



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, FEBRUARY 15, 2024 AT 2.30 PM

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Temporary Speaker (Sen. Wakili Hillary Sigei, MP).

3. **QUORUM OF THE SENATE**

The Temporary Speaker (Sen. Wakili Hillary Sigei, MP), having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was a Quorum, invited the Clerk to call the Orders of the day.

4. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following communication from the Chair: -

i. **Visiting Students and Teachers from Umoja Secondary School, Kiambu County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting teachers and students from Umoja Secondary School in Kiambu County. The group comprises three (3) teachers and sixty (60) students who are in the Senate for a one-day academic exposition.

Honourable Senators,

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

ii. Visiting Students and Teachers from Kenyatta University Homa Bay Students Association, Homa Bay County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting students from Kenyatta University, Homa Bay Students Association. The group comprises seventeen (17) students who are in the Senate for a one-day academic exposition.

Honourable Senators,

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

iii. Visiting Teachers and Students from Giaki Girl’s Secondary School in Meru County

“Honorable Senators,

In the Public gallery, we have forty- seven (47) students, accompanied by four (4) teachers from Giaki Girl’s Secondary School in Meru County, who are undertaking an education visit in the Senate.

Honorable Senators,

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you!”

5. PETITION

Pursuant to Standing Order 236 (2) (b), the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) reported a Petition to the Senate by Mr. Peter Kangwaru Nyaga on behalf of residents of Muthanthara sub location concerning the plight of the landless in Muthanthara, Embu County.

Pursuant to Standing Order 237, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) invited Senators to make comments, observations or seek clarification in relation to the Petition and, subsequently, committed it to the Standing Committee on Land, Environment and Natural Resources, pursuant to Standing Order 238 (1).

6. PAPERS LAID

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

- i) Annual Corporate Report for the Office of the Auditor General for 2022 – 2023.
- ii) Annual Report of the Judicial Service Commission (JSC) for financial year 2022/2023.
- iii) Bi-Annual Report of the Commission on Administrative Justice (CAJ) for the period January – June, 2023.
- iv) Report of the Auditor General for Water Companies for Financial Year 2021/2022.
- v) Summary Report of the Auditor General for Water Companies for Financial Year 2021/2022.
- vi) Annual Report and Audited Financial Statements of the Teachers Service Commission (TSC) for Financial Year 2022/2023.
- vii) Report of the Auditor General on Financial Statement of Thika Level 5 Hospital for the year ended 30th June, 2022.
- viii) Report of the Auditor General on Financial Statement of Machakos Bursary Fund for the year ended 30th June, 2023.
- ix) Report of the Auditor General on Financial Statement of Wajir County Disability Fund for the year ended 30th June, 2023.
- x) The Budget Policy Statement for the Financial Year 2024/2025.
- xi) The Medium- Term Revenue Strategy for Financial Years 2024/2025 to 2026/2027.
- xii) The Medium-Term Debt Management Strategy, 2024.
- xiii) The Draft Division of Revenue Bill, 2024.
- xiv) The Draft County Allocation of Revenue Bill, 2024.
- xv) The Draft County Governments Additional Allocations Bill, 2024.

(The Senate Majority Whip)

- xvi) Report of the 66th Commonwealth Parliamentary Conference held in Accra, Ghana from 30th September – 6th October, 2023.

(Sen. (Prof.) Margaret Kamar, MP)

- xvii) Statement on the business of the Senate for the week commencing Tuesday, 20th February, 2024.

(The Senate Majority Whip)

7. COMMUNICATIONS FROM THE CHAIR ON CONSIDERATION OF THE BUDGET POLICY STATEMENT, 2024 BY THE SENATE

The Speaker conveyed the following communications from the Chair: -

“Honourable Senators,

As you may have noted, the Senate Majority Leader has tabled the following documents: -

- i. the Budget Policy Statement for the Financial Year 2024/2025;
- ii. the Medium- Term Revenue Strategy for Financial Years 2024/2025 to 2026/2027;
- iii. the Medium-Term Debt Management Strategy, 2024;
- iv. the Draft Division of Revenue Bill, 2024;
- v. the Draft County Allocation of Revenue Bill, 2024; and
- vi. the Draft County Governments Additional Allocations Bill, 2024.

Section 25 of the Public Finance Management Act and Standing Order 186 of the Senate requires the National Treasury to prepare and submit the Budget Policy Statement to Parliament by the 15th of February each year.

Honourable Senators,

The Budget Policy Statement is an important financial instrument as it sets out the broad strategic priorities and policy goals that will guide the national government and county governments in preparing their budgets both for the following Financial Year and over the medium term. It contains, among other things -

- i) an assessment of the current state of the economy and the financial outlook over the medium term, including the macro-economic forecasts;
- ii) the financial outlook with respect to Government revenues, expenditures and borrowing for the next financial year and over the medium term;
- iii) the proposed expenditure limits for the national government, including those of Parliament and the Judiciary and indicative transfers to county governments;
- iv) the fiscal responsibility principles and financial objectives over the medium-term including limits on total annual debt; and

- v) the proposed division of revenue, including proposed additional allocations, if any.

