1)(b) to make a statement relating to the activities of the Standing Committee on National Security, Defence and Foreign Relations for the period between 1st April and 30th June, 2023.

Mr. Speaker, Sir, during the period under review, the Standing Committee on National Security, Defence and Foreign Relations held a total of 18 sittings, considered three legislative proposals, 19 Statements, two Petitions and one Resolution from Elgeyo-Marakwet County Assembly. The Committee also held one retreat and hosted two visiting delegations from other Parliaments.

In respect of legislative proposals, the Committee considered the following-

- (a) The Public Holidays (Amendment) Bill, 2023;
- (b) The Draft Disaster Management Bill; and
- (c) The Draft Constitution of Kenya (Amendment) Bill.

Pursuant to Standing Order 131 (1) of the Senate Standing Orders, the Committee conducted pre-publication scrutiny of the Public Holidays (Amendment) Bill, 2023 sponsored by Sen. Karungo Thang'wa, MP. The Bill sought to introduce a New Section 3A to the Public Holidays Act to provide for the extension of public holidays falling on a Tuesday or Thursday.

The Committee recommended that the Bill should not proceed for publication for the following reasons-

(a) Some businesses have specific output targets, therefore reducing the business working days as a result of the extension of public holidays may mean that employers would be compelled to meet the cost of salary payments for the days not worked for or incur hefty overtime compensation as a result of employees working on a public holiday.

(b) The majority of employees in Kenya are casual laborers who rely on a daily wage to meet their daily needs. A reduction in their business working days as a result of the extension of public holidays on weekdays may therefore hinder their ability to meet the basic needs for themselves and their families.

(c) Public holidays also disrupt businesses by reducing working days and consequently reducing business output. For example, the public transport, manufacturing, and industrial sectors may register low proceeds during the holidays.

The Committee is sponsoring the Disaster Management Bill whose key objective is to provide a framework for effective and coordinated disaster management at the national and county level.

The Constitution of Kenya (Amendment) Bill, 2023 seeks to remedy the misinterpretation of functions between the National Police Service Commission and the Inspector-General of the National Police Service. The Committee is in the process of engaging various stakeholders prior to publication of the two Bills.

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With respect to Statements before the Committee, a total of 19 Statements were sought from the Committee during the period under review as annexed to this Statement.

The Committee has received a total of seven responses to the Statements sought which were shared with the respective Senators, and awaits responses to 12 Statements from the relevant Ministries.

The Committee also held a retreat with the Cabinet Secretary, Ministry of Defence on 5th May, 2023 in Nairobi City County. Following deliberations, the Committee plans to visit military installations in the country from August, 2023.

With respect to Petitions, the Committee is currently considering the following Petitions-

(a) Petition concerning the recognition and remuneration of village elders under the *Nyumba Kumi* Initiative.

(Sen. Cherarkey consulted Sen. Madzayo loudly)

(b) Petition concerning the rampant theft of livestock in Kajiado East and Kajiado West Sub Counties and Kajiado County at large.

The Committee has met with the Petitioners and various stakeholders including the Council of Governors, Mr. Joseph Kaguthi, former, Chairperson of the *Nyumba Kumi* Initiative and is scheduled to meet with the Cabinet Secretary, Ministry of Interior and National Administration next week.

The Committee is considering a Resolution of the County Assembly of Elgeyo Marakwet County on measures to curb banditry in Kerio Valley. The Committee is scheduled to visit the county to meet with the Governor and the County Assembly to deliberate on the Resolution.

The Committee hosted visiting delegations from other Parliaments including-

(a) The Parliament of Colombia; and

(b) The Thematic Committee on Peace and Security of the Parliament of Zimbabwe.

From these engagements, the Committee explored areas of mutual cooperation and sought to strengthen relations between the two countries, a working engagement to foster and strengthen bilateral relations and to develop areas of possible cooperation between the two countries and Kenya is underway.

Going forward, the Committee intends to-

(a) Fast-track the consideration of legislative business pending before it;

(b) Meet with various stakeholders to deliberate on Bills sponsored by the Committee prior to their publication;

(c) Visit Elgeyo-Marakwet County to engage with the Governor and County Assembly on the Resolution on measures to curb banditry in Kerio Valley; and,

(d) visit various counties to receive submissions on Petitions before the Committee and visit military installations in the country.

(Sen. Korir consulted loudly)

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(Sen. Cheruiyot and Sen. Methu consulted loudly)

The Speaker (Hon. Kingi): Sen. Korir and team. The Majority Leader and team – Sen. Cheptumo, the Chair is speaking to protect you. Sen. Korir, Majority Leader and the Minority Whip, please, consult in low tones.

Sen. Cheptumo: Thank you, Mr. Speaker, Sir, for protecting me. It is important for them to listen to what we are presenting to the House.

I wish to thank your office and that of the Clerk for the support accorded to the Committee in discharging its mandate. I wish to thank Members of the Committee and acknowledge them for their commitment to the discharge of our Committee's mandate.

The Speaker (Hon. Kingi): I will allow 15 minutes for hon. Senators to make comments on the four Statements that have been given by the chairpersons of those committees. I will start with Sen. Cherarkey. Please, do not take the entire 15 minutes. You have colleagues who would wish to speak to this.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir, I am well guided. I would like to start with the Statement by the Chairperson of the Committee on Lands, Environment and Natural Resources. The Senate Majority Leader indicated that Standing Order No.56 is not a report card. The Statement under this Standing Order must give pragmatic solutions. I wish the Chairperson of the Committee on Lands, Environment and Natural Resources was listening. Maybe he will consult the HANSARD later.

(Sen. Methu stood in his place and consulted Sen. Cheruiyot)

The Speaker (Hon. Kingi): Chairperson, Committee on Lands, Environment and Natural Resources, the House is being addressed but this address is specifically to you.

Sen. Cherarkey: Mr. Speaker, Sir, I wish the Chairperson, Committee on Lands, Environment and Natural Resources was listening to this unless he will consult the HANSARD later, which I highly doubt.

The Senate Majority Leader put these things in perspective. The three chairpersons seem to have missed the wisdom and advice of the Senate Majority Leader. We said that they must give pragmatic solutions. For example, my Statement on the state of land leases has been lying for the longest time. The second coming of Jesus Christ is around the corner. I am worried that the state of land leases in Nandi County might not be addressed fully. This is an open and shut case.

Unless the Committee and the Chairperson are saying they are powerless and cannot summon for some of these documentation. It is well documented and we want to know when the leases will expire. Whose leases have been renewed for multinational companies? It is only affecting Nandi County, but also Kericho County where the Senate Majority Leader comes from, Bomet, Kiambu and other counties.

Mr. Speaker, Sir, we need to agree on the timelines of statements because there is nothing done in vain on the Floor of this House. On that note, the Committee can table a preliminary report in the next few days. I know they are not mandated to so, but they can give a preliminary report on the progress of what they have done.

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I hope the Committee of Lands Environment and Natural Resources led by Sen. Methu will be very keen. I am happy he is seated close to the Senate Majority Leader whom I think should properly guide him.

Finally, on the Committee on National Security, Defence and Foreign Affairs, I do not know why the Chair and the Committee decided to be morticians. I would have expected them to give us a pragmatic solution in their reports.

