



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, SEPTEMBER 17, 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 the Orders of the day.

4. **COMMUNICATION FROM THE CHAIR – RESUMPTION OF SITTINGS OF THE SENATE FOR PART IV OF THE SENATE CALENDAR, 2024**

The Speaker conveyed the following Communication from the Chair: -

“Honourable Senators,

I take this opportunity to welcome Senators back to regular sittings of the Senate. It is my hope that you have had time to interact with your constituents, families and friends over the last few weeks. I also hope that Select Committees took the opportunity during the recess to consider and conclude on pending business.

In accordance with the Calendar of the Senate, Part IV would have seen the Senate transact business until 17<sup>th</sup> October, 2024, with a two-week break between 18<sup>th</sup> October and 4<sup>th</sup> November, 2024. However, during a meeting of the Senate Business Committee held today, 17<sup>th</sup> September, 2024, the Committee deliberated on the modalities for varying the dates for the Senate *Mashinani* from the initial dates in September to the month of October, 2024. For this reason, it is necessary for the Senate Calendar for Part IV to be altered. In this regard, at an appropriate time, the Senate Majority Leader will move a

Motion on the alteration of the Senate Calendar to alter the dates for the Senate *Mashinani*.

Honourable Senators,

A major hallmark of Part III of the Senate calendar was the passage of a resolution on the Current State of the Nation on 24<sup>th</sup> July, 2024. Honourable Senators will recall that a Motion was introduced and moved in the Senate on the subject following countrywide protests by *Gen-Z* in June, 2024 due to their dissatisfaction with the policy direction that the country was taking. In the resolution, the Senate recommended that various government agencies and a number of Select Committees of the Senate take action on critical issues affecting the country. The Select Committees to which the recommendations were directed are urged to report progress at an opportune time on the measures taken to actualize the recommendations in the resolution.

Honourable Senators,

Resumption of sittings in Part IV of the Senate Calendar finds the Senate with an already full agenda. In terms of legislative business, a total of fifty-eight (58) Bills are pending conclusion, twenty-two (22) Motions are pending conclusion, twenty-two (22) Petitions are due for reporting by respective Standing Committees while three hundred and ninety-four (394) statements are pending conclusion by Standing Committees.

In addition, questions have been scheduled in the Order Paper for Wednesday morning, following the reconstitution of the Cabinet. I urge all Senators with scheduled questions to prioritize plenary sittings on Wednesday mornings to prosecute the business.

Additionally, I implore upon Standing Committees to expedite the consideration of business pending before them and table reports pursuant to the Standing Orders. I also urge the Senate Majority Leader and the Senate Minority Leader to do all that is necessary within the Standing Orders so that the business before the Senate is fast-tracked.

Honourable Senators,

In conclusion, my office remains at your disposal to assist you in discharging your Constitutional responsibilities. I will continue to support each Senator individually and in the Committees that you serve.

I wish you fruitful deliberations.

I thank you.”

## 5. MESSAGES

The Speaker conveyed the following Messages from the National Assembly: -

**a) Passage, by the National Assembly, of the Cotton Industry Development Bill (Senate Bills No. 5 of 2023)**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3), I received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Cotton Industry Development Bill (Senate Bills No. 5 of 2023).

The Message, dated Tuesday, 20<sup>th</sup> August, 2024, was received in the Office of the Clerk of the Senate on the same date.

Pursuant to Standing Order 46 (4), I now report the Message -

*“PURSUANT to the provisions of Standing Order 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –*

*WHEREAS, the Cotton Industry Development Bill (Senate Bills No. 5 of 2023) was passed by the Senate on Tuesday, 1<sup>st</sup> August 2023, and referred to the National Assembly for consideration pursuant to the provisions of Article 110(4) of the Constitution;*

*AND WHEREAS, the National Assembly considered the said Bill and passed it with amendments on Wednesday, 14<sup>th</sup> August 2024, in the form attached hereto;*

*NOW THEREFORE, in accordance with the provisions of Article 112 of the Constitution and Standing Orders 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”*

Honourable Senators,

As you may recall, the schedule of amendments by the National Assembly to the said Bill was circulated to all Senators *vide* letter Ref. SEN/CORR/L&P/MSG.2024 (004) dated 22<sup>nd</sup> August, 2024, pursuant to Standing Order 165 (1).

In order to facilitate the Senate in its consideration of the National Assembly amendments, I directed the Standing Committee on Agriculture, Livestock and Fisheries to consider the amendments and table its report, with recommendation on whether the Senate should adopt the said amendments, today, Tuesday, 17<sup>th</sup> September, 2024.

