



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 02, 2024 AT 2.30 P.M.

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. **PAPERS**

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

- i.) The National Police Service Commission Annual Report for the financial year 2023 – 2024.
- ii.) Report of the Auditor General on Financial Statements of Kapkoros Level 3A Hospital - County Government of Bomet for the year ended 30th June, 2022.
- iii.) Report of the Auditor General on Financial Statements of Eldama Ravine District Hospital - County Government of Baringo for the year ended 30th June, 2022.
- iv.) Report of the Auditor General on Financial Statements of Marigat Sub County Hospital - County Government of Baringo for the year ended 30th June, 2022.
- v.) Report of the Auditor General on Financial Statements of J.M. Kariuki Memorial County Referral Hospital - County Government of Nyandarua for the year ended 30th June, 2022.

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- vi.) Report of the Auditor General on Financial Statement of Kwale Sub County Level 4 Hospital - County Government of Kwale for the year ended 30th June, 2023.
- vii.) Report of the Auditor General on Financial Statements of Laisamis Sub County Level 4 Referral Hospital - County Government of Marsabit for the year ended 30th June, 2023.
- viii.) Report of the Auditor General on Financial Statements of Embu Level 5 Hospital - County Government of Embu for the year ended 30th June, 2023.
- ix.) Report of the Auditor General on Financial Statements of Kombewa County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2023.
- x.) Report of the Auditor General on Financial Statements of Ukwala Sub County Level 4 Hospital - County Government of Siaya for the year ended 30th June, 2023.
- xi.) Report of the Auditor General on Financial Statements of Maragua Sub County Level 4 Hospital - County Government of Murang'a for the year ended 30th June, 2023.
- xii.) Report of the Auditor General on Financial Statements of Muriranja's Level 4 Hospital - County Government of Murang'a for the year ended 30th June, 2023.
- xiii.) Report of the Auditor General on Financial Statements of Engineer County Level 4 Hospital - County Government of Nyandarua for the fourteen (14) months period ended 30th June, 2023.
- xiv.) Report of the Auditor General on Financial Statements of J.M. Kariuki County Referral Hospital - County Government of Nyandarua for the year ended 30th June, 2023.
- xv.) Report of the Auditor General on Financial Statements of Kapkoros Level 3A Hospital - County Government of Bomet for the year ended 30th June, 2023.
- xvi.) Report of the Auditor General on Financial Statements of Cheptalal Level 3B Hospital - County Government of Bomet for the year ended 30th June, 2023.
- xvii.) Report of the Auditor General on Financial Statements of Ndanai Sub County Level 4 Hospital - County Government of Bomet for the year ended 30th June, 2023.

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- xviii.) Report of the Auditor General on Financial Statements of Baringo County Referral Hospital - County Government of Baringo for the year ended 30th June, 2023.
- xix.) Report of the Auditor General on Financial Statements of Eldama Ravine District Hospital - County Government of Baringo for the year ended 30th June, 2023.
- xx.) Report of the Auditor General on Financial Statements of Mogotio Sub County Level 4 Hospital - County Government of Baringo for the year ended 30th June, 2023.
- xxi.) Report of the Auditor General on Financial Statements of Kisegi Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2023.
- xxii.) Report of the Auditor General on Financial Statements of Nyandiwa Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2023.
- xxiii.) Report of the Auditor General on Financial Statements of Nyangiela Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2023.
- xxiv.) Report of the Auditor General on Financial Statements of Kandiege Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2023.
- xxv.) Report of the Auditor General on Financial Statements of Marindi Sub County Hospital - County Government of Homa Bay for the year ended 30th June, 2023.
- xxvi.) Report of the Auditor General on Financial Statements of Tom Mboya Memorial Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2023.
- xxvii.) Report of the Auditor General on Financial Statements of Kegonga Sub County Hospital - County Government of Migori for the year ended 30th June, 2023.
- xxviii.) Report of the Auditor General on Financial Statements of Othoro Sub County Hospital - County Government of Migori for the year ended 30th June, 2023.
- xxix.) Report of the Auditor General on Financial Statements of Muhuru Sub County Hospital - County Government of Migori for the year ended 30th June, 2023.