As I speak, everybody is shouting at the top of their voices saying there is police brutality in this country. I wish the Committee on National Security, Defence and Foreign Affairs gave the country and this House an update on the allegations. It is because we are only hearing one side of the story. Our colleagues in the Minority side say there is police brutality in this country.

Mr. Speaker, Sir, we know the police are being brutalised. We lost one police officer, 370 are injured and recuperating in various hospitals. We also know that more than 60 police vehicles were burnt. Demonstrators attacked the office of the Assistant County Commissioner, an armoury and many other national Government infrastructure.

Mr. Speaker, Sir, it is important for the Committee on National Security, Defence and Foreign Affairs to update the House because when the Chair was speaking, Kenyans were watching. We should not allow people to go---

The Speaker (Hon. Kingi): What is your point of order, Sen. Oketch Gicheru? After you have stated your point of order, we will have about two minutes to go.

Sen. Oketch Gicheru: Mr. Speaker, Sir, I will be brief. You know these are emotive issues and we do not want to discuss them so much because sometimes there is also a possibility for talks that are going on.

Nonetheless, I stand under Standing Order No.105 which talks about statement of facts. Sen. Cherarkey has said some dazzling numbers here that I cannot substantiate unless a document is tabled in this House indicating how many police vehicles were torched and how many police officers died during demonstrations. Where does he get these facts? I did not get it in the statement that the Chairperson of the Committee on Security, Defence and Foreign Affairs presented

Thank you.

The Speaker (Hon. Kingi): Sen. Cherarkey, please stick to the subject matter before us. Avoid throwing figures that you cannot put into context. If you still stand by that statement, I will ask you to proceed to substantiate. If not, you withdraw and proceed.

Sen. Cherarkey: Mr. Speaker, Sir, I do not know whether I will table my phone because it is in my phone. A total of 305 police officers were seriously injured, one police officer killed, 158 police vehicles destroyed, nine police stations destroyed, 850 shops and businesses broken into, 199 buildings destroyed, 156---

The Speaker (Hon. Kingi): Sen. Cherarkey, is that the report of the Standing Committee? What is the source of that information?

Sen. Cherarkey: Mr. Speaker, Sir, this is from the Permanent Secretary (PS) in charge of the State Department for Interior and National Administration, Dr. Raymond Omollo. I do not know if anybody else has much better information than him.

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Finally, Mr. Speaker, Sir, 198 buildings were destroyed.

The Speaker (Hon. Kingi): So, Sen. Cherarkey, that is the report by the PS for Interior and National Administration?

Sen. Cherarkey: Yes, it is in my phone and maybe I can be guided.

The Speaker (Hon. Kingi): From this, I will give you five minutes to proceed to your office, print it out and table it.

Sen. Cherarkey: Okay, Mr. Speaker, Sir. That will be in order.

I conclude by saying that in future, our committees need to be alive to the issues that are there.

With those very many remarks, I beg to support both reports and wish the Committee well as they proceed.

The Speaker (Hon. Kingi): I think the matter raised by Sen. Cherarkey is a matter that we engaged on last week. However, an observation was made by the Senate Majority Leader on how we can give more life to the reports by Chairperson of Standing Committees. Perhaps, the Chairperson making the reports today have not had the advantage or benefit of going through the HANSARD, so that they can pick what was given as an advice.

Chairpersons of Standing Committees, do not be so rigid in terms of making your reports pursuant to Standing Order No.56(2). We know that Standing Order gives you the areas that you should report on. However, you should proceed beyond that and give us recommendations that align themselves to what is current. That will help us understand better how a committee is working.

Secondly, the Chair advised here that some issues are so current that you do not need the Chamber or the House to move you. You can move on your own motion to address those matters and report to the House. So, those chairpersons who were not present last week, kindly look at the HANSARD and pick what was observed and given in form of an advice.

Hon. Senators, we only have seven minutes to go. I will allow Sen. Crystal Asige to make her comments.

Sen. Crystal Asige: Thank you, Mr. Speaker, Sir, and the Chairs of the Committees that are presented.

I just have three brief points. First, if I am not mistaken, I heard the Chairperson of the Committee on National Cohesion, Equal Opportunity and Regional Integration saying that my statement was dealt with or has been concluded. Unfortunately, I have not received the response from the Committee on my query or statement regarding several counties that have zero Persons Living with Disabilities (PWD) representation in county assemblies.

In that Statement, I named 21 counties that have allegedly no PWDs representation in the assemblies. I have been waiting for the response from the Committee, but I have not received anything.

Mr. Speaker, Sir, I am not too sure, but the Chairperson for the Committee on National Cohesion, Equal Opportunity and Regional Integration might have the

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information that I received my response and the matter was concluded. Let me inform him I have not received any response and the matter has not been concluded.

I would challenge, push or seek for the Committee to bring this issue up at the Devolution Conference in two weeks' time because it is very pertinent. It has been ignored term after term. It is a matter to do with regard to PWDs representation in our counties. Our voices are not being heard on the ground, in counties. That is why we have legislation and budgets that are not equitable in any shape or form.

I really pray that this Committee, through its able Chairperson, can bring this up very strongly during the Devolution Conference on our behalf. This is because there are approximately one million PWDs who need the Committee to stand up and speak on our behalf when that is presented to them.

Secondly, Mr. Speaker, Sir, I heard the Chairperson of the Committee on Lands, Environment and Natural Resources say that they have had 12 meetings since February. I got a little bit worried because it has been six months since then.

That is an average of only two meetings per month.

I then heard him say later that there are several pending Statements before the Committee. I would have hoped to hear some sort of challenges in his report on why they have so many pending Statements and yet they have been meeting approximately twice a month. What are they planning to do with those pending Statements, so that the concerns of those Senators who have been waiting for a few months are settled?

My third comment is to the chairperson of the Committee on Information, Communication and Technology who went first. I also have a concern in that I did not hear him speak of emerging issues in the report. There are many issues touching on technology and data protection that sit squarely within the mandate of his Committee, but he did not mention them.

For instance, there was the recent breach on the E-Citizen platform. Even though a Statement has not been sought from them, I would have hoped that the Committee would be a bit proactive in its approach and conduct its own investigation since the matter concerns them. The E-Citizen breach was huge. It was in the news a couple of weeks back. Two weeks have not even gone by, but we have not heard them mention it their report which they tabled before this House.

Mr. Speaker, Sir, as I speak right now, there are thousands of young people who are lining up at KICC here in Nairobi. I am sure you have seen queues this morning where young people are having their eyes scanned in exchange of their biodata. They are being given US\$57 in exchange for their biodata. This is something that I hope the Committee on ICT will take up as its own self-generated issue rather than waiting for us to seek a Statement. The nature of data and technology are extremely progressive and fast moving. This Committee has to keep up with that pace of the current issues rather than wait for business to be brought to them.

Mr. Speaker, Sir, regarding this issue of the World Coin, young people are giving out their biometrics through eye scans, not only here in Nairobi, but across different counties in the world. However, we have no idea about consent and the data protection provisions that have been laid out to protect these young people. They are freely giving

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out their biodata. We need the Committee on ICT to please take this up as a self-generated business for that Committee.

I thank you.

