



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, MAY 30, 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 Speaker.

3. **QUORUM OF THE SENATE**

The Speaker, having counted the Honourable 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 a Quorum before the expiry of the ten minutes;

The Speaker invited the Clerk to call out the Orders of the Day.

4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair-

(i) **The 6th Kenya Private Sector Alliance (KEPSA) - Senate Speaker's Roundtable (SRT)**

“Honourable Senators,

The Kenya Private Sector Alliance (KEPSA) is the apex body of the private sector in Kenya. The organization brings together the business community under a single umbrella body to engage and influence public policy for an enabling business environment.

Over the last few years, the Senate and KEPSA have held an annual roundtable conference to enhance greater private sector engagement and participation in Kenya's governance structure and economic management. The Senate Speaker's Roundtable (SRT) is a high-level platform for Public-Private sector dialogue between the business community and the Senate,

that facilitates a joint review of the country's policy and legislative environment, identifies crucial legislation for the private sector that needs to be reviewed or fast-tracked, and addresses any gaps that require new legislative intervention based on the country's and private sector development priorities.

Honourable Senators,

This year, the 6th KEPSA-Senate Speaker's Roundtable is scheduled to be held in Mombasa County between 12th and 13th June, 2024, at a venue that will be communicated in due course.

The event will be held under the theme, "Strengthening the role of the Senate in improving county business environment competitiveness for the creation of wealth, jobs and inclusive prosperity in Kenya". To this end, the business community and Honourable Senators will seek to set the legislative interventions for 2024 between the private sector and the Senate, that is aimed at boosting county economic competitiveness. Focus areas under this theme will include: -

- a) improvement of the overall ease of doing business and competitiveness in the counties;
- b) promotion of the manufacturing sector as a key driver of economic transformation and job creation;
- c) addressing factors that inhibit agribusiness in counties;
- d) ensuring counties integrate environmental and social considerations; and
- e) strengthening the Senate's vanguard role as shepherds for devolution and county competitiveness.

Honourable Senators,

I take this opportunity to invite all Senators to participate in this forum. Your involvement will be instrumental in driving positive change in our economic landscape, which will ultimately improve the quality of life for all Kenyans.

The Office of the Clerk will communicate further details on the event.

I thank you."

(ii) Visiting teachers and students from Baringo High School in Baringo County

"Honourable Senators,

In the Public gallery, we have forty-four (44) form four students and two (2) teachers from Baringo High School in Baringo County, who are undertaking an education visit in the Senate.

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 Sacho High School in Baringo County

“Honourable Senators,

In the Public gallery, we have thirty-nine (39) form four students and three (3) teachers from Sacho High School in Baringo County, who are undertaking an education visit in the Senate.

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.”

(iv) Visiting teachers and students from Grace Baptist Academy in Nakuru County

“Honourable Senators,

In the Public gallery, we have twenty (20) students and five (5) teachers from Grace Baptist Academy in Nakuru County, who are undertaking an education visit in the Senate.

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.”

(v) Visiting teachers and students from Kericho High School in Kericho County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting teachers and students from Kericho High School in

Kericho County. The delegation comprises three (3) teachers and forty-one (41) 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!”

(vi) Visiting Students from ICS Technical College in Nairobi City County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, six (6) students from ICS Technical College in Nairobi City County. They 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.”

5. PAPERS LAID

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

- i.) Report of the Kenya delegation to the 148th Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 23rd to 27th March, 2024.

(Sen. Catherine Mumma, MP)

- ii.) Report of the Standing Committee on National Security, Defence and Foreign Relations on the Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023)

(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)

- iii.) Report of the Kenya delegation to the 14th Ordinary Session of Plenary Assembly and related meetings of the Forum of Parliaments of the International Conference of the Great Lakes Region (FP-ICGLR) held in Livingstone, Zambia from 15th to 19th April, 2024.

(Sen. Hezena Lemaletian, MP, on behalf of Sen. Ali Roba, MP)

- iv.) Statement on the business of the Senate for the week commencing Tuesday, 28th May, 2024.

(The Deputy Senate Majority Leader)

6. **NOTICE OF MOTION-REPORT OF THE KENYA DELEGATION TO THE 148TH ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN GENEVA, SWITZERLAND, FROM 23RD TO 27TH MARCH, 2024**

(Sen. Catherine Mumma, MP)

THAT, the Senate notes the Report of the Kenya delegation to the 148th Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 23rd to 27th March, 2024 laid on the Table of the Senate on Thursday, 30th May, 2024.