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- xxx.) Report of the Auditor General on Financial Statements of Awendo Sub County Hospital - County Government of Migori for the year ended 30th June, 2023.
- xxxi.) Report of the Auditor General on Financial Statements of Rongo Sub County Hospital - County Government of Migori for the year ended 30th June, 2023.
- xxxii.) Report of the Auditor General on Financial Statement of Oyani Sub County Hospital - County Government of Mirogi for the year ended 30th June, 2023.
- xxxiii.) Report of the Auditor General on Financial Statement of Machakos Level 5 Hospital - County Government of Machakos for the year ended 30th June, 2023.
- xxxiv.) Report of the Auditor General on Financial Statement of Matuu Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2023.
- xxxv.) Report of the Auditor General on Financial Statement of Kathiani Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2023.
- xxxvi.) Report of the Auditor General on Financial Statement of Mutituni Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2023.
- xxxvii.) Report of the Auditor General on Financial Statement of Kangundo Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2023.

(The Deputy Senate Majority Whip)

- xxxviii.) Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for Water Service Companies for the Financial Years 2018/2019 (Volume VI), 2019/2020 (Volume VII) and 2020/2021 (Volume IX).

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

- xxxix.) Report of the proceedings of the Parliamentarians' Dialogue at the Africa Climate Summit, 2023 held in the National Assembly Chamber, Parliament Buildings, Nairobi, on 3rd – 6th September, 2023.

(The Deputy Senate Majority Whip on behalf of Sen. Moses Kajwang, MP)

- xl.) Report of the Kenyan delegation to the 64th Session of the OACPS Parliamentary Assembly and the 1st Session of the OACPS – EU Joint Parliamentary Assembly held in Luanda, Angola from 17th to 21st February, 2024.

(Sen. Kathuri Murungi, MP)

5. NOTICE OF MOTION - STEPS TO EFFECTIVE WASTE MANAGEMENT IN CITIES, TOWNS AND URBAN AREAS IN THE COUNTRY

(Sen. Mwenda Gataya Mo Fire, MP)

THAT, aware that waste management in cities, towns and urban areas in Kenya has clearly stood out as one of the greatest challenges to the wellbeing of urban dwellers particularly those living near dumpsites infringing their right to a clean and healthy environment as provided for under Article 42 of the Constitution and Section 3 of the Environmental Management and Co-Ordination Act;

NOTING THAT, most of the developed countries and some countries in Africa have managed to sufficiently deal with the issue of waste management in their cities, towns and urban areas making them attractive to their residents and investors from other countries and significantly reducing the risk of diseases caused by poor sanitation;

CONCERNED THAT, if proper waste management mechanisms are not put in place the increased populations in cities, towns and urban areas in Kenya will worsen the situation considering the culture displayed by most Kenyans in waste disposal;

COGNIZANT THAT, paragraph 2 (g) of Part 2 of the Fourth Schedule to the Constitution mandates County Governments with the function of refuse removal, refuse dumping and solid waste management;

NOW THEREFORE THE SENATE calls upon County Governments to develop county specific frameworks in their respective counties to regulate the challenge of waste management that will avert the associated environmental and health related risks to the residents of cities, towns and urban areas in Kenya.

6. NOTICE OF MOTION - REPORT OF THE PROCEEDINGS OF THE PARLIAMENTARIANS' DIALOGUE AT THE AFRICA CLIMATE SUMMIT, 2023 HELD IN THE NATIONAL ASSEMBLY CHAMBER, PARLIAMENT BUILDINGS, NAIROBI ON 3RD – 6TH SEPTEMBER, 2023

(Deputy Senate Majority Whip on behalf of Sen. Moses Kajwang' MP)

THAT, the Senate notes the Report of the Proceedings of the Parliamentarians' Dialogue at the Africa Climate Summit, 2023 held in the National Assembly Chamber, Parliament Buildings, Nairobi, on 3rd – 6th September, 2023, laid on the Table of the Senate on Wednesday, 2nd October, 2024.