The Speaker (Hon. Kingi): Thank you. Chairpersons of Standing Committees, kindly take note of the concerns as given by Sen. Crystal Asige.

I am afraid we have expended the time given. Looking at the business that is before us, we have five Divisions to undertake. I am informed by both Whips that we are ready to undertake the Divisions on the five Bills. Therefore, I will move to rearrange the sequence of the Order Paper pursuant to Standing Order No.45(2) and immediately move to prosecute Order Nos. 10, 11, 12, 13, 14 and 15. Thereafter, we will resume to Order No. 8 and proceed as it is stated in today's Order Paper.

Clerk, kindly proceed to call the next order.

BILLS

Second Reading

THE KONZA TECHNOPSIS BILL
(SENATE BILLS NO. 2 OF 2023)

(Division)

Second Reading

THE PERSONS WITH DISABILITIES BILL
(SENATE BILLS NO. 7 OF 2023)

(Division)

Second Reading

THE COUNTY LICENSING (UNIFORM PROCEDURE)
BILL (SENATE BILLS NO. 9 OF 2022)

(Division)

The Speaker (Hon. Kingi): Serjeant-at-Arms, kindly proceed to ring the Division Bell for five minutes.

(The Division Bell was rung)

Serjeant-at-Arms, kindly proceed to draw the Bar and close the doors. Hon. Senators, kindly take your seats.

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Serjeant-at-Arms, could you close the doors? I can see a lot of activities at the door.

(The Bar was drawn and the doors closed)

BILLS

Second Reading

THE KONZA TECHNOPOLIS BILL
(SENATE BILLS NO.2 OF 2023)

(Sen. Orwoba on 20.07.2023)

(Resumption of debate interrupted on 20.07.2023)

The Speaker (Hon. Kingi): Hon. Senators, I will proceed to put the question, which is that the Konza Technopolis Bill (Senate Bills No.2 of 2023) be now read a Second Time.

We are going to vote electronically, one Bill after the other, then I will read the results after we have voted on the three Bills. We will start with the Konza Technopolis Bill, then the Persons with Disabilities Bill and, finally, the County Licensing (Uniform Procedure) Bill.

Voting is going to be electronic starting with the Konza Technopolis Bill. Kindly, remove your cards from the delegates unit.

Serjeant-at-Arms, kindly go around and pick whatever is left in the delegates units.

(Sen. Madzayo walked into the Chamber)

Sen. Madzayo, you may proceed to have your seat.

(Sen. Madzayo sat at his place)

Serjeant-at-Arms, once you are done with removing the uncollected cards from the delegates units, kindly let me know.

Hon. Senators, you may now log in and proceed to vote either “Yes”, “No”, or “Abstain.”

(Voting in progress)

Clerk, are there any assisted voters?

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(The Clerk-at-the-Table consulted with the Speaker)

Sen. Wafula, kindly approach the Clerks-at-the-Table so that you may be assisted to vote.

(Sen. Wafula approached the Clerks-at-the-Table)

(Several Senators approached the Clerks-at-the-Table)

The Senator that I called to approach the Clerks-at-the-Table was Sen. Wafula only. Allow the Clerks to do their work.

Let us go to the next Order.

Second Reading

THE PERSONS WITH DISABILITIES BILL
(SENATE BILLS NO.7 OF 2023)

(Sen. Crystal Asige on 17.6.2023)
(Resumption of debate interrupted on 20.7.2023)

The Speaker (Hon. Kingi): Hon. Senators, I will put the question, which is that the Persons with Disabilities Bill (Senate Bills No.7 of 2023) be now read a Second Time. Again, voting is electronically. You may proceed and vote “Yes”, “No”, or “Abstain”. Voting starts now.

(Voting in progress)

The Speaker (Hon. Kingi): Clerk, proceed to call the next Order.

Second Reading

THE KONZA TECHNOPOLIS BILL
(SENATE BILLS NO. 2 OF 2023)

(Sen. Orwoba on 20.07.2023)

(Resumption of debate interrupted on 20.07.2023)

DIVISION

ELECTRONIC VOTING

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(Question, that the Konza Technopolis Bill (Senate Bills No.7 of 2023) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Cheptumo, Baringo County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Kathuri, Meru County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, Tana River County; Sen. (Dr.) Oburu, Siaya County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Wamatinga, Nyeri County and Sen. Wambua, Kitui County.

NOES: Sen. (Dr.) Khalwale, Kakamega County; Sen. Oketch Gicheru, Migori County; Sen. Osotsi, Vihiga County; Sen. Thang'wa, Kiambu County; Sen. Wakili Sigei, Bomet County and Sen. Wafula, Bungoma County.

The Speaker (Hon. Kingi): Hon. Senators, the results of the Division are as follows:

AYES: 22

NOES: 6

ABSENTIONS: Nil

(Question negated by 22 votes to 6)

The "Nays" have it because the Bill has not managed to marshal the requisite 24 Delegates.

(Question lost)

BILL

Second Reading

THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO.7 OF 2023)

DIVISION

ELECTRONIC VOTING

(Question, the Persons with Disabilities Bill (Senate Bills No.7 of 2023) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

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AYES: Sen. Abass, Wajir County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Cheptumo, Baringo County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, Tana River County; Sen. (Dr.) Oburu, Siaya County; Sen. Olekina, Narok County; Sen. Oketch Gicheru, Migori County; Sen. Omogeni, Nyamira County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County and Sen. Wambua, Kitui County.

NOES: Nil

The Speaker (Hon. Kingi): Hon. Senators, the results for the Division of the Persons with Disabilities (Senate Bills No.7 of 2023) are as follows:

AYES: 28

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it

(Question carried by 28 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)

Second Reading

THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL
(SENATE BILLS NO. 9 OF 2022)

(Sen. Mariam Omar on 25.7.2023)

(Resumption of debate interrupted on 26.7.2023)

DIVISION

ELECTRONIC VOTING

(Question, that the County Licensing (Uniform Procedure) Bill (Senate Bills No. 9 of 2022) be now read a Second Time put, and the Senate proceeded to vote by County Delegations)

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AYES: Sen. Abass, Wajir County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Cheptumo, Baringo County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, Tana River County; Sen. (Dr.) Oburu, Siaya County; Sen. Olekina, Narok County; Sen. Oketch Gicheru, Migori County; Sen. Omogeni, Nyamira County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County and Sen. Wambua, Kitui County.

NOES: Nil

The Speaker (Hon. Kingi): The Division vote on the County Licensing (Uniform Procedure) Bill (Senate Bills No. 9 of 2022) results are as follows:

AYES: 28

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 28 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)

The Speaker (Hon. Kingi): Serjeant-at-Arms, you may withdraw the Bars and open the doors.

(The Bars were drawn and doors opened)

Next Order.

COMMITTEE OF THE WHOLE

(Order for Committee read)

[The Speaker (Hon. Kingi) left the Chair]

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Wakili Sigei in the Chair)]

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

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The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, we are going straight to Division. Please, do not leave the Chamber.

Hon. Senators, we had canvased the amendments to the Bill. So, we are going straight to the Division. That is why we are requesting that you do not leave the Chamber.

Order, Hon. Senators. Let us have our seats.

Hon. Senators, we have three Divisions.