This Budget Policy Statement details the criteria used to allocate or apportion the available public resources among the two levels of Government and various programmes and projects.

Honourable Senators,

Section 25 (7) of the Public Finance Management Act provides as follows-

“25 (7) Parliament shall, not later than fourteen days after the Budget Policy Statement is submitted to Parliament, table and discuss a report containing its recommendations and pass a resolution to adopt it with or without amendments.”

Further, Standing Order 186(4) states that *“upon being laid before the Senate, the Budget Policy Statement shall be committed to each Standing Committee to consider and submit its recommendations to the Standing Committee on Finance and Budget within 7 days.”* Pursuant to Standing Order 186 (5), the Standing Committee on Finance and Budget shall *“within twelve days following the tabling of the Budget Policy Statement, consider the Budget Policy Statement and the recommendations received under paragraph (4) and table a report for consideration, in accordance with Section 25(7) of the Public Finance Management Act.”*

Appreciating the importance of the Budget Policy Statement and the above timelines, I direct that, the Budget Policy Statement be considered by all Standing Committees; each concentrating on its mandate, highlighting any policy and financial recommendations thereof. These recommendations must be forwarded to the Standing Committee on Finance and Budget on or before Thursday, 22nd February, 2024.

In order to assist the Standing Committees to unpackage the contents of the Budget Policy Statement, the Standing Committee on Finance and Budget has organized a breakfast meeting for all Senators, on Tuesday, 20th February, 2024, at 7:30 a.m. at a venue to be communicated.

The Standing Committee on Finance and Budget will be required to consider the recommendations from the other Standing Committees, as well as consult the institutions referred to under Standing Order 186(6) in finalizing its report on the Budget Policy Statement. The Standing Committee will be required to table its report on or before Wednesday, 28th February, 2024, for the Senate to consider and make a determination on the report by Thursday, 29th February, 2024.

Honourable Senators,

In a nutshell it means that any proposal that Senators have regarding the Budget Policy Statement, Division of Revenue Bill, the County Allocation of

Revenue Bill, the County Governments Additional Allocations Bill, 2024 and the financing structure thereof among other recommendations, should be canvassed and forwarded to the Cabinet Secretary for the National Treasury for consideration, when finalizing the budget for the relevant Financial Year. This is a requirement pursuant to Section 25 (8) of the Public Finance Management Act and Standing Order 186 (9) of the Senate.

In conclusion, I urge you all to prioritize the scrutiny of the Budget Policy Statement taking into consideration our most important function of safeguarding devolution.

I thank you.”

8. NOTICES OF MOTION

- i) **REPORT OF THE 66TH COMMONWEALTH PARLIAMENTARY CONFERENCE HELD IN ACCRA, GHANA FROM 30TH SEPTEMBER – 6TH OCTOBER, 2023**
(Sen. (Prof.) Margaret Kamar, MP)

THAT, the Senate notes the Report of the 66th Commonwealth Parliamentary Conference held in Accra, Ghana from 30th September – 6th October, 2023 LAID ON THE Table of the Senate on Thursday 15th February, 2024.

- ii) **REPORT OF THE STANDING COMMITTEE ON ENERGY ON THE INQUIRY INTO THE HIGH COST OF ELECTRICITY IN THE COUNTRY**
(The Vice Chairperson, Standing Committee on Energy)

THAT, the Senate adopts the Report of the Standing Committee on Energy on the inquiry into the high cost of electricity in the Country laid on the table of the Senate on Wednesday, 27th September, 2023.

9. **NOTICE OF MOTION - ADJOURNMENT OF THE SENATE PURSUANT TO STANDING ORDER 37(1) TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE RELATING TO THE UNTIMELY DEATH OF THE CURRENT MARATHON WORLD RECORD HOLDER MR. KELVIN KIPTUM.**

Raising a point of order, pursuant to Standing Order 37(1), the Senator for Nandi County (Sen. Samson Cherarkey, MP) sought leave to Move a Motion for the adjournment of the Senate to discuss a definite matter of urgent national importance, namely, the untimely death of the current marathon world record holder Mr. Kelvin Kiptum through a road accident along Kaptagat - Eldoret road.

And there being the requisite number of Senators rising in support of the claim; Thereupon, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) nominated thirty minutes past five O'clock, as the time when the Motion would be moved.

