



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, 29 MAY, 2024 (MORNING SITTING)

1. The Senate assembled at thirty Minutes past Nine O'clock.
2. The proceedings were opened with Prayer said by the Deputy Speaker.
3. **QUORUM OF THE SENATE**

The Deputy Speaker, having counted the Hon. Senators present at the commencement of the Sitting and, confirming that there was no Quorum, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

And there being no Quorum at the expiry of the ten minutes, the Deputy Speaker directed that the Bell be rung for a further ten minutes;

And there being a Quorum before the expiry of the ten minutes;

The Deputy Speaker invited the Clerk to call the Orders of the day.

4. **PAPERS LAID**

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

- i) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No. 10 of 2024).

(Sen. Catherine Mumma on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

- ii) Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bills No. 14 of 2024).

(Sen, Mwinyihaji Faki on behalf of the Co-Chairperson, Mediation Committee)

5. **NOTICE OF MOTION – CONSIDERATION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 14 OF 2024)**

(Sen. Mwinyihaji Faki on behalf of the Co-Chairperson, Mediation Committee)

THAT, the Senate adopts the Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bills No. 14 of 2024), laid on the table of the Senate on Wednesday, 29th May, 2024 and that, pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill.

6. **NOTICE OF MOTION – ADDRESSING THE CHALLENGE OF POWER PURCHASE AGREEMENT RENEWALS AND ELECTRICITY SUPPLY IN KENYA**

(Sen. Wahome Wamatinga, MP)

THAT, AWARE that on 29th March 2021, a presidential taskforce was formed to review power purchase agreements between the Government and Independent Power Producers, during which a moratorium was imposed on Kenya Power and Lighting Company (KPLC), preventing KPLC from signing new agreements or renewing existing ones with Independent Power Producers, which moratorium was lifted by the Cabinet in March 2023;

FURTHER AWARE that the National Assembly, vide a Motion adopted on 19th April, 2023 placed a moratorium, restricting KPLC from signing and renewing power purchase agreements (PPAs) with Independent Power Producers (IPPs) pending a report of inquiry by the Departmental Committee on Energy and the consequent House resolution on the report;

CONCERNED that Kenya imports 17% of its electricity from neighboring countries and faces a challenge as the growing demand for electricity is conflicted with the lengthy process of developing power plants, which usually takes 6-10 years from conception to generation, leading to electricity shortage and load shedding which impedes economic growth;

COGNIZANT of the Senate resolution of 28th February, 2024 on a Motion by the Standing Committee on Energy on inquiry into the high cost of electricity in the country calling upon the Ministry of Energy to, among others, create a one-stop IPP office that comprises all the stakeholders required for approval of power plants and that the Ministry, through KPLC and Independent Power Producers, renegotiate the current power purchase agreements within 12 months of adoption of the report;

NOW, THEREFORE, notwithstanding the resolution of the National Assembly that imposed a moratorium on Kenya Power whose timeline has lapsed, the Senate, in order to cushion Kenyans from the high cost of electricity, resolves:

- i) that the Ministry of Energy and Petroleum and Kenya Power and Lighting Company be allowed to enter into new power purchase agreements or

renew existing power purchase agreements with Independent Power Producers; and

- ii) that the Energy and Petroleum Regulatory Authority (EPRA) fast tracks the acquisition of necessary licenses required by Independent Power Producers with valid power purchase agreements for setting up power plants.

7. **QUESTIONS AND STATEMENTS**

QUESTIONS

- i) **Question No. 037** by Sen. (Dr.) Boni Khalwale, CBS, MP to the Cabinet Secretary for Foreign and Diaspora Affairs on the welfare of Kenyans working in the Gulf States was deferred in the absence of the Cabinet Secretary.
- ii) **Question No. 040** by Sen. (Prof.) Tom Ojienda, SC, MP to the Cabinet Secretary for Foreign and Diaspora Affairs on obligations of the Government to Kenyans in the diaspora who face arrest, detention and deportation was deferred in the absence of the Cabinet Secretary.
- iii) **Question No. 021** by Sen. Edwin Sifuna, MP to the Cabinet Secretary for the National Treasury and Economic Planning on the failure by the e-Citizen digital platform to process payments made to some Government institutions was deferred in the absence of the Cabinet Secretary.
- iv) **Question No. 060** by Sen. Catherine Mumma, MP to the Cabinet Secretary for the National Treasury and Economic Planning on financing and utilization of the National Government development budget for the FY 2022/2023 was deferred in the absence of the Cabinet Secretary.
- v) **Question No. 057** by Sen. (Prof.) Tom Ojienda, MP to the Cabinet Secretary for Environment, Climate Change and Forestry on climate change initiatives implemented in the country and their tailoring to the specific needs of each county was deferred in the absence of the Cabinet Secretary.
- vi) **Question No. 072** by Sen. James Murango, MP to the Cabinet Secretary for Environment, Climate Change and Forestry on the discharge of effluent and other pollutants into rivers in Kirinyaga County was deferred in the absence of the Cabinet Secretary.

8. **THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 10 OF 2024)**

Order for Second Reading read;

Motion made and Question proposed;

That, the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No. 10 of 2024) be now read a Second Time.

(The Senate Majority Leader)

Debate arising;

And the time being One O'clock, the Temporary Speaker (Sen. Catherine Mumma, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

9. **SENATE ROSE** - at One O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, May 29, 2024 at 2.30 p.m.*

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