(Sen. Abass and Sen. Wamatinga stood in their places)

Sen. Abass and Sen. Wamatinga, kindly take your seats.

Hon. Senators, we are now considering the Natural Resources (Benefits Sharing) Bill (Senate Bills No. 6 of 2022). I will proceed to put the question that New Clauses 5, 5A to 5R, 14A, 14B, 14C, 20, 21, 22 and the New Schedule be read a Second Time.

Serjeant-at-Arms, kindly ring the Division Bell for one minute

(The Division Bell was rung)

Serjeant-at-Arms, you may now close Door and draw the Bar.

(Doors were closed and the Bar drawn)

Hon. Senators, you have one minute to vote starting now.

(Voting in progress)

Sen. Murgor and Sen. Oketch, you may approach the Chair so as to be assisted to vote.

Sen. Murgor, approach the Chair.

(Voting in progress)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 5, 5A to 5R, 14A, 14B, 14C, 20, 21, 22 and the New Schedule, be now read a Second time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Cheptumo, Baringo County; Sen. Chute, Marsabit County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale,

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Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County and Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Wakili Sigei): These are the results of the first vote, on Clauses 5, 5A-5R, 14A, 14B, 14C, 20, 21, 22 and the New Schedule.

AYES: 28

NOES: Nil

ABSENTATIONS: Nil

(Question carried by 28 votes to Nil)

We go to the next question, Clauses with amendments.
Hon. Members, you may start voting now.

(Voting in progress)

Sen. Oketch Gicheru, approach the bar.

(Sen. Oketch Gicheru proceeded to vote manually)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18 and Clause 2 be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Cheptumo, Baringo County; Sen. Chute, Marsabit County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen.

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Omogeni, Nyamira County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County and Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, these are the results of vote on that Division.

AYES: 28

NOES: Nil

ABSENTATIONS: Nil

(Question carried by 28 votes to Nil)

We move on to the final voting that is on all clauses.

Hon. Members, it is time to vote. You may proceed to vote right away.

(Voting in progress)

Sen. Cherarkey, the Senator for Nandi, kindly approach the Chair to vote manually.

(Sen. Cherakey proceeded to vote manually)

Sen. Murgor and Sen. Wafula too, approach the Dispatch box.

(Sen. Murgor and Sen. Wafula proceeded to vote manually)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 (as amended) New Clauses 5A to 5R, Clause 14A, 14B, 14C, Clause 20, 21, 22 and the New Schedule, Clause 2, the Title and Clause be part of the Bill put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass Sheikh Mohamed, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cheptumo, Baringo County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Kisang, Elgeyo Marakwet; Sen. Madzayo, Kilifi County; Sen. Chute, Marsabit County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen.

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Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Kitui County; Sen. Wambua, Kitui County; and Sen. Wafula, Bungoma County.

NOES: Nil.

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, these are the results of the division -

AYES: 27

NOES: 0

ABSENTIONS: 0

(Question carried by 27 votes to Nil)

Hon. Members, we are done with the voting on the Natural Resource Benefit Sharing Bill (Senate Bills No.6 of 2022). We now move to Committee of the Whole on the Cotton Industry Development Bill (Senate Bills No.5 of 2023) by Sen. Beth Syengo.

Similarly, on this, we have three Clauses to vote on.

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, you may proceed to vote. Sen. Oketch Gicheru, just sit, we will facilitate you.

(Voting in progress)

THE COTTON INDUSTRY DEVELOPMENT BILL
(SENATE BILLS NO.5 OF 2023)

DIVISION

ELECTRONIC VOTING

(Question, that New Clauses 23(A) and 49, the New Heading, Clauses 50, 51, 52,53, 54 and 55 be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass Sheikh Mohamed, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cheptumo, Baringo County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Kisang, Elgeyo Marakwet; Sen. Madzayo, Kilifi County; Sen. Chute, Marsabit County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen.

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Omogeni, Nyamira County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Kitui County; Sen. Wambua, Kitui County; and, Sen. Wafula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, these are the results of the first Division.

AYES: 28

NOES:0

ABSENTIONS:0

(Question carried by 28 votes to Nil)

We are proceeding to the Second Division. That is on Clauses with amendments.

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, proceed to vote right now. Sen. Eddie, I remind you to attempt to electronically vote this time round.

(Voting in progress)

DIVISION

ELECTRONIC VOTING

*(Question, that Clauses 7,11,23,24,25 and 32 be amended
as proposed put and the Senate proceeded to vote
by County Delegations)*

AYES: Sen. Abass Sheikh Mohamed, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cheptumo, Baringo County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Kisang, Elgeyo Marakwet; Sen. Madzayo, Kilifi County; Sen. Chute, Marsabit County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Kitui County; Sen. Wambua, Kitui County; and, Sen. Wafula, Bungoma County

NOES: Nil

The Temporary Chairperson: These are the results of the third Division.

AYES:28

NOES:0

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ABSENTIONS:0

(Question carried by 28 votes to Nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3,4,5,6 and 7 (as amended), Clauses 8, 9 and 10, Clause 11(as amended), Clauses 12, 13, 14, 15, 16 and 17, Clauses 18, 19, 20, 21, 22, 23 (as amended), Clause 24 and 25 (as amended), Clauses 26, 27, 28, 29, 30, 31 and 32 (as amended), Clauses 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48, New Clause 23A, New Clause 49 and the New Heading, New Clauses 50, 51, 52, 53, 54 and 55, Clause 2 (as amended), the Title and Clause 1, be part of the Bill put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass Sheikh Mohamed, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cheptumo, Baringo County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Markwet; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, these are the results of the last Division.

AYES: 28

NOES: 0

ABSTENTION: 0

(Question carried by 28 votes to Nil)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, we are moving to Division on the final Bill and this is the Employment (Amendment) Bill (Senate Bill No.11 of 2022) by Sen. Cherargei.

This Bill has no amendments.

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THE EMPLOYMENT (AMENDMENT) BILL
(SENATE BILLS NO.11 OF 2022)

DIVISION

ELECTRONIC VOTING

*(Question that Clause 2, the Title and Clause 1 be part of the Bill put
and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass Sheikh Mohamed, Wajir County; Sen. Cheptumo, Baringo County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Sen. Madzayo, Kilifi County; Sen. Omogeni, Nyamira County.

The Temporary Chairperson (Sen. Wakili Sigei) Hon. Senators, the results of the Division are as follows:

AYES: 26

NOES: 2

ABSTENTIONS: 0

(Question carried by 26 votes to 2)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, we now go to reporting. We will start with the Mover of the Bill of the Natural Resources Benefit Sharing Bill (Senate Bill No.6 of 2022).

Sen. Mungatana, you may proceed.

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

Sen. Mungatana, MGH: Mr. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of the Natural Resources Benefit Sharing Bill (Senate Bills No.6 of 2022) and its approval thereof with amendments. I thank you.

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(Question proposed)

(Question put and agreed to)

THE COTTON INDUSTRY DEVELOPMENT BILL
(SENATE BILLS NO.5 OF 2023)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, next we move to the Cotton Industry Development Bill (Senate Bills No.5 of 2023).

Sen. Wambua, you may proceed.