7. **NOTICE OF MOTION - REPORT OF THE KENYAN DELEGATION TO THE 64TH SESSION OF THE OACPS PARLIAMENTARY ASSEMBLY AND THE 1ST SESSION OF THE ORGANIZATION OF AFRICAN, CARRIBEAN AND PACIFIC STATES (OACPS) – EUROPEAN UNION (EU) JOINT PARLIAMENTARY ASSEMBLY HELD IN LUANDA, ANGOLA FROM 17TH TO 21ST FEBRUARY, 2024**
(Sen. Kathuri Murungi, MP)

THAT, the Senate notes Report of the Kenyan delegation to the 64th Session of the Organization of African, Caribbean and Pacific States (OACPS) Parliamentary Assembly and the 1st Session of the OACPS – European Union (EU) Joint Parliamentary Assembly held in Luanda, Angola from 17th to 21st February, 2024 laid on the Table of the Senate on Wednesday, 2nd October, 2024.

8. **STATEMENTS**

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

The Senator for Kilifi County (Sen. Justice (Rtd.) Stewart Madzayo, EGH, MP made a statement on a matter of national general topical concern; namely, the rise in cases of fraudulent offers of overseas jobs by unscrupulous recruiting and travel agencies in Kenya.

Thereupon, the Senator noted that since last year, Kenya had experienced a disturbing increase in the cases of job fraud, leaving many desperate job seekers vulnerable to unscrupulous schemes and highlighted an incident which occurred in August, 2023, when one Mr. James Wanjohi associated with the Jesus Culture Ministries Church, was accused of orchestrating a large-scale fraud, collecting Ksh 600 million from thousands of hopeful Kenyans, promising them non-existent overseas job opportunities.

The Senator also recalled a scandal that occurred on 24th September, 2024 implicating one Mr. Ceaser King'ori of Vintmark Travel Agency Limited in a multi-million-shilling fraud, when the Directorate of Criminal Investigations (DCI) accused him of defrauding both Kenyans and foreigners of nearly KES. 720 million.

The Senator urged for an urgent and decisive action to ensure prevent Kenyans from being exploited while exploring employment opportunities in diaspora. The Senator urged the Government, through relevant agencies such as the Ministry of Labour and Social Protection and the Ministry of Foreign Affairs to intensify enforcement measures to combat these fraudulent actors and ensure that legitimate channels are used for overseas employment.

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

- i) The Senator for Meru County (Sen. Kathuri Murungi, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding alleged escalating tension and violence attributed to a land ownership dispute in Meru County.

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- ii) The Senator for Meru County (Sen. Kathuri Murungi, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding banditry attacks in Igembe North Constituency in Meru County.
- iii) The Senator for Meru County (Sen. Kathuri Murungi, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the reported cases of human-wildlife conflicts in Igembe North Constituency in Meru County.
- iv) Nominated Senator (Sen. Gloria Orwoba, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding ongoing renovations of government buildings across the country.
- v) Nominated Senator (Sen. Gloria Orwoba, MP) sought a Statement from the Standing Committee on Information, Communication and Technology concerning the operations of the social media 'Platform X' corporation, formerly Twitter in the country.
- vi) The Senator for Kisii County (Sen. Richard Onyonka, MP) sought a Statement from the Standing Committee on Health regarding the operation and management of Kisii Teaching and Referral Hospital (KTRH) in Kisii County.
- vii) The Senator for Kisii County (Sen. Richard Onyonka, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding alleged delayed compensation of landowners affected by the Eldoret bypass project.
- viii) Nominated Senator (Sen. Hezena Lemaletian, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the status of Yamo dam in Maralal Township in Samburu County.
- ix) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding asbestos roofing in Gategi Girls, Gitaraka Girls and Wachoro Boys in Mbeere South Constituency, Embu County.
- x) The Senator for Bungoma County (Sen. David Wakoli, MP) sought a Statement from the Standing Committee on Education concerning delayed disbursement of capitation funds to Technical and Vocational Education Training (TVET) institutions.
- xi) Nominated Senator (Sen. Miraj Abdillahi, MP) on behalf of the Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the suspected abduction of Mr. Adan Makona Ali from Dabel area in Marsabit County.

