



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, SEPTEMBER 18, 2024 (AFTERNOON SITTING)

1. The Senate assembled at thirty Minutes past Two 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 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;

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

4. **COMMUNICATIONS FROM THE CHAIR**

The Deputy Speaker conveyed the following Communications from the Chair: -

- i. **Visiting delegation from the County Assembly of Baringo**

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of a delegation from the County Assembly of Baringo. The delegation comprise of twenty Clerks Assistant serving in the Directorate of Legislative and Committee Services. The delegation is undertaking a training on law making and procedural matters at the Center for Parliamentary Studies and Training (CPST).

Honorable Senators,

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

I thank you.”

ii. Visiting teachers and students from Olbutyo Boys’ Secondary School, Bomet County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting teachers and students from Olbutyo Boys’ Secondary School in Bomet County. The delegation comprises four (4) teachers and sixty-four (64) 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 time for learning.

I thank you.”

5. PAPERS LAID

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

- i) The Salaries and Remuneration Commission (SRC) End of Term Report for financial years 2018/2019 – 2023/2024.
- ii) Report of the Auditor General on Financial Statements of Ndithini Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2022.
- iii) Report of the Auditor General on Financial Statements of Kangundo Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2022.
- iv) Report of the Auditor General on Financial Statements of Sultan Hamud Sub County Level 4 Hospital - County Government of Makueni for the year ended 30th June, 2022.
- v) Report of the Auditor General on Financial Statements of Kilungu Sub County Level 4 Hospital - County Government of Makueni for the year ended 30th June, 2022.

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- vi) Report of the Auditor General on Financial Statements of Mbooni Sub County Level 4 Hospital - County Government of Makueni for the year ended 30th June, 2022.
- vii) Report of the Auditor General on Financial Statements of Migosi Sub County Hospital - County Government of Kisumu for the year ended 30th June, 2022.
- viii) Report of the Auditor General on Financial Statements of Ober Kamoth Sub County Hospital Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2022.
- ix) Report of the Auditor General on Financial Statements of Nyahera Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2022.
- x) Report of the Auditor General on Financial Statements of Mandera North Sub County Level 4 Hospital - County Government of Mandera for the year ended 30th June, 2022.
- xi) Report of the Auditor General on Financial Statements of Tabaka Sub County Referral Hospital - County Government of Mandera for the year ended 30th June, 2022.
- xii) Report of the Auditor General on Financial Statements of Tabaka Sub County Referral Hospital - County Government of Mandera for the year ended 30th June, 2023.
- xiii) Report of the Auditor General on Financial Statements of Mandera North Sub County Level 4 Hospital - County Government of Mandera for the year ended 30th June, 2023.
- xiv) Report of the Auditor General on Financial Statements of Migosi Sub County Hospital - County Government of Kisumu for the year ended 30th June, 2023.
- xv) Report of the Auditor General on Financial Statements of Sultan Hamud Sub County Level 4 Hospital - County Government of Makueni for the year ended 30th June, 2023.
- xvi) Report of the Auditor General on Financial Statements of Kilungu Sub County Level 4 Hospital - County Government of Makueni for the year ended 30th June, 2023.
- xvii) Report of the Auditor General on Financial Statements of Mbooni Sub County Level 4 Hospital - County Government of Makueni for the year ended 30th June, 2023.

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- xviii) Report of the Auditor General on Financial Statements of Migwani Level 4 Hospital - County Government of Kitui for the year ended 30th June, 2023.
- xix) Report of the Auditor General on Financial Statements of Ikutha Level 4 Hospital - County Government of Kitui the year ended 30th June, 2023.
- xx) Report of the Auditor General on Financial Statements of Kanyangi Level 4 Hospital - County Government of Kitui for the year ended 30th June, 2023.
- xxi) Report of the Auditor General on Financial Statements of Masinga Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2023.
- xxii) Report of the Auditor General on Financial Statements of Mwala Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2023.
- xxiii) Report of the Auditor General on Financial Statements of Kimiti Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2023.
- xxiv) Report of the Auditor General on Financial Statements of Ndithini Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2023.
- xxv) Report of the Auditor General on Financial Statements of Manga Sub County Level 4 Hospital - County Government of Nyamira for the year ended 30th June, 2023.
- xxvi) Report of the Auditor General on Financial Statements of Masaba Sub County Level 4 Hospital - County Government of Nyamira for the year ended 30th June, 2023.
- xxvii) Report of the Auditor General on Financial Statements of Nyangena Sub County Level 4 Hospital - County Government of Nyamira for the year ended 30th June, 2023.
- xxviii) Report of the Auditor General on Financial Statements of Miranga Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2023.
- xxix) Report of the Auditor General on Financial Statements of Nyang'ande Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2023.

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- xxx) Report of the Auditor General on Financial Statements of Sondu Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2023.
- xxxii) Report of the Auditor General on Financial Statements of Jaramogi Oginga Odinga Teaching and Referral Hospital - County Government of Kisumu for the year ended 30th June, 2023.
- xxxiii) Report of the Auditor General on Financial Statements of Nyahera Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2023.