Sen. Wambua: Mr. Temporary Chairperson, Sir, I beg to move, that the Committee do report to the Senate its consideration of the Cotton Industry Development Bill (Senate Bill No.5 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE EMPLOYMENT AMENDMENT BILL
(SENATE BILLS NO.11 OF 2022)

The Temporary Chairperson (Sen. Wakili Sigei): Lastly, Hon. Members, we move to the third Bill, the Employment Amendment Bill (Senate Bills No.11 of 2022).

I call upon the Mover, Sen. Cherargei, to proceed and report.

Sen. Cherargei: Mr. Temporary Chairperson Sir, I beg to move that the Committee do report to the Senate its consideration of the Employment Amendment Bill (Senate Bills No.11 of 2022) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Wakili Sigei): Serjeant-at-Arms, you may now draw the Bars and open the Doors.

(The Bars were drawn and the Doors opened)

(The House resumed)

[The Temporary Speaker (Sen. Wakili Sigei) in the Chair]

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members kindly let us resume our seats.

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Hon. Members as we report on this one; we have one last Third Reading we are going to vote on. Kindly do not leave the Chambers.

[The Temporary Speaker (Sen. Wakili Sigei) left the Chair]

[The Temporary Speaker (Sen. Abdul Haji) in the Chair]

The Temporary Speaker (Sen. Abdul Haji): Chairperson proceed.

REPORT AND CONSIDERATION OF REPORTS

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

Sen. Wakili Sigei: Thank you, Mr. Temporary Speaker, Sir. I beg to report that the Committee of the Whole has considered the Natural Resources and Benefit Sharing Bill (Senate Bills No. 6 of 2022) and its approval thereof with amendments.

The Temporary Speaker (Sen. Abdul Haji): I now call upon the Mover. Sen. Mungatana, proceed.

Sen. Mungatana, MGH: Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

I shall be seconded by the Hon. Sen. Okenyuri.

Sen. Okenyuri: I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Abdul Haji): I now call upon the Mover, Sen. Mungatana.

Sen. Mungatana, MGH: Mr. Temporary Speaker, Sir, I beg to move that the Natural Resources and Benefit Sharing Bill (Senate Bills No. 6 of 2022), be now read a Third Time. I call upon the Hon. Sen. Okenyuri to second.

Sen. Okenyuri: Mr. Temporary Speaker, Sir, I second.

(Question proposed)

The Temporary Speaker (Sen. Abdul Haji): We shall go to Division later.

THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023)

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Sen. Wakili Sigei: Thank you, Mr. Temporary Speaker, Sir. I beg to report that the Committee of the Whole has considered the Cotton Industry Development Bill (Senate Bills No. 5 of 2023) and its approval thereof with amendments.

The Temporary Speaker (Sen. Abdul Haji): I now call upon the Mover to reply.

Sen. Wambua: Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee on the said report. I will ask Sen. Sifuna to second.

Sen. Sifuna: Mr. Temporary Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Abdul Haji): I now call upon the Mover.

Sen. Wambua: Mr. Temporary Speaker, Sir, I beg to move that the the Cotton Industry Development Bill (Senate Bills No. 5 of 2023) be now read a Third Time and I ask Sen. Sifuna to second.

Sen. Sifuna: Mr. Temporary Speaker, Sir, I second.

(Question proposed)

Division will be at the end.

THE EMPLOYMENT (AMENDMENT) BILL
(SENATE BILLS NO. 11 OF 2022)

The Temporary Speaker (Sen. Abdul Haji): I now call upon the Chairperson to report on the Employment (Amendment) Bill (Senate Bills No. 11 of 2022).

Sen. Wakili Sigei: Thank you, Mr. Temporary Speaker, Sir. I beg to report that the Committee of the Whole has considered the Employment (Amendment) Bill (Senate Bills No. 11 of 2022) and its approval thereof without amendments.

The Temporary Speaker (Sen. Abdul Haji): I now call upon the Mover.

Sen. Cherargei: Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee on the said report. I request the Sen. Sifuna to second.

Sen. Sifuna: Thank you, Mr. Temporary Speaker, Sir. I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Abdul Haji): I now call upon the Mover.

Sen. Cherargei: Mr. Temporary Speaker, Sir, I beg to move that the Employment (Amendment) Bill (Senate Bills No. 11 of 2022) be now read a Third Time.

I request Sen. Wambua to second.

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Sen. Wambua: Mr. Temporary Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Abdul Haji): Let the Division Bell be rung for five minutes.

(The Division Bell was rung)

Ring the Bell for another five minutes please.

(The Division Bell was rung)

Please stop the Bell. Serjeant-at-Arms, please close the Doors and draw the Bar.

(The Doors were closed and the Bars drawn)

Hon. Senators, I will now put the Question, which is that the Natural Resources (Benefit Sharing) Bill (Senate Bills No.6 of 2022) be now read a Third Time. You can start voting.

THIRD READING

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

DIVISION

ELECTRONIC VOTING

*(Question, that the Natural Resources (Benefit Sharing) Bill
(Senate Bills No. 6 of 2022) be now read a Third Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Cheptumo, Baringo County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, Tana River County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen.

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Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, the results of the Division are as follows –

AYES: 24

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 24 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, I ask that you logout. I direct the Serjeant-at-Arms, to pull out all cards remaining in the delegate units.

THIRD READING

THE COTTON INDUSTRY DEVELOPMENT BILL
(SENATE BILLS NO. 5 OF 2023)

DIVISION

ELECTRONIC VOTING

(Question, that the Cotton Industry Development Bill (Senate Bills No. 5 of 2023) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Cheptumo, Baringo County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, Tana River County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, the results of the division are as follows –

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AYES: 24

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 24 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

THIRD READING

THE EMPLOYMENT (AMENDMENT) BILL

(SENATE BILLS NO. 11 OF 2022)

DIVISION

ELECTRONIC VOTING

*(Question, that the Employment (Amendment) Bill
(Senate Bills No. 11 of 2022) be now read a Third Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cheptumo, Baringo County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Kisang, Elgeyo Markwet; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. M. Kajwang’, Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang’wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; Sen. Wambua, Kitui County.

NOES: Nil.

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, the results of the Division are as follows-

AYES: 24

NOES: Nil

ABSTENTION: Nil

The “Ayes” have it.

(Question carried by 24 votes to nil)

(The Bill was accordingly read a Third Time and passed)

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The Temporary Speaker (Sen. Abdul Haji): Serjeant-At-Arms, open the Doors and draw the Bars.

The Chairperson of the *Ad Hoc* Committee, please move the Motion.

MOTIONS

EXTENSION OF MANDATE OF *AD HOC* COMMITTEE ON PROLIFERATION OF RELIGIOUS ORGANISATIONS

Sen. Mungatana, MGH: Mr. Temporary Speaker, Sir, I beg to move the following Motion-

THAT, AWARE that at the sitting of the Senate held on Thursday, 27th April 2023, the Senate, by resolution, established an *Ad Hoc* Committee to investigate the proliferation of religious organizations and the circumstances leading to the deaths of more than 95 people in Shakahola, Kilifi county;

APPRECIATING that the mandate of the Select Committee is lapsed on Wednesday, 26th July, 2023;

ACKNOWLEDGING that the Committee had undertaken tremendous amount of work in the execution of its mandate;

NOTING that the events of the Shakahola in the country continues to evolve with the discovery of more bodies in the Shakahola mass graves, and that the Committee is yet to visit the new grave sites;

NOW THEREFORE, the Senate resolves to renew the mandate of the *Ad Hoc* Committee by a further period not exceeding 30 days of this resolution, and to table its final report in the Senate on or before 5th September, 2023.

