



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, OCTOBER 31, 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 a Quorum, invited the Clerk to call the Orders of the day.

4. **PAPERS LAID**

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

- i) Report of the Auditor General on the financial Statements of Nyamarimba Sub-County Level 4 Hospital – County Government of Kisumu for financial year ended 30th June, 2022.
- ii) Report of the Auditor General on the financial Statements of Naivasha Sub-County Level 4 Hospital – County Government of Nakuru for financial year ended 30th June, 2022.
- iii) Report of the Auditor General on the financial Statements of Bahati Sub-County Level 4 Hospital – County Government of Nakuru for financial year ended 30th June, 2023.
- iv) Report of the Auditor General on the financial Statements for Nyamarimba Sub-County Level 4 Hospital – County Government of Kisumu for financial year ended 30th June, 2023.
- v) Report of the Auditor General on the financial Statements of Bungoma County Referral Hospital – County Government of Bungoma for financial year ended 30th June, 2023.
- vi) Statement on the business of the Senate for the week commencing Tuesday, 12th November, 2024.

(The Senate Majority Whip)

- vii) Report of the Standing Committee on Land, Environment and Natural Resources on its consideration of the Land (Amendment) Bill (National Assembly Bills. No. 40 of 2022).

(The Senate Majority Whip on behalf of the Chairperson, Standing Committee on Land, Environment and Natural Resources)

- viii) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Constitution of Kenya (Amendment) (No. 2) Bill (Senate Bills No. 46 of 2024).

(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

5. **QUESTIONS AND STATEMENTS**

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

- i) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a Statement from the Standing Committee on Finance