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- xii) The Senator for Migori County (Sen. Eddy Oketch, MP) sought a Statement from the Standing Committee on Finance and Budget regarding the status of pending bills accrued by the County Government of Migori.
- xiii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning the status of the National Agricultural and Rural Inclusive Growth Project (NARIGP) projects in Nandi County.
- xiv) Nominated Senator (Sen. Beatrice Ogola, MP) sought a Statement from the Standing Committee on Labour and Social Welfare concerning claims of unfair labour practices at Sukari Industry in Ndhiwa Sub County in Homabay County.
- xv) Request for a Statement by the Senator for Bungoma County (Sen. David Wakoli, MP) from the Standing Committee on Trade, Industrialization and Tourism regarding the management of Kitinda Dairy Farmers Cooperative Society in Bungoma County was **deferred** on the request of the Senator.

c) Statement pursuant to Standing Order 56 (1) (a)

The Chairperson, Standing Committee on Finance and Budget (Sen. Ali Ibrahim Roba, MP) made a Statement concerning the disbursement of funds to County Governments in the present circumstance where there has been a delay in the enactment of the County Allocation of Revenue Bill, 2024. The Chairperson informed the Senate that the Division of Revenue Act (DORA), No. 7 of 2024 which divides nationally raised revenue between the two levels of government, which was assented to on 10th June, 2024 and came into effect on 25th June, 2024.

Thereupon, the Chairperson recalled that the County Allocation of Revenue Bill, Senate Bills No. 25 of 2024, was passed by Parliament on 25th June, 2025 and transmitted to the President for assent, but the President referred the Bill back to Parliament in accordance with Article 115(1) (b) of the Constitution, and Parliament is yet to consider the President's reservations.

The Chairperson informed the Senate that without the County Allocation of Revenue Act, horizontal division of revenue between the forty-seven counties cannot take place while also noted that the National Treasury had not made any transfers to counties of their share of nationally raised revenue which has paralyzed county governments operations.

The Chairperson revealed that the Senate Standing Committee on Finance and Budget had engaged the National Treasury on possible remedies for counties to access a certain percentage of the equitable share pending the passage of the County Allocation of Revenue Bill, 2024 as provided in the court's opinion in Advisory Opinion No. 3 of 2019, the provisions of regulations 134 of the Public Finance Management (National Government)

Regulations, 2015 which allows the Controller of Budget to authorize withdrawals of upto fifty percent (50%) from the Consolidated Fund based on the last County Allocation of Revenue Act approved by Parliament for the purposes of meeting expenditure of the county governments for the financial year.

The Chairperson also informed the Senate that the Standing Committee on Finance and Budget had written to the National Treasury and the Controller of Budget to direct, as a matter of utmost urgency, the authorization and withdrawal of up to fifty percent (50%) from the Consolidated Fund based on the last County Allocation of Revenue Act approved by Parliament for the purposes of meeting the expenditure of the county governments for the financial year.

d) Statement pursuant to Standing Order 56(1)(b)

- i) The Chairperson, Standing Committee on Trade, Industrialization and Tourism made a Statement relating to the activities of the Committee for the period, April to August, 2024.
- ii) The Vice Chairperson, Select Committee on County Public Accounts, made a Statement relating to the activities of the Committee for the period, April to August, 2024.
- iii) Proposed Statement relating to the activities of the Standing Committee on Roads, Transportation and Housing for the period, April to August, 2024 was dropped in the absence of the Chairperson.
- iv) Proposed Statement relating to the activities of the Standing Committee on Land, Environment and Natural Resources for the period, April to August, 2024 was **dropped** in the absence of the Chairperson.

9. THE DIVISION OF REVENUE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 38 OF 2024)

(The Senate Majority Leader)

Order read;

(Second Reading)
(Resumption of debate interrupted on Wednesday, 25th September, 2024 – Afternoon Sitting)
(Division)

Order deferred.

10. THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2023)

Order for Second Reading read;

Motion made and Question proposed –

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THAT, the Co-operative Societies (Amendment) Bill (Senate Bills No. 53 of 2023) be now read a Second Time.

(Sen. Mariam Sheikh Omar, MP – 25.09.2024)

Debate interrupted on Thursday, 26th September, 2024 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 the five minutes, the Speaker directed that the doors be locked and the bars 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 three (3) Senators to record their votes verbally.