Mr. Temporary Speaker, Sir, this is basically a Procedural Motion. It is not my intention to take a long time on it except to ask the House to support the extension of time. The Motion is moved in the amended way as provided for in Standing Order No. 64.

The thrust of this Motion is to ask for extension of time. The Committee has been working day and night. We have visited the area that is involved and we have met many stakeholders.

However, the 90 days that we thought were going to be sufficient to enable us table the report and complete our work are not enough. The reason being that a lot more information is still out there. Many stakeholders have come up, through the Committee and the Senate office, saying that they want to appear and say their bit.

Some of those potential witnesses at the Senate Committee were people who escaped from the Shakahola forest. They have been unwell because they have to go through some psychological treatment. Some of them are better now and can communicate.

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Mr. Temporary Speaker, Sir, the political class have not been able to come before us. They have expressed interest, as big stakeholders in that area, to ask that they be heard.

We have given time to the professionals, human rights organizations, many of the Government offices and the *Ad Hoc* committee set up by the Kilifi County Assembly. However, some of the political stakeholders who believe they have information, have not been able to come before us.

Mr. Temporary Speaker, Sir, one or two other stakeholders who would want to give more information to this Committee, have also requested specifically to come and give the information.

Further, there is need for report writing which we intend to finish within this short time period that we have sought extension.

I have consulted widely with many of our colleagues, the Chair of the Senate Liaison Committee, the Speaker and all the other stakeholders. We are in agreement that there is need for us to do a proper report. However, we cannot finish a proper report within the time limitation that was given to us.

Mr. Temporary Speaker, Sir, we are, therefore, requesting that the House supports this Motion, so that we can give a report worthy the title of a Senate report.

With those few remarks, I move the Motion.

I request Sen. Cheptumo to second.

Sen. Cheptumo: Thank you, Mr. Temporary Speaker, Sir. I rise to second this Motion. The Chairman of the *Ad Hoc* Committee has explained to the House and justified why we are seeking this extension.

Mr. Temporary Speaker, Sir, I am a Member of the *Ad Hoc* Committee. When this House resolved to establish the Committee, its intention was to help the country in coming up with recommendations that will help the nation avoid similar situations from arising in future. The Shakahola situation has portrayed our country negatively, not only in our region, but also internationally. Many Kenyans lost their lives. This House took a position and moved ahead to establish this Committee.

Mr. Temporary Speaker, Sir, as said by the Chair, we have had several meetings, interactions and discussions with the stakeholders. Through those discussions and meetings, the Committee has come across very useful information, which is going to help it in coming up with recommendations, so that a similar situation will not arise in future.

This House cannot act in vain. I am a Member of the Liaison Committee. When the timelines ended, this request for extension came before that Committee. The *Ad Hoc* Committee was asking for a longer time. However, the Liaison Committee approved the time as specified in the Motion. We will have to live with it.

The remaining stakeholders, as stated by the Chair, are equally critical in terms of availing information. We will finally have our report tabled in this House. The relevant Government departments in formulating certain laws and regulations will use the report. It will also provide a way forward. The recommendations of the Committee are going to be very useful in informing the final document that will be prepared by the Committee.

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Mr. Temporary Speaker, Sir, I join my Chairperson in requesting the House to approve this extension, so that we finalise in the next three weeks after receiving more comments and visiting the new graves that have been discovered. We will then finally do our report. I believe that his House will be happy to have a report that is comprehensive and well informed, that will benefit this House and the country at large.

Thank you, Mr. Temporary Speaker, Sir.

I second.

(Question proposed)

The Temporary Speaker (Sen. Abdul Haji): Senators, you may proceed to contribute.

Proceed, Sen. Cherarkey.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, from the outset, I support the extension of time for this *Ad Hoc* Committee because we are dealing with a very serious issue. The issue of religion is personal. Therefore, this is a procedural Motion that should not take a lot of time.

The issue of Shakahola shocked not only the country, but also the world. We are meant to understand that exhumation is still ongoing. More bodies are being retrieved and post-mortem conducted by the Government. I have a few concerns, which the Committee can consider in future. We must relook at the issue of tabling a preliminary report, so that we know the progress. A blanket approval of extension leaves us with more questions than answers.

For instance, there are prisoners of conscience. The Government has taken people away from Shakahola, but instead of releasing them, they are now being taken to prisons or police stations. These are people who are traumatised. They need counselling other than arrests or detention.

Mr. Temporary Speaker, Sir, we also need them to widen the net and ensure that they listen to every religious organisation in this country, including ‘*Yesu wa Tongaren*’ and others. All religious organisations should be listened to, so that we understand. I appeal to the Committee not to, in any way, try to regulate or micro-manage the running of religious organisations in this country. It will be a disaster.

What we can do is to create a regulatory framework where religious organisations can self-regulate themselves, just like other organisations such as Non-Governmental Organisations (NGOs) and the civil society because we do not want to run the risk of creating another avenue for corruption. It is not the business of Government or anybody else to try and micromanage what happens within religious organisations, as long as they meet the bear minimum of the established legal framework.

Mr. Temporary Speaker, Sir, the quick fix that this Committee should have done is to liaise with the Ministry of Interior and National Administration and ensure that the bodies whose post-mortem report is out are released to their families and next of kin for decent burial. I hope that as the Committee sits with the Ministry and Government, it will be on the lookout, so that we do not witness again the re-emergence of such incidences like Shakahola.

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In this country, you wake up in the morning, decide to start a religious organisation and by evening you are the religious leader with a title. People including politicians then start thronging your place. This is the only country where you can do that. You cannot do that in Rwanda. We must ensure that there is regulations, but at the same time, give an opportunity to religious organisations to do self-regulation.

In as much as I support this Motion, I expected the Chairperson to give us a preliminary report on progress, so that we understand where they are. Allow me to equate their work to a journey coming from Eldoret to Nairobi. They have not told us whether they are in Naivasha, Kinungi, Lari or near the City. Those are some of the things that we can improve on when we form an *Ad Hoc* committee of the Senate in future.

They should also tell us whether there are people who have been invited, but declined to appear, so that as a House, we are aware of their whereabouts. I agree with them that we need a solid report to ensure the recommendations will have a proper conducive environment for religious organisations to thrive. This is because religion is a very personal issue between you and your maker. Religion should not be used to mislead Kenyans - young people and women - to turn into a cult. Those are some of the issues.

This is just a procedural Motion; I do not intend to say a lot, but wish the Committee all the best as they continue. We expect to see a very wonderful report.

Mr. Temporary Speaker, Sir, I thank your office because in some instances we have been asked to cede our committee working spaces for the *Ad Hoc* Committee. This is because we believe what they are doing is much more important. I am not saying that other committees are doing something less important; it is the urgency of the matter.

With those many remarks, allow me to support the Motion.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator.

Sen. Faki, you may have the Floor.