7. **NOTICE OF MOTION-REPORT OF THE KENYA DELEGATION TO THE 14TH ORDINARY SESSION OF THE PLENARY ASSEMBLY AND RELATED MEETINGS OF THE FORUM OF PARLIAMENTS OF THE INTERNATIONAL CONFERENCE OF THE GREAT LAKES REGION (FP-ICGLR) HELD IN LIVINGSTONE, ZAMBIA, FROM 15TH TO 19TH APRIL, 2024**

(Sen. Hezena Lemaletian, MP, on behalf of Sen. Ali Roba, MP)

THAT, the Senate notes the Report of the Kenya delegation to the 14th Ordinary Session of plenary Assembly and related meetings of the Forum of Parliaments of the International Conference of the Great Lakes Region (FP-ICGLR) held in Livingstone, Zambia from 15th to 19th April, 2024 laid on the Table of the Senate on Thursday, 30th May, 2024.

8. **QUESTIONS AND STATEMENTS**

a) **Statement pursuant to Standing Order 52(1)**

Nominated Senator (Sen. Hamida Kibwana, MP) made a Statement on the International Day to end Obstetric Fistula and Mental Health Awareness Month.

The Senator informed the House that the International Day to End Obstetric Fistula was observed on May 23rd with the theme "Breaking the Cycle: Preventing Fistula Worldwide," and that the Mental Health Awareness Month was being observed in the month of May, with the theme "Mental Health is a Universal Human Right."

In the Statement, the Senator highlighted the physical and mental health challenges faced by women suffering from obstetric fistula, stressing the need for comprehensive maternal healthcare and psychological support. She pointed out the existence of stigma and discrimination surrounding fistula

and mental health, which leads to social exclusion and barriers to seeking help.

The Senator proposed a multifaceted approach to address the issue, which includes enhancing access to skilled birth attendants, emergency obstetric care and timely surgical interventions to prevent fistula, along with providing reconstructive surgery and post-operative care for affected women. Additionally, she suggested integrating mental health support into maternal healthcare programs and emphasized the importance of raising awareness about obstetric fistula and mental health within communities, to foster a supportive environment and challenge misconceptions.

In conclusion, the Senator urged the Senate to participate in initiatives that raise awareness about the issue, reaffirming the commitment to health as a universal human right. She also urged for the promotion of comprehensive healthcare for both physical and mental well-being for a more inclusive and equitable society.

b) Requests for Statements pursuant to Standing Order 53(1)

- i) Nominated Senator (Sen. Tabitha Mutinda, MP) sought a Statement from the Standing Committee on Health regarding the deplorable state of maternity services at the Mama Lucy Kibaki Hospital in Nairobi City County.
- ii) Nominated Senator (Sen. Gloria Orwoba, MP) sought a Statement from the Standing Committee on Finance and Budget concerning the expenditure of the budgetary allocations for the sanitary towels programme for financial year 2023/2024.
- iii) Nominated Senator (Sen. Catherine Mumma, MP) sought a Statement from the Standing Committee on Health regarding access to obstetric fistula care in Kenya.
- iv) Nominated Senator (Sen. Raphael Chimera, MP) sought a Statement from the Standing Committee on Education regarding the management and operation of Mbele Primary School in Mackinon Town by the County Government of Taita Taveta.
- v) Seneta wa Kaunti ya Narok (Sen. Ledama Olekina, Mb.) kwa niaba ya Seneta wa Kaunti ya Mombasa (Sen. Mohamed Faki, Mb.) aliomba Kauli kutoka kwa Kamati ya Kudumu ya Elimu kuhusu malipo ya walimu waliostaafu kutoka Tume ya Kuajiri walimu.
- vi) The Senator for Tana River County (Sen. Danson Mungatana, MP) on behalf of the Senator for Bomet County (Sen. Wakili Hillary Sigei, MP) sought a Statement from the Standing Committee on Roads,