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

1. Sen. Ogolla Beatrice Akinyi, MP - on behalf of the Homa Bay County Delegation
2. Sen. George Mbugua, MP – on behalf of the Nyandarua County Delegation
3. Sen. Agnes Kavindu, MP

The results of the Division were as follows: -

AYES – 30

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Adan Dullo Fatuma, MP
2. Sen. Cherarkey Samson, MP
3. Sen. Cheruiyot Aaron Kipkirui, MP
4. Sen. Haji Abdul Mohammed, MP
5. Sen. Ogolla Beatrice Akinyi, MP – voted verbally on behalf of the Homa Bay County Delegation
6. Sen. Kamau Joseph Githuku, MP
7. Sen. Kathuri Murungi, MP
8. Sen. Kipkiror William Cheptumo, MP
9. Sen. Kisang William Kipkemoi, MP
10. Sen. Lelegwe Steve Ltumbesi, MP
11. Sen. Madzayo Stewart Mwachiru, MP
12. Sen. Mbugua George Mungai, MP – voted verbally on behalf of the Nyandarua County Delegation
13. Sen. Mogeni Erick Okong’o, MP
14. Sen. Mundigi Alexander Munyi, MP

15. Sen. Muthama Agnes Kavindu, MP – voted verbally
16. Sen. Mwaruma Johnes Mwashushe, MP
17. Sen. Mwinyihaji Mohamed Faki, MP
18. Sen. Nderitu John Kinyua, MP
19. Sen. Oginga Oburu, MP
20. Sen. Oketch Eddy Gicheru, MP
21. Sen. Olekina Ledama, MP
22. Sen. Onyonka Richard Momoima, MP
23. Sen. Osotsi Godfrey Atieno, MP
24. Sen. Recha Julius Murgor, MP
25. Sen. Roba Ali Ibrahim, MP
26. Sen. Seki Lenku Ole Kanar, MP
27. Sen. Sifuna Edwin Watanya, MP
28. Sen. Wafula David Wakoli, MP
29. Sen. Wamatinga Wahome, MP
30. Sen. Wambua Enoch Kiio, MP

Question **agreed to.**

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

11. **MOTION - REPORT OF THE JOINT SITTINGS OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING OF THE NATIONAL ASSEMBLY, AND THE STANDING COMMITTEE ON FINANCE AND BUDGET OF THE SENATE, ON APPROVAL HEARING OF MR. DAVID KIBET KEMEI, NOMINEE FOR APPOINTMENT TO THE POSITION OF DIRECTOR-GENERAL OF THE COMPETITION AUTHORITY**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Joint Sittings of the Departmental Committee on Finance and National Planning of the National Assembly and the Standing Committee on Finance and Budget of the Senate, on the approval hearing of Mr. David Kibet Kemei, nominee for appointment as the Director-General of the Competition Authority, laid on the Table of the Senate on Thursday, 26th September 2024; and that pursuant to Section 12(1) of the Competition Act and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, the Senate **approves** the nomination of **Mr. David Kibet Kemei** for appointment as the Director-General of the Competition Authority.

*(Chairperson, Standing Committee on Finance and Budget – Co Chairperson-
01. 10. 2024)*

Debate interrupted on Tuesday 1st October, 2024 resumed;

And there being no more Senators wishing to contribute;

Mover replied;

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

And the Temporary Speaker (Sen. Hillary Wakili, MP), acceding to the request, nominated Thursday, 3rd October, 2024 as the day when the Question shall be put.

**12. 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.

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

(Sen. Beatrice Ogolla, MP)

Order deferred.

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

(The Senate Majority Leader)

Order deferred.

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

(The Senate Majority Leader)

Order deferred.

**16. 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.

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

(Sen. Hamida Ali Kibwana, MP)

Order deferred.

18. **THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2024)**

(Sen. Kathuri Murungi, MP)

(Second Reading)

Order read;

Order deferred.

19. **THE COUNTY GOVERNMENTS ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2024)**

(Sen. Crystal Asige, MP)

(Second Reading)

Order read;

Order deferred.

20. **THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 3 OF 2024)**

(Sen. Ledama Olekina, MP and Sen. William Kisang, MP)

(Second Reading)

Order read;

Order deferred.

21. **THE COUNTY CIVIC EDUCATION BILL (SENATE BILLS NO. 4 OF 2024)**

(Sen. Esther Okenyuri, MP)

(Second Reading)

Order read;

Order deferred.

22. **THE COUNTY STATISTICS BILL (SENATE BILLS NO. 5 OF 2024)**

(Sen. Ali Ibrahim Roba, MP)

(Second Reading)

Order read;

Order deferred.

23. **THE PROVISION OF SANITARY TOWELS BILL (SENATE BILLS NO. 7 OF 2024)**

(Sen. Gloria Orwoba, MP)

(Second Reading)

Order read;

Order deferred.

24. THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 10 OF 2024)

(The Senate Majority Leader)

(Second Reading)

Order read;

Order deferred.

25. MOTION - REPORTS OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF VARIOUS WATER SERVICE COMPANIES FOR THE FINANCIAL YEARS 2018/2019, 2019/2020 AND 2020/2021

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

Order read;

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 Financial Years 2018/2019 (Volume IV), 2019/2020 (Volume V) and 2020/2021 (Volume VI), for the following Water Service Companies laid on the table of the Senate on Wednesday, 29th May, 2024;

- i) Busia Water and Sewerage Services Company Limited;
- ii) Iten- Tambach Water and Sewerage Company Limited;
- iii) Kirinyaga Water and Sanitation Company Limited;
- iv) Malindi Water and Sewerage Company Limited;
- v) Mandera Water and Sewerage Company Limited;
- vi) Migori Water and Sanitation Company Limited;
- vii) Mombasa Water and Sanitation Company Limited;
- viii) Nanyuki Water and Sanitation Company Limited; and
- ix) Nithi Water and Sanitation Company Limited.

Order deferred.

26. MOTION - REPORT OF THE STANDING COMMITTEE ON ENERGY ON ITS INQUIRY INTO THE LIQUEFIED PETROLEUM GAS (LPG) EXPLOSION IN MRADI AREA, EMBAKASI, NAIROBI CITY COUNTY

(The Chairperson, Standing Committee on Energy)

Order read;

THAT, the Senate adopts the Report of the Standing Committee on Energy on its inquiry into the Liquefied Petroleum Gas (LPG) explosion in Mradi

Area, Embakasi, Nairobi City County, laid on the Table of the Senate on Thursday, 8th August, 2024.

Order deferred.

27. **MOTION - DEVELOPMENT OF A POLICY AND LAW FOR SOCIAL RISK MANAGEMENT IN INFRASTRUCTURE DEVELOPMENT PROJECTS IN KENYA**
(Sen. Catherine Mumma, MP)

Order read;

THAT, AWARE that the Constitution has entrenched a strong Bill of Rights in Chapter 4, which recognizes human rights including socio-economic rights and the principle of equality and non-discrimination;

FURTHER AWARE that Kenya lacks a policy for guiding the management of these Social Risks in the design and implementation of infrastructure projects;

CONCERNED that inadequate attention to social risks in the planning and implementation of development projects at both national and county levels makes them unacceptable and end up costing the taxpayer colossal sums of money in suits filed before the courts and tribunals by local communities and affected interest groups seeking protection from such social risks;

NOW, THEREFORE, the Senate resolves that:

1. The National and County Governments develop a Social Risk Management Policy that outlines the standards, guidelines and procedures for guiding infrastructure and other development projects both at the national and county governments; and
2. The national executive establishes an independent multi-sectoral agency under the authority of the Cabinet secretary in charge of Social Security and Protection to design a mechanism that can factor in the inclusion of Social Impact Assessments standards and monitor their implementation in infrastructure and other development projects in Kenya.

Order deferred.

28. **MOTION - CONSOLIDATION OF BURSARY FUNDS FOR EQUITABLE ACCESS TO EDUCATION IN KENYA**
(Sen. Karungo Thangwa, MP)

Order read;

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 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.

Order deferred.

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

29. **SENATE ROSE** – at thirty – one minutes past five O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Thursday, October 03, 2024 at 2:30 p.m.*