Sen. Faki: Asante Bw. Spika wa Muda kwa kunipa fursa hii ili nichangia Hoja ya kuongezewa muda kwa Kamati ya Muda inayo chunguza mashaka kule Shakahola.

Kwanza, nampongeza Mwenyekiti wa Kamati hii na wanachama wake wote nikiwa mmoja wao kwa kazi nzuri ambayo wamefanya mpaka sasa. Tumeweza kuzuru maeneo ya Shakahola mara mbili na tukaona hali ilivyokuwa kule. Tulipozuru sehemu za makaburi, tulipata mwili mmoja ambao ulikuwa umepatikana na ukawa unapelekwa katika hifadhi ya maiti kule Malindi. Kazi iliyofanyika ni kubwa, lakini kazi iliyobaki ni kubwa pia. Hii ni kwa sababu mpaka sasa, hatujaweza kujua kama makaburi ambayo bado yana watu yamekwisha au la kwa sababu, hadi wiki iliyoisha, bado miili ilikuwa inatolewa katika makaburi.

Bw. Spika wa Muda, changamoto ni nyingi kwa hakika. Hii ni kwa sababu tukiangalia wale maafisa wa polisi waliyo wekwa kule kufanya kazi hizo na wale maafisa wa afya ni binadamu na wanafanya kazi ngumu. Watahitajika kupata ushauri kwa muda mrefu kwa sababu yale mambo wanayoyapitia kule sio mambo ya kawaida.

Janga hili kwa hakika ni kubwa kwa sababu mpaka sasa nafikiri ni miili 450 imeweza kufukuliwa na mingi bado yako katika hifadhi ya maiti pale Malindi. Ni vigumu kuwatambua wale waliofariki kwa sababu miili mingine ilikuwa isharibika.

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Vile vile, kazi ya kutafuta *Deoxyribonucleic Acid (DNA)* pia ina changamoto kwa sababu hatuna vifaa vya kupima DNA hapa. Mpaka, ziwasilishwe Afrika Kusini ambako pia inachukuwa muda kuweza kuwatambua wale waliofariki na jamaa zao tofauti tofauti. Wengi ambao walienda kule Shakahola walibadili majina yao. Kama unaitwa Mohamed Faki, kule unajiita jina lingine ambalo hata kama umeweza kupatikana, jina lako na stakabadhi zako zinaonyesha majina tofauti na yale ambayo ulikuwa unajulikana nayo. Kwa hivyo, imekuwa ni vigumu kabisa kuweza kuwatambua watu wale na kuwaunganisha na familia zao ili waweze kuzikwa.

Bw. Spika wa Muda, muda uliyokuwa umepeanwa ni miezi mitatu lakini kulingana na kazi ambayo ipo, muda huo hauwezi kutosha kwa sababu bado kuna mambo mengi ambayo yanatakiwa kufanywa. Tumeweza kufanya mkutano na Mkuu wa Sheria, Waziri wa Usalama wa Ndani, Mwandishi Mkuu wa Vyama yaani *Registrar of Societies* na wengi ambao wametoa habari nzuri ambazo zitasaidia kamati hii kuwa na mwongozo bora ambao utatumika kwa muda mrefu.

Swala la kudhibiti makanisa ama taasisi za kidini ni swala ambalo limeibuka. Kama ilivyo kawaida, wakati watu wanaambiwa wadhhibitiwe, inakuwa shida kwa sababu kila mtu anataka kupata uhuru wake. Lakini, kwa maswala ambayo yametokea Shakahola, hatuwezi kukaa tena kando tukiona kwamba jamii inateseka na inasambaratika tukitaka kulinda uhuru wa kuabudu.

Uhuru wa kuabudu lazima tuheshimu lakini lazima pia wale wanao tekeleza maswala haya waheshimu uhuru wa watu wengine. Tumetoa mfano wa Rwanda. Rwanda wameweza kudhibiti taasisi za kidini. Hii ni kwa sababu walikaa kidete wakasema kwamba hawawezi kuacha kila kitu kiholela. Wakakubali kwamba kuwe na sheria za kuweza kudhibiti mambo yale. Hapa kwetu lazima pia tuwe na sheria ya kudhibiti mambo haya. Hii ni kwa sababu tukiangalia mpaka leo, baadhi ya wale ambao waliokolewa kule Shakahola, wengine wamekataa kula chakula, wengine wanasema kwamba wanaendelea na kufunga. Inakuwa bado wanawatatiza maafisa wa usalama na wale ambao wanawaangalia ili wahakikishe kwamba wamerejea katika Jamii, ili waweze kuisaidia jamii na kuendesha maisha yao kama kawaida.

Bw. Spika wa Muda, swala la haki za binadamu pia limeweza kuibuka mpaka sasa. Hii ni kwa sababu wale ambao walipatikana ni manusura. Bado walikuwa wamewekwa katika kambi ili waweze kupewa ushauri mwafaka, ili waweze kurejea kuishi kama kawaida na familia zao. Lakini hivi majuzi, nimeona maombi ambayo yalikuwa yameombwa mahakamani na Kiongozi wa Mashataka anayehudumia katika sehemu ya Pwani akisema kwamba, angependa watu wale wazuiliwe katika gereza la Shimo la Tewa. Sasa watoke Shakahola waende Shimo la Tewa ili waweze kudhibitiwa pale wasiweze kuonana na familia zao.

Swala ambalo lilikuwa limeibuka ndio hata Kiongozi wa Mashataka aweze kufanya maombi haya ni kwamba, kuna ujauzito wa kiholela unaweza kutokea kwa sababu wale watu walikuwa wanakutana kimwili. Kwa hivyo, inaweza kusababisha ujauzito ambao haukutegemewa. Lakini swala hilo sio swala rahisi kwa sababu, kumfungia mtu jela bila kufuata sheria ni makosa zaidi kuliko mwanamke kupata ujauzito ambao hakutarajia.

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Bw. Spika wa Muda, ni swala ambalo linaibuka na pia ningependa Mwenyekiti, aliangalie swala hilo wakati tutakapo ongezewa muda kwa sababu ni tatizo ambalo litahujumu sheria zetu za kuhusu haki za kibinadamu.

Nikimalizia, leo tukiwa katika chakula za mchana, tulikuwa na Seneta wa Kaunti ya Bungoma. Yeye pia alinieleza kwamba majuzi, kuna watu kama hao wamepatikana Nakuru. Walikuwa wanaelekea sehemu za Ethiopia kuenda kwa maswala kama haya ya Shakahola. Ni mambo ambayo bado yako, dini kama hizi bado ziko na fikra kama hizi bado ziko. Kwa hivyo, inafaa tuweze kumaliza swala hili na tuliangalie vizuri ili kuwe na msingi wa kuweza kutunga sheria za siku za usoni, kuhakikisha kwamba maswala kama haya hayarejelewi tena katika nchi yetu.

Bw. Spika wa Muda, naunga mkono kuongezewa muda kwa Kamati hii na tunaomba kwamba tukipewa muda huu, tuweze kuitumia vizuri zaidi kuhakikisha kwamba ripoti ambayo itatoka pale itakuwa ni ripoti ambayo itaweka msingi katika taifa letu kwa miaka mingi itakayo fuata.