- Transportation and Housing regarding the procurement of road construction machinery in Bomet County.
- vii) The Senator for Tana River County (Sen. Danson Mungatana, MP) on behalf of the Senator for Bomet County (Sen. Wakili Hillary Sigei, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the prolonged water shortage in Bomet Town, Bomet County.
 - viii) The Senator for Murang'a County (Sen. Joe Nyutu, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the upward review of water tariffs in Murang'a County by the Kenya Water Services Regulatory Board (WASREB).
 - ix) Nominated Senator (Sen. Hamida Kibwana, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the ongoing evictions and demolitions in Mathare and Mukuru kwa Reuben areas in Nairobi City County.
 - x) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Education regarding the placement of students in universities and the state of public universities in the country.
 - xi) Nominated Senator (Sen. Miraj Abdillahi, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding reported cases of attacks targeting women drivers operating taxi-hailing services.
 - xii) The Senator for Nakuru County (Sen. Tabitha Keroche, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding fishing activities at Lake Nakuru National Park that led to the shooting of four young men at Barut area of Nakuru West.

c) Statement pursuant to Standing Order 57 (1)

The Deputy Senate Majority Leader issued a Statement on the business of the Senate for the week commencing Tuesday, 25th June, 2024.

9. **THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL (NATIONAL ASSEMBLY BILLS NO. 44 OF 2023)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 28th May, 2024)
(Division)

Order deferred.

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

Order 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 – 29.05.2024 - Afternoon Sitting)

Debate interrupted on Wednesday, 29th May, 2024 (Afternoon Sitting) resumed on a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 86(2), and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Speaker directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed two (2) Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as “**Yes**” –

1. Sen. Asige Crystal Kegehi, MP – voted verbally on behalf of Mombasa County Delegation
2. Sen. Recha Julius Murgor, MP

The results of the Division were as follows:-

AYES – 29

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Adan Dullo Fatuma, MP
2. Sen. Cherarkey Samson , MP
3. Sen. Cheruiyot Aaron Kipkirui, MP
4. Sen. Chute Mohamed Said, MP
5. Sen. Ekomwa James Lomenen, MP
6. Sen. Kajwang’ Moses Otieno, MP
7. Sen. Kamau Joseph Githuku, MP

8. Sen. Kathuri Murungi, MP
9. Sen. Keroche Tabitha Karanja, MP
10. Sen. Khalwale Boni, MP
11. Sen. Kipkiror William Cheptumo, MP
12. Sen. Kisang William Kipkemoi, MP
13. Sen. Lelegwe Steve Ltumbesi, MP
14. Sen. Madzayo Stewart Mwachiru, MP
15. Sen. Mandago Jackson Kiplagat, MP
16. Sen. Methu John Muhia, MP
17. Sen. Mundigi Alexander Munyi, MP
18. Sen. Mungatana Danson Buya, MP
19. Sen. Asige Crystal Kegehi, MP - voted verbally on behalf of Mombasa County Delegation
20. Sen. Nyutu Joe, MP
21. Sen. Oketch Eddy Gicheru, MP
22. Sen. Olekina Ledama, MP
23. Sen. Omar Mariam Sheikh, MP
24. Sen. Osotsi Godfrey Atieno, MP
25. Sen. Recha Julius Murgor, MP - voted verbally
26. Sen. Seki Lenku Ole Kanar, MP
27. Sen. Thang'wa Paul Karungo, MP
28. Sen. Wamatinga Wahome, MP
29. Sen. Wambua Enoch Kiio, MP

Question, **agreed to.**

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

11. **THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (SENATE BILLS NO. 19 OF 2024)**

(The Chairperson, Standing Committee on Finance and Budget)

Order for First Reading read;

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

12. **THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 25 OF 2024)**

(The Chairperson, Standing Committee on Finance and Budget)

Order for First Reading read;

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

13. **MOTION – CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL (SENATE BILL No. 9 OF 2022)**

Order read;

Motion made and Question proposed –

THAT, the National Assembly amendments to the County Licensing (Uniform Procedures) Bill (Senate Bill No. 9 of 2022) be now considered.

(The Senate Majority Leader)

Debate arising;

And there being no Senator wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) to defer putting of the Question to a later date;

And the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) acceding to the request, deferred the putting of the Question to a later date.

14. **COMMITTEE OF THE WHOLE**
THE GAMBLING CONTROL BILL (NATIONAL ASSEMBLY BILLS NO. 70 OF 2023)

(The Senate Majority Leader)

*(Resumption of debate interrupted on Wednesday, 15th May, 2024 –
Afternoon Sitting)
(Division)*

Order deferred.

15. **COMMITTEE OF THE WHOLE**
CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL (SENATE BILL NO. 9 OF 2022)

(Sen. Mariam Sheikh Omar, MP)

Order deferred.