Honourable Senators,

The Senate Business Committee will, at an appointed time, schedule a Motion for the consideration of the amendments by the Senate.

The House is guided accordingly.

I thank you.”

**b) Passage, by the National Assembly, of the County Governments Additional Allocations Bill (Senate Bills No. 19 of 2024)**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3) & (4), I received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the County Governments Additional Allocations Bill (Senate Bills No. 19 of 2024).

The Message, dated Tuesday, 20<sup>th</sup> August, 2024, was received in the Office of the Clerk of the Senate on the same date.

Pursuant to the said Standing Order, I now report the Message –

*“PURSUANT to the provisions of Standing Order 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –*

*WHEREAS, the County Governments Additional Allocations Bill (Senate Bills No. 19 of 2024) was passed by the Senate on Tuesday, 11<sup>th</sup> June 2024, and referred to the National Assembly for consideration pursuant to the provisions of Article 110 (4) of the Constitution;*

*AND WHEREAS, the National Assembly considered the said Bill and passed it with amendments on Wednesday, 14<sup>th</sup> August, 2024, in the form attached hereto;*

*NOW THEREFORE, in accordance with the provisions of Article 112 of the Constitution and Standing Orders 41 and 144 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.”*

Honourable Senators,

As you may recall, the schedule of amendments by the National Assembly to the said Bill was circulated to all Senators *vide* letter Ref. SEN/CORR/L&P/MSG.2024 (004) dated 22<sup>nd</sup> August, 2024, pursuant to Standing Order 165 (1).

In order to facilitate the Senate in its consideration of the National Assembly amendments, I directed the Standing Committee on Finance and Budget to consider the amendments and table its report, with recommendation on whether the Senate should adopt the said amendments, today, Tuesday, 17<sup>th</sup> September, 2024.

Honourable Senators,

The Senate Business Committee will, at an appointed time, schedule a Motion for the consideration of the amendments by the Senate.

The House is guided accordingly.

I thank you.”

**c) Decision of the National Assembly on the Senate Amendments to the Sugar Bill (National Assembly Bills No. 34 of 2022)**

“I wish to report to the Senate that, pursuant to Standing Order 46 (3), I received the following Message from the Speaker of the National Assembly regarding the decision of the National Assembly on the Senate Amendments to the Sugar Bill (National Assembly Bills No. 34 of 2022).

The Message, dated Tuesday, 20<sup>th</sup> August, 2024, was received in the Office of the Clerk of the Senate on the same date.

Pursuant to Standing Order 46 (5), I now report the Message –

*“PURSUANT to the provisions of Standing Order 41(1) and 148 (b) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly —*

*WHEREAS, on 27<sup>th</sup> September 2023, the National Assembly considered and passed the Sugar Bill (National Assembly Bill No. 34 of 2022) and thereafter referred it to the Senate in accordance with the provisions of Article 110 (4) of the Constitution;*

*AND WHEREAS, on 24<sup>th</sup> April 2024, the Senate considered and passed the said Bill with amendments and referred it back to the National Assembly for reconsideration in accordance with the provisions of Article 112 (1)(b) of the Constitution;*

*FURTHER WHEREAS, on 1<sup>st</sup> August 2024, the National Assembly approved part of the Senate amendments and rejected Senate amendments to Clauses 2, 6, 19 (a), 29 (a)(ii), 38 (1)(b), 38 (2), 59, New Clause 19A, New Clause 19B (c) and the proposed New Schedule to the Bill, thereby committing it to a mediation committee in accordance with the provisions of Article 112(2)(b) of the Constitution;*

*NOW THEREFORE, in accordance with the provisions of Article 112 of the Constitution and Standing Orders 41(1) and 148(b) of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate and seek the appointment of seven (7) Senators to a Mediation Committee to consider the Bill in accordance with the provisions of Article 113 of the Constitution.”*

Honourable Senators,

Consequent to the said decision, the Speaker of the National Assembly appointed the following Members of the National Assembly to the Mediation Committee to consider the contentious Clauses in accordance with Article 113 of the Constitution –

- 1) Hon. Emmanuel Wangwe, CBS, MP;
- 2) Hon. (Dr.) John Mutunga, MP;
- 3) Hon. Justice Kemei, MP;
- 4) Hon. John Okwisia Makali, MP;
- 5) Hon. Nabii Nabwera Daraja, MP;
- 6) Hon. John Walter Owino, MP; and
- 7) Hon. Peter Masara, MP.

Honourable Senators,

Pursuant to Article 113 of the Constitution and Standing Order 166 (2) of the Senate, and in consultation with the Senate Majority Leader and Senate Minority Leader, I appointed the following Senators to the Mediation Committee –

- 1) Sen. James Murango, MP;
- 2) Sen. Richard Onyonka, EBS, MP;
- 3) Sen. David Wakoli Wafula, MP;
- 4) Sen. Catherine Mumma, MP;
- 5) Sen. Samson Cherarkey, MP
- 6) Sen. Agnes Kavindu Muthama, MP; and
- 7) Sen. Esther Okenyuri, MP.

The names of the Senators were communicated to the National Assembly *vide* letter Ref: *SEN/L&P/MC. 2024(07)* dated 28<sup>th</sup> August, 2024.

Honourable Senators,

The Mediation Committee will attempt to develop a version of the Bill that both Houses will pass and table its report in both Houses of Parliament.

The House is so guided.

I thank you.”

## 6. **PAPERS**

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

- i) The Pest Control Products (Registration) Regulations, Legal Notice No. 130 of 2024.

- ii) The Annual Report of the Parliamentary Service Commission for financial year 2022/2023.
- iii) Report of the Commission on Administrative Justice (CAJ) on Investigative Report on public officials' role in the *Shakahola* tragedy.
- iv) Report of the National Cohesion and Integration Commission (NCIC) on ethnic and diversity audit of the County Public Service for 2023.
- v) Report of the Controller of Budget (CoB) on the Annual County Government Budget Implementation Review for financial year 2023/2024.
- vi) Report of the Auditor General on Financial Statements of Athi River Level 4 Hospital – County Government of Machakos, for the year ended 30<sup>th</sup> June, 2022.
- vii) Report of the Auditor General on Financial Statements of Kambu Sub-County Level 4 Hospital – County Government of Makueni, for the year ended 30<sup>th</sup> June, 2022.
- viii) Report of the Auditor General on Financial Statements of Kisau Sub-County Level 4 Hospital – County Government of Makueni, for the year ended 30<sup>th</sup> June, 2022.
- ix) Report of the Auditor General on Financial Statements of Makindu Level 4 Hospital – County Government of Makueni, for the year ended 30<sup>th</sup> June, 2022.
- x) Report of the Auditor General on Financial Statements of Matiliku Sub-County Level 4 Hospital – County Government of Makueni, for the year ended 30<sup>th</sup> June, 2022.
- xi) Report of the Auditor General on Financial Statements of Makueni County Referral Level 5 Hospital – County Government of Makueni, for the year ended 30<sup>th</sup> June, 2022.
- xii) Report of the Auditor General on Financial Statements of Kibwezi Sub-County Level 4 Hospital – County Government of Makueni, for the year ended 30<sup>th</sup> June, 2022.

*(The Senate Majority Leader)*

- xiii) Report of the Parliamentary Delegation to the 2024 Joint United Nations – Inter-Parliamentary Union Parliamentary Hearing held at the United Nations headquarters in New York, United States of America from 8<sup>th</sup> to 9<sup>th</sup> February, 2024.

*(The Senate Majority Leader on behalf of Sen. Veronica Maina, MP)*

7. **NOTICE OF MOTION – ALTERATION OF DATES FOR THE SITTINGS OF THE SENATE IN BUSIA COUNTY**

(The Senate Majority Leader)

THAT, AWARE that on 11<sup>th</sup> July, 2024, pursuant to Article 126(1) of the Constitution, the Senate resolved to hold its Plenary and Committee sittings in Busia County, from 23<sup>rd</sup> to 27<sup>th</sup> September 2024;

ACKNOWLEDGING the recommendation of the Senate Business Committee to alter the dates for holding of the sittings in Busia County, and the need to put in place the necessary measures for successful sittings;

NOW, THEREFORE, the Senate resolves to alter the dates for the Senate *Mashinani* in Busia County from 23<sup>rd</sup> to 27<sup>th</sup> September, 2024, to 28<sup>th</sup> October to 1<sup>st</sup> November, 2024.

8. **NOTICE OF MOTION – ALTERATION OF THE SENATE CALENDAR FOR PART IV OF THE THIRD SESSION**

(The Senate Majority Leader)

THAT, notwithstanding the Resolutions of the Senate made on 15<sup>th</sup> February, 2024 (approval of the Senate Calendar) and 19<sup>th</sup> August, 2024, (alteration of the Senate Calendar), pursuant to Standing Order 32(4), the Senate resolves to further alter its Calendar (Regular Sessions) for the Third Session, 2024, in respect of Part IV, to –

- i) continue with regular sittings until Thursday, 31<sup>st</sup> October, 2024;
- ii) proceed for recess from 1<sup>st</sup> November, 2024; and
- iii) resume regular sittings on Tuesday, 12<sup>th</sup> November, 2024.

9. **NOTICE OF MOTION – REPORT OF THE PARLIAMENTARY DELEGATION TO THE 2024 JOINT UNITED NATIONS – INTER-PARLIAMENTARY UNION PARLIAMENTARY HEARING HELD AT THE UNITED NATIONS HEADQUARTERS IN NEW YORK, UNITED STATES OF AMERICA FROM 8<sup>TH</sup> TO 9<sup>TH</sup> FEBRUARY, 2024**

(The Senate Majority Leader)

THAT, the Senate notes the Joint Report of the Parliamentary Delegation to the 2024 Joint United Nations – Inter-Parliamentary Union Parliamentary Hearing held at the United Nations headquarters in New York, United States of America from 8<sup>th</sup> to 9<sup>th</sup> February, 2024 laid on the table of the Senate today, Tuesday, 17<sup>th</sup> September, 2024.

10. **QUESTIONS AND STATEMENTS**

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

The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) made a Statement on behalf of the Senate Minority Leader regarding the withdrawal of the security detail of Hon. Justice Lawrence Mugambi, Judge of the High Court of Kenya.



The Senator stated that the action by the National Police Service was retaliatory, following the ruling of the judge sentencing Mr. Gilbert Masengeli, the Acting Inspector General of Police, to 6 months in prison for contempt of court. The Senator termed the move as outrightly unconstitutional and a violation of the rule of law and the principle of judicial independence.

The Senator called on other Senators to condemn the action by the National Police Service, explaining that the Judiciary ought to be allowed to operate free from external pressures and interference. This, he noted, was essential for the protection of human rights, promotion of fairness and upholding of democratic values.

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

- i) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Finance and Budget regarding utilization of cess levied on sugarcane, by the County Government of Kisumu.
- ii) Nominated Senator (Sen. Raphael Chimera, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the proposed installation of toll stations along the Dongo Kundu by-pass highway.
- iii) Nominated Senator (Sen. Raphael Chimera, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding the Talanta Hela Project and the leadership dynamics within National Sports Organizations.

**c) Statement pursuant to Standing Order 58**

The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) made a Statement regarding his nomination to the position of Deputy Party Leader of the Orange Democratic Movement (ODM) party.

Thereupon, the Senator expressed gratitude to the Rt. Hon. Raila Amolo Odinga, the ODM Party Leader, and the entire ODM fraternity for the trust bestowed on him. He explained that the nomination was not only a personal honour, but a reflection of the party's confidence in the Senate and its unwavering belief in the principles of devolution.

The Senator pledged to serve the ODM party with dedication and integrity and called on those who were not selected for leadership positions to join hands with the selected leaders to advance and strengthen the party's mission.

11. **THE ENVIRONMENT LAWS (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2024)**

(Sen. Abdul Haji, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Land, Environment and Natural Resources.

12. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 27 OF 2024)**

(The Senate Majority Leader)

Order for First Reading read;

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

13. **THE COUNTY LIBRARY SERVICES BILL (SENATE BILLS NO. 40 OF 2024)**

(Sen. Joyce Korir, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Labour and Social Welfare.

14. **MOTION – CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE EQUALIZATION FUND APPROPRIATION (NO. 2) BILL (SENATE BILL NO. 30 OF 2023)**

Order read;

Motion made and Question proposed;

THAT the National Assembly amendments to the Equalization Fund Appropriation (No. 2) Bill (Senate Bills No. 30 of 2023) be now considered.

*(Vice-Chairperson, Standing Committee on Finance and Budget – 07.08.2024)*

Debate interrupted on Wednesday, 7<sup>th</sup> August, 2024 (Afternoon Sitting) resumed for the Question to be put;

Before the Question was put and pursuant to Standing Order 84(1), the Speaker ruled that the Motion does not affect counties;

And the Speaker having ascertained that there was Quorum, pursuant to Standing Order 42(1);

Question put and negatived.

15. **MOTION – REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON ITS CONSIDERATION OF THE REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF WEST POKOT COUNTY ASSEMBLY FOR THE FINANCIAL YEAR 2018/2019 AND REPORTS OF THE**

**AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF ISIOLO, KIAMBU, KITUI, MARSABIT, NAROK, NYAMIRA, TRANS NZOIA, WEST POKOT AND MURANG'A COUNTY ASSEMBLIES FOR THE FINANCIAL YEAR 2019/2020**

(The Chairperson, County Public Accounts Committee)

THAT, the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the Report of the Auditor General on the financial statements of West Pokot County Assembly for the Financial Year 2018/2019 and Reports of the Auditor General on the financial statements of Isiolo, Kiambu, Kitui, Marsabit, Narok, Nyamira, Trans Nzoia, West Pokot and Murangá County Assemblies for the Financial Year 2019/2020 laid on the table of the Senate on Thursday, 7<sup>th</sup> March, 2024.

***(Resumption of debate interrupted on Thursday, 8<sup>th</sup> August, 2024 –  
Afternoon Sitting)  
(Division)***

Order read;

Order deferred.

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

(Sen. Raphael Chimera, MP)

*(Second Reading)*

***(Resumption of debate interrupted on Tuesday, 23<sup>rd</sup> July, 2024)  
(Division)***

Order read;

Order deferred.

17. **THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)**

(The Chairperson, Standing Committee on Energy)

*(Second Reading)*

***(Resumption of debate interrupted on Thursday, 1<sup>st</sup> August, 2024)  
(Division)***

Order read;

Order deferred.

18. **THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2023)**

(Sen. Eddy Oketch, MP)

*(Second Reading)*

*(Resumption of debate interrupted on Wednesday, 7<sup>th</sup> August, 2024 – Afternoon Sitting)  
(Division)*

Order read;

Order deferred.

19. **MOTION – REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE SENATE NOMINEES, ON BEHALF OF THE COUNTY GOVERNMENTS, TO THE POSITION OF MEMBER OF THE SALARIES AND REMUNERATION COMMISSION (SRC)**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Senate nominees, on behalf of the county governments, to the position of Member of the Salaries and Remuneration Commission, laid on the Table of the Senate on Tuesday, 23<sup>rd</sup> July, 2024, and further pursuant to Article 230(2)(b)(vii) of the Constitution and Section 7(2) of the Salaries and Remuneration Commission Act, recommends Ms. Lynette Washiali Muganda and Mr. Mohamed Aden Abdi to the Cabinet Secretary for the National Treasury and Planning for transmission to His Excellency the President for consideration for appointment to the position of Member of the Salaries and Remuneration Commission.

*(Sen. (Dr.) Boni Khalwale, MP on behalf of the Chairperson, Standing Committee on Finance and Budget – 06.08.2024)*

Debate interrupted on Tuesday, 6<sup>th</sup> August, 2024 resumed;

And there being no Senator wishing to contribute;

Mover replied;

Pursuant to Standing Order 66(3), the Mover requested the Speaker to defer putting of the Question to a later date;

And the Speaker, acceding to the request, deferred the putting of the Question to a later date.

20. **THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 40 OF 2022)**

Order for Second Reading read,

Motion made and Question proposed;

THAT, the Land (Amendment) Bill (National Assembly Bills No. 40 of 2022) be now read a Second Time.

*(The Senate Majority Leader – 31.07.2024)*

Debate interrupted on Thursday, 1<sup>st</sup> August, 2024 resumed;

And there being no other Senator wishing to contribute;  
Mover replied;

Pursuant to Standing Order 66(3), the Mover requested the Speaker to defer putting of the Question to a later date;

And the Speaker, acceding to the request, deferred the putting of the Question to a later date.

21. **THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2024)**

Order for Second Reading read,

Motion made and Question proposed;

THAT, the Intergovernmental Relations (Amendment) Bill (Senate Bills No. 12 of 2024) be now read a Second Time.

*(The Senate Majority Leader – 08.08.2024)*

Debate interrupted on Thursday, 8<sup>th</sup> August, 2024 resumed;

And there being no Senator wishing to contribute;

Mover replied;

Pursuant to Standing Order 66(3), the Mover requested the Speaker to defer putting of the Question to a later date;

And the Speaker, acceding to the request, deferred the putting of the Question to a later date.

22. **THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)**  
(The Chairperson, Standing Committee on Labour and Social Welfare)

*(Second Reading)*

Order read;

Order deferred.

23. **THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)**

(Sen. James Murango, MP)

*(Second Reading)*

Order read;

Order deferred.

24. **THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)**

(Sen. Miraj Abdillahi Abdulrahman, MP)

*(Second Reading)*

Order read;

Order deferred.

25. **THE RICE BILL (SENATE BILLS NO. 19 OF 2023)**

(Sen. James Murango, MP)

*(Second Reading)*

Order read;

Order deferred.

26. **THE PUBLIC HOLIDAYS (AMENDMENT) BILL, (SENATE BILLS NO. 31 OF 2023)**

(Sen. Karungo Thang'wa, MP)

*(Second Reading)*

Order read;

Order deferred.

27. **THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)**

(Sen. Mohamed Chute, MP)

*(Second Reading)*

Order read;

Order deferred.

28. **THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2023)**

(Sen. Kathuri Murungi, MP)

*(Second Reading)*

Order read;

Order deferred.

29. **THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023)**

Order for Second Reading read,

Motion made and Question proposed;

THAT, the Energy (Amendment) Bill (Senate Bills No. 42 of 2023) be now read a Second Time.

*(Sen. Edwin Sifuna, MP)*

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

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

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

30. **MOTION – REPORT OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS ON A PETITION TO THE SENATE BY MR. SAMUEL ESAPAR ON BEHALF OF RESIDENTS OF TURKANA COUNTY, CONCERNING THE STATE OF INSECURITY IN TURKANA COUNTY**

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

THAT, the Senate adopts the Report of the Standing Committee on National Security, Defence and Foreign Relations on a Petition to the Senate by Mr. Samuel Esapar on behalf of residents of Turkana County concerning the state of insecurity in Turkana County, laid on the Table of the Senate on Wednesday, 7<sup>th</sup> August, 2024.

Order read;

Order deferred.

31. **MOTION – REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF THE WATER SERVICE PROVIDERS FOR THE YEARS ENDED 30<sup>TH</sup> JUNE, 2019, 30<sup>TH</sup> JUNE, 2020 AND 30<sup>TH</sup> JUNE, 2021**

(The Chairperson, Committee on County Public Investments and Special Funds)

THAT, the Senate adopts the Reports of the Select Committee on County

Public Investments and Special Funds on its consideration of the Audit Reports for the years ended, 30<sup>th</sup> June, 2019, 30<sup>th</sup> June, 2020 and 30<sup>th</sup> June, 2021 of the following Water Service Providers –

- i) Amatsi Water Services Company Limited – Vihiga County;
- ii) Bomet Water Company Limited – Bomet County;
- iii) Gusii Water and Sanitation Company Limited – Kisii/Nyamira Counties;
- iv) Kisumu Water and Sanitation Company Limited – Kisumu County;
- v) Kwale Water and Sewerage Company Limited – Kwale County; and
- vi) Nyeri Water and Sanitation Company Limited – Nyeri County.

and the Audit Report of the Wajir Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2021, laid on the Table of the Senate on Thursday, 23<sup>rd</sup> November, 2023.

Order read;

Order deferred.

32. **MOTION – REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON ITS CONSIDERATION OF THE REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF THARAKA NITHI, HOMA BAY, KAKAMEGA, KIRINYAGA, MAKUENI, MERU, BOMET, MURANG’A, NANDI, NYAMIRA, NYERI, SIAYA, VIHIGA, WAJIR AND SAMBURU COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2019/2020**  
(The Chairperson, County Public Accounts Committee)

THAT, the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the Reports of the Auditor General on the Financial Statements of Tharaka Nithi, Homa Bay, Kakamega, Kirinyaga, Makueni, Meru, Bomet, Murang’a, Nandi, Nyamira, Nyeri, Siaya, Vihiga, Wajir and Samburu County Executives for the Financial Year 2019/2020 laid on the table of the Senate on Tuesday, 5<sup>th</sup> March, 2024.

Order read;

Order deferred.

33. **MOTION – ADDRESSING THE CHALLENGE OF POWER PURCHASE AGREEMENT RENEWALS AND ELECTRICITY SUPPLY IN KENYA**  
(Sen. Wahome Wamatinga, MP)

THAT, AWARE THAT on 29<sup>th</sup> 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.

Order read;

Order deferred.

And there being no other business on the Order Paper, the Temporary Speaker (Sen. Hillary Wakili, MP) adjourned the Senate at forty-seven minutes past five O'clock without Question put, pursuant to the Standing Orders.

34. **SENATE ROSE** – at forty-seven minutes past five O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Wednesday, September 18, 2024 at 9:30 a.m.*