Asante Bw. Spika wa Muda, naunga mkono kwa kuongezwa kwa muda kwa kamati hii.

The Temporary Speaker (Sen. Abdul Haji): Asante, Seneta.

Sen. Thang'wa, you may have the Floor.

Sen. Thang'wa: Thank you, Mr. Temporary Speaker, Sir. I stand to support this Motion that is seeking an extension of the mandate of the *Ad Hoc* Committee that is investigating matters of Shakahola.

When this Committee was formed, we were talking about 95 people found dead by then. As we speak today, those who are reported to have been discovered dead are 425, with of course 613 missing and 91 rescued. That is to say the scope of work, when we were forming this Committee, was not as big as it is now. That is why I support this Motion, so that this Committee can deeply look into this matter and give a report that will bring these matters to a closure.

This Committee should also tell us what a religious cult is and whether we should be having mental check-ups for those people who want to start churches. Someone said that even politicians need mental check-ups when they are running for these seats because we are dealing with the lives of people.

Mr. Temporary Speaker, Sir, if someone who is not mentally upright leads a delegation of people, then we will lose our people. There is an issue happening in a Kiambu school. A principal of a certain school in Gatundu South is telling the students that they are possessed and they have to go through some rituals to get rid of demons.

In the morning, evening or afternoon, the principal comes with water and sprinkles on the students in the name of removing demons from them. We should look into such issues and not only religious leaders. Anybody mandated to take care of the society should always be checked to find out whether whatever they are doing is being done in their right mind and whether it is meant to be done.

Mr. Temporary Speaker, Sir, the same principal did the same thing in Githunguri about 10 years ago. She did the same in Nyeri County last year, such that the parents of that school kicked her out of that institution.

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I believe this Committee is doing a great job and has been talking to people on the issues of Shakahola and religion regulation, and whether or not it is required. I also suggest that they visit Rwanda where churches are regulated, so that they see the advantages and disadvantages of that.

Someone was telling me the other day that sometimes, you may find someone who is not saved today, but tomorrow, the same person says they are saved and changed. Even without a lot of interrogation, the person is given a different place in the society by just saying that. So, there are some people who are hiding in religion and churches, but what they are trying to do is enrich themselves or hide their criminal activities.

Without subjecting the church into a lot of regulations and scrutiny, it is important that this Committee comes up with proper guidelines to be followed when anybody is starting a church. We want to find out who is starting a certain church.

Mr. Temporary Speaker, Sir, as I conclude, 425 people is not a small number. I have seen political leaders holding vigils and lighting candles when people died during *maandamano*. A few people will congregate to light candles for remembrance. I am calling them a few because one person is enough for the family. The same people have not done this for the 425 people of Shakahola. They were in Government when this was happening under their watch.

When the President tried to form a Commission of Inquiry, the same people who are lighting candles when people get killed during *maandamano*, go to court to stop the President from investigating this. The question is: what are they hiding?

Mr. Temporary Speaker, Sir, I urge this Committee to deeply look into this matter, even if it is to recommend a commission of inquiry that will go deeper beyond what this Committee will do. It is painful and hypocritical for someone to assume or pretend to care for Kenyans, when 425 are dead and when they were in Government, they did not know about it.

They should appear before the commission. Even the former Head of State, President Uhuru Kenyatta, should go before a commission of inquiry or even this Committee because he was mandated to protect citizens of this country. We are giving this Committee, 30 more days to scrutinise and check everything. They should invite everybody who was involved – even the security apparatus in the previous Government – so that they can shed light. You never know, maybe they were in cahoots with the so-called Mackenzie.

Mr. Temporary Speaker, Sir, I support.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator.

I call upon the Mover to reply.

Sen. Mungatana, MGH: Mr. Temporary Speaker, Sir, I sincerely thank my colleagues. I start with Sen. Cheptumo who seconded this Motion. I also thank Sen. Cherarkey, Sen. Faki and Sen. Thang’wa because they gave valuable suggestions on how we should proceed. I thank every one of them apart from the one who seconded because they also supported this Motion.

There is good reason for us to have more time, so that we can give the Senate quality work. With those few remarks, I beg to reply.

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Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, I determine that this matter does not affect counties.

(Question put and agreed to)

Next Order.

APPROVAL OF THE COUNTY GOVERNMENTS EQUITABLE
SHARE CASH DISBURSEMENT SCHEDULE FOR FY 2023/2024

The Temporary Speaker (Sen. Abdul Haji): Chairperson, Committee on Finance and Budget.

Sen. Tabitha Mutinda: Thank you, Mr. Temporary Speaker, Sir. I beg to move the following Motion -

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for Financial year 2023/2024, laid on the Table of the Senate on Thursday, 27th July, 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 (Equitable Share) Cash Disbursement Schedule for Financial year 2023/2024.

The Constitution provides that revenue raised nationally shall be shared equitably among all the 47 counties. This requirement is actualised through the enactment of the Division of Revenue Bill, pursuant to Article 218(1). Following the enactment of the Division of Revenue Bill, Parliament is required to process the County Allocation Bill, pursuant to Article 218(1) (b).

This Bill is meant to share the county governments' equitable share amongst all the 47 counties. The sharing amongst counties is actually based on a criterion that is arrived at through different parameters. These are the health parameters, equitable share indexes, agricultural services, urban services and other county services, population, the land, roads and poverty index factor.

Since the County Allocation Revenue Act (CARA) has been assented to by the President, the National Treasury, pursuant to Section 17(6)(7) of the Public Finance Management (PFM) Act, is required to prepare and submit to the Senate draft of the County Government Equitable Share Cash Disbursement Schedule.

Section 17 of the PFM Act provides that the National Treasury shall, at the beginning of every month and in not later than the 15th from the date of commencement of the month, disburse monies to the counties. This is on the basis of the cash disbursement schedule approved by the Senate.

The cash disbursement schedule provides a guide to the expected monthly disbursement for each and every county. This is from January to December. Each county is allocated the funds from what we passed, that is, the Kshs385 billion. Therefore, there

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is an allocation for all of the 47 counties. This is the Schedule that the National Treasury is supposed to disburse to the counties every month per county.

These funds are normally transferred to County Revenue Fund (CRF) accounts. It also facilitates the predictable and timely transfers, so that the counties can have cash flow to run the services that they are supposed to deliver to the citizens

Sen. Kibwana: On a point of order Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): What is your point of order, Sen. Kibwana?

QUORUM

Sen. Kibwana: Mr. Temporary Speaker, Sir, I rise under Standing Order No.41 on lack of quorum. If I may read it:-

“If at one time in the course of the proceedings of the Senate, a Senator objects that there is no---”

The Temporary Speaker (Sen. Abdul Haji): Hon. Senator, it is okay. You do not have to read it.

Clerk, confirm if we have a quorum.

Ring the Bell for 10 minutes.

(The Quorum Bell was rung)

The Temporary Speaker (Sen. Abdul Haji): Sen. Tabitha Mutinda, you will have a balance of three minutes when we resume.

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, there being no quorum and having rung the Bell, pursuant to the provision of Standing Order No.41 (2), the Senate stands adjourned until tomorrow, Wednesday, 2nd August, 2023, at 9.30 a.m.

The Senate rose at 6.13 p.m.