16. **COMMITTEE OF THE WHOLE**
THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)

(Sen. Wakili Hillary Sigei, MP)

Order deferred.

17. **COMMITTEE OF THE WHOLE**
THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 2 OF 2023)

(The Senate Majority Leader)

Order deferred.

18. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, The Public Finance Management (Amendment) Bill (Senate Bills No. 40 of 2023) be now read a Second Time.

(Sen. Hamida Kibwana, MP - 28.05.2024)

Debate interrupted on Tuesday, 28th May, 2024 resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) to defer putting of the Question to a later date;

And the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) acceding to the request, deferred the putting of the Question to a later date.

19. **MOTION - DECLARATION OF CATTLE RUSTLING AND BANDITRY AS A NATIONAL DISASTER AND ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS**

Order read;

Motion made and Question proposed;

THAT AWARE THAT, cattle rustling/banditry is a major menace and security threat in the South and North Rift regions and some other regions of the country;

CONCERNED THAT, the menace has since left irreparable and negative socio-economic impact which include but are not limited to increased number of widows, widowers, orphaned children, poverty, displacement of people leading to Internally Displaced Persons (IDPS), disruption of educational health

programs and other economic activities owing to the destruction and/or closure of educational, health and other institutions;

FURTHER CONCERNED THAT, the people living in the affected regions have been denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution;

NOW THEREFORE, the Senate resolves that the National Government through the Ministry of Interior and National Administration and in collaboration with the Council of Governors:

1. Declares cattle rustling a National Disaster;
2. Establish a National Task force on cattle rustling/banditry to:
 - (i) Investigate the causes of the rampant cattle rustling and banditry in the said region and the Country at large;
 - (ii) Establishes the extent of suffering, loss and damage the cattle rustling/banditry has occasioned to the communities in all the affected Counties;
3. Create a Special Fund for mitigating the losses suffered by and in compensating all victims of cattle rustling/banditry and settle all internally displaced persons occasioned by the menace.

(Sen. William Cheptumo, MP – 28.02.2024)

Debate interrupted on Wednesday, 6th March, 2024 (Morning Sitting) resumed;

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. Wakili Hillary Sigei, MP) ruled that the Motion does not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT AWARE THAT, cattle rustling/banditry is a major menace and security threat in the South and North Rift regions and some other regions of the country;

CONCERNED THAT, the menace has since left irreparable and negative socio-economic impact which include but are not limited to increased number of widows, widowers, orphaned children, poverty, displacement of people leading to Internally Displaced Persons (IDPS), disruption of educational health

programs and other economic activities owing to the destruction and/or closure of educational, health and other institutions;

FURTHER CONCERNED THAT, the people living in the affected regions have been denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution;

NOW THEREFORE, the Senate resolves that the National Government through the Ministry of Interior and National Administration and in collaboration with the Council of Governors:

1. Declares cattle rustling a National Disaster;
2. Establish a National Task force on cattle rustling/banditry to:
 - (i) Investigate the causes of the rampant cattle rustling and banditry in the said region and the Country at large;
 - (ii) Establishes the extent of suffering, loss and damage the cattle rustling/banditry has occasioned to the communities in all the affected Counties;
3. Create a Special Fund for mitigating the losses suffered by and in compensating all victims of cattle rustling/banditry and settle all internally displaced persons occasioned by the menace.

20. **THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 52 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, The Constitution of Kenya (Amendment) (No. 2) Bill (Senate Bills No. 52 of 2023) be now read a Second Time.

(Sen. Raphael Chimera, MP)

Debate arising;

Raising a Point of Order, pursuant to Standing Order 110 (1), the Senator for Kiambu County (Sen. Karungo Thang'wa, MP) claimed to move-

“THAT, the debate be now adjourned”

And the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) acceding to the claim;

Motion made and Question proposed;

THAT, the debate be now adjourned.

(Sen. Karungo Thang'wa, MP)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1) the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) ruled that the Motion does not affect counties.

Question put and **agreed to.**

21. **MOTION – ADJOURNMENT OF THE SENATE**

Order read;

Motion made and Question proposed;

THAT, pursuant to Standing Order 31 (3), the Senate do adjourn until Tuesday, 25th June, 2024.

(The Senate Majority Whip)

Debate arising;

And the time being thirty minutes past six O'clock, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

22. **SENATE ROSE** - at thirty minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, June 25, 2024 at 2.30 p.m.*