10. QUESTIONS AND STATEMENTS**a) Requests for statements pursuant to Standing Order 53(1)**

- i.) Nominated Senator (Sen. Crystal Asige, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding the registration, without consent, of teachers with disabilities by the Kenya Union of Special Needs Education Teachers (KUSNET).
- ii.) Nominated Senator (Sen. Crystal Asige, MP) sought a Statement from the Standing Committee on Education regarding the implementation, by the Teachers Service Commission (TSC), of the Disability Guide Allowance (DGA).
- iii.) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing concerning the status of projects being undertaken by the Isiolo County Government.
- iv.) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding recruitment and employment at the County Government of Isiolo.
- v.) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a Statement from the Standing Committee on Finance and Budget concerning the pending bills in Isiolo County Government from the financial year 2013/2014 to the financial year 2022/2023.
- vi.) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding frequent fire disasters in Nairobi City County.

b) Statement pursuant to Standing Order 57(1)

The Senate Majority Whip, on behalf of the Senate Majority Leader, issued a statement on the business of the Senate for the week commencing Tuesday, 20th February, 2024.

11. THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)

(Sen. Wakili Hillary Sigei, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 30th November, 2023)
(Division)

Order deferred.

12. **COMMITTEE OF THE WHOLE**
THE EQUALIZATION FUND APPROPRIATION BILL, (SENATE BILLS NO. 30 OF 2023)

(The Chairperson, Standing Committee on Finance and Budget)

*(Resumption of debate interrupted on Wednesday, 29th November, 2023
– Afternoon Sitting)
(Division)*

Order deferred.

13. **COMMITTEE OF THE WHOLE**
THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)

(Sen. Mariam Sheikh Omar, MP)

*(Resumption of debate interrupted on Tuesday, 28th November, 2023)
(Division)*

Order deferred.

14. **COMMITTEE OF THE WHOLE**
THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILLS NO. 12 OF 2022)

(Sen. Maureen Tabitha Mutinda, MP)

*(Resumption of debate interrupted on Tuesday, 28th November, 2023)
(Division)*

Order deferred.

15. **COMMITTEE OF THE WHOLE**
THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)

(Sen. Enoch Wambua, MP)

*(Resumption of debate interrupted on Tuesday, 28th November, 2023)
(Division)*

Order deferred.

16. **COMMITTEE OF THE WHOLE**
THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)

(Sen. Crystal Asige, MP)

*(Resumption of debate interrupted on Tuesday, 28th November, 2023)
(Division)*

Order deferred.

17. **COMMITTEE OF THE WHOLE**
THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)
(Sen. Crystal Asige, MP)

(Resumption of debate interrupted on Tuesday, 28th November, 2023)
(Division)

Order deferred.

18. **COMMITTEE OF THE WHOLE**
THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 9 OF 2023)
(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

(Resumption of debate interrupted on Tuesday, 28th November, 2023)
(Division)

Order deferred.

19. **THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Water (Amendment) Bill (National Assembly Bills No. 33 of 2023) be now read a Second Time.

(The Senate Majority Leader - 19.09.2023)

Debate interrupted on Wednesday, 14th February, 2024 (Morning Sitting) resumed;

The Temporary Speaker (Sen. Catherine Mumma, MP) interrupted the debate and re-organized the business on the Order Paper pursuant to Standing Order 45 (2), and directed the Clerk to read Order No. 8 on the Order Paper.

20. **MOTION - CONSIDERATION OF THE DRAFT SENATE CALENDAR FOR THE THIRD SESSION OF THE THIRTEENTH PARLIAMENT**

Order read;

Motion made and Question proposed;

THAT, pursuant to Standing Order 32 (1), the Senate approves the Calendar (Regular Sessions) for the Third Session of the Thirteenth Parliament (February to December, 2024), laid on the Table of the Senate on Wednesday, 14th February, 2024.

(The Senate Majority Whip)

Debate arising;

And there being no other Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1), the Temporary Speaker (Sen. Catherine Mumma, MP) ruled that the Motion did not affect counties.

Question put and **agreed to.**

RESOLVED ACCORDINGLY

THAT, pursuant to Standing Order 32 (1), the Senate approves the Calendar (Regular Sessions) for the Third Session of the Thirteenth Parliament (February to December, 2024), laid on the Table of the Senate on Wednesday, 14th February, 2024.

21. **MOTION – ADJOURNMENT OF THE SENATE PURSUANT TO STANDING ORDER 37(1) TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE RELATING TO THE UNTIMELY DEATH OF THE CURRENT MARATHON WORLD RECORD HOLDER MR. KELVIN KIPTUM.**

Motion made and Question proposed;

THAT, pursuant to Standing Order 37 (1), the Senate do now adjourn to discuss a definite matter of urgent national importance namely, the untimely death of the current Marathon world record holder Mr. Kelvin Kiptum through a road accident along Kaptagat - Eldoret road.

(Sen. Samson Cherarkey, MP)

Debate arising;

Having concluded the debate on the Adjournment Motion and pursuant to Standing Order 34(7), the Temporary Speaker (Sen. Catherine Mumma, MP) adjourned the Senate at twenty-eight minutes past six O'clock, without Question put.

22. **SENATE ROSE** - at twenty-eight minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, February 20, 2024 at 2:30 p.m.*

--x--