(The Senate Majority Leader)

6. **NOTICE OF MOTION - CONSOLIDATION OF BURSARY FUNDS FOR EQUITABLE ACCESS TO EDUCATION IN KENYA**
(Sen. Karungo Thang'wa, MP)

THAT AWARE THAT, Pursuant to Article 53 of the Constitution, every child in Kenya is entitled to free and compulsory basic education, and the Basic Education Act provides that, basic education should be guided by principles such as equitable access to all youth and equal access to education or institutions;

FURTHER AWARE THAT, many students in secondary schools and higher education institutions come from financially disadvantaged backgrounds, making it difficult for them to afford school fees and access education opportunities;

NOTING THAT, over the years, various interventions have been made, including the issuance of bursaries through the National Government Constituency Development Fund (NCDF), National Government Affirmative Action Fund (NGAAF), the Ministry of Education and county governments through various county bursary funds;

CONCERNED THAT, despite these efforts, schools' fees remain unaffordable for many parents and the allocation of bursaries has been plagued by nepotism, favoritism, and political manipulation, lack of transparency and accountability;

FURTHER CONCERNED THAT public learning institutions are primarily funded by the Government through the Ministry of Education, and in the financial year 2024/25, approximately Kshs. 656 billion was allocated to the education sector, making it difficult to ascertain the specific funds granted to each student and that the lack of transparency in the disbursement of bursaries from various agencies makes it difficult to determine the total

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amount allocated in a financial year, thus hindering efforts to ensure equitable access to education for financially disadvantaged students;

NOW THEREFORE, the Senate urges the Ministry of Education, to:

- 1) audit the funds allocated to bursaries by both the National Government and county governments;
- 2) consolidate the funds distributed by various government entities and agencies, with the aim of directing these funds directly to schools as supplementary capitation to facilitate the achievement of free secondary education; and
- 3) calculate the cost of education per learner and make this information public for primary, secondary, and tertiary institutions, including a detailed breakdown of the annual financial requirements for each student across the country.

7. **NOTICE OF MOTION - DEPLOYMENT OF SAFETY OFFICERS IN SCHOOLS FOR ENHANCED SECURITY AND PREPAREDNESS**

(Sen. Karen Nyamu, MP)

AWARE THAT schools play a crucial role in shaping the future of our children and providing a safe environment for learning;

CONSCIOUS THAT personal growth is vital, and that safety within schools is a fundamental right of every student, teacher, and other workers and that safety is critical in improving the overall quality of education;

FURTHER AWARE THAT many schools, particularly in rural and marginalized areas, lack the necessary resources and expertise to manage safety risks effectively, which exposes students and staff to potential harm;

NOTING THAT deploying dedicated safety officers in schools will significantly reduce risks, enhance preparedness, and provide immediate response capabilities during emergencies, and that these trained safety officers will oversee safety protocols, provide first aid, conduct safety drills, ensure fire preparedness, manage emergency evacuations, and assist in addressing violence or other threats within school environments;

CONCERNED THAT there have been increasing incidences of insecurity, violence, accidents, and other safety challenges in both primary and secondary schools across the country;

NOW THEREFORE, the Senate urges that the National Government, through the Ministry of Education to:

- 1) recruit and deploy dedicated safety officers in both primary and secondary schools nationwide;
- 2) implement comprehensive training in safety protocols, first aid, emergency response, and violence management; and
- 3) provide necessary resources and support to schools, particularly in rural and marginalized areas, to effectively deploy and utilize these safety officers.

8. STATEMENTS

a) Requests for Statement pursuant to Standing Order 53 (1)

- i) Nominated Senator (Sen. Joyce Korir, MP) sought a Statement from the Standing Committee on Education regarding engagement of Upgrade Diploma in Primary Teacher Education holder (UDPTE) teachers, by the Teachers Service Commission.
- ii) Nominated Senator (Sen. Gloria Orwoba, MP) sought a Statement from the Standing Committee on Health regarding the operationalization of the *Linda Mama* Healthcare Programme.
- iii) Nominated Senator (Sen. Gloria Orwoba, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding the safety and welfare of employees of Moja Expressway Company who are stationed along the Nairobi Expressway.
- iv) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning alleged kidnapping of Ms. Florence Wanza Munyao, a Kenyan truck driver, in the Democratic Republic of the Congo.
- v) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding human resource audits by the Public Service Commission and payroll systems in government.
- vi) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the status of the Drought Resilience Programme in Northern Kenya (DRPNK).
- vii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Education regarding the state of education in Kenya.

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- viii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Education regarding the safety of pupils and students in schools across the country.
- ix) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Health regarding the state of maintenance and repair of medical equipment in health centres and hospitals in Kisumu County.
- x) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the operationalization of the municipalities of Maseno – Holo, Kombewa – Bodi, Ahero – Awasi, Muhoroni – Chemelil and Katito – Pap Onditi in Kisumu County.
- xi) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Committee on Health regarding the ongoing strike by medical personnel in Taita Taveta County.
- xii) Request for a statement by the Senator for Lamu County (Sen. Joseph Githuku) from the Standing Committee on Finance and Budget regarding the status of development projects in Lamu County was dropped in the absence of the Senator.
- xiii) Request for a statement by the Senator for Kisii County (Sen. Richard Onyonka, MP) from the Standing Committee on Trade, Industrialization and Tourism regarding the state of measurement systems in the country was dropped in the absence of the Senator.

9. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2024)**

(Sen. George Mbugua, MP)

Order read;

Bill read a First Time and committed to the Standing Committee on Devolution and Intergovernmental Relations.

10. **THE LABOUR MIGRATION AND MAGAMENT (NO. 2) BILL (SENATE BILLS NO. 42 OF 2024)**

(Sen. Tabitha Mutinda, MP)

Order read;

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

11. **MOTION - ALTERATION OF THE SENATE CALENDAR FOR PART IV OF THE THIRD SESSION**

Order read;

Motion made and Question proposed;

THAT, notwithstanding the Resolutions of the Senate made on 15th February, 2024 (approval of the Senate Calendar) and 19th 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, 31st October, 2024;
- ii. proceed for recess from 1st November, 2024; and
- iii. resume regular sittings on Tuesday, 12th November, 2024.

(The Senate Majority Leader)

Debate arising;

Rising on a Point of Order pursuant to Standing Order 109(1), the Senator for Kakamega County (Sen. (Dr.) Boni Khalwale, MP) claimed to move –

THAT the Mover be now called upon to reply

(Sen. (Dr.) Boni Khalwale, MP)

And the Temporary Speaker (Sen. Hillary Sigei, MP) acceding to the claim, forthwith put the Question pursuant to Standing Order 109(1).

Question put and agreed to.

Thereupon, the Mover Replied;

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

And the Temporary Speaker (Sen. Hillary Sigei, MP) having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and **agreed to**.

RESOLVED ACCORDINGLY

THAT, notwithstanding the Resolutions of the Senate made on 15th February, 2024 (approval of the Senate Calendar) and 19th August, 2024,

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(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, 31st October, 2024;
- ii. proceed for recess from 1st November, 2024; and
- iii. resume regular sittings on Tuesday, 12th November, 2024.

12. **MOTION - ALTERATION OF DATES FOR THE SITTINGS OF THE SENATE IN BUSIA COUNTY**

Order read;

Motion made and Question proposed;

THAT, AWARE that on 11th July, 2024, pursuant to Article 126 (1) of the Constitution, the Senate resolved to hold its Plenary and Committee sittings in Busia County, from 23rd to 27th 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 23rd to 27th September, 2024, to 28th October to 1st November, 2024.

(The Senate Majority Leader)

Debate arising;

And there being no more Senators wishing to contribute;

Mover replied;

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

And the Temporary Speaker (Sen. Hillary Sigei, MP) having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and **agreed to.**

RESOLVED ACCORDINGLY

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

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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 23rd to 27th September, 2024, to 28th October to 1st November, 2024.

13. **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, 7th March, 2024.

***(Resumption of debate interrupted on Wednesday, 7th August, 2024
- Afternoon Sitting
(Division)***

Order deferred.

14. **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, 23rd July, 2024)
(Division)***

Order deferred.

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

(The Chairperson, Standing Committee on Energy)

(Second Reading)

***(Resumption of debate interrupted on Thursday, 1st August, 2024)
(Division)***

Order deferred.

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

(Sen. Eddy Oketch, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 7th August, 2024 – Afternoon Sitting)

(Division)

Order deferred.

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

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 17th September, 2024)

(Division)

Order deferred.

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

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 17th September, 2024)

(Division)

Order deferred.

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

(Sen. Edwin Sifuna, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday 17th September, 2024)

(Division)

Order deferred.

20. **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.

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

(Sen. Wakili Hillary Sigei, MP)

Order deferred.

22. **COMMITTEE OF THE WHOLE**
THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)

(Sen. Beatrice Ogolla, MP)

Order deferred.

23. **COMMITTEE OF THE WHOLE**
THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)

(The Senate Majority Leader)

Order deferred.

24. **COMMITTEE OF THE WHOLE**
THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)

(The Senate Majority Leader)

Order deferred.

25. **COMMITTEE OF THE WHOLE**
THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)

(Sen. Samson Cherarkey, MP – Co- Sponsor)

Order deferred.

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

(Sen. Hamida Ali Kibwana, MP)

Order deferred.

27. **THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2023)**

(Sen. Johnes Mwaruma, MP)

(Second Reading)

28. **THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 49 OF 2023)**

(Sen. Lenku Ole Kanar Seki, MP)

(Second Reading)

Order deferred.

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29. **THE NATIONAL DISASTER MANAGEMENT BILL (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed -

THAT, the National Disaster Management Bill (National Assembly Bills No. 24 of 2023) be now read a Second Time.

(The Senate Majority Leader)

Debate arising;

And the time being thirty minutes past six O'clock, the temporary Speaker (Sen. Catherine Mumma, MP) interrupted the business of the House and adjourned the Senate without Question put, pursuant to the Standing Orders.

30. **SENATE ROSE** – at thirty minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Thursday, September 19, 2024 at 2:30 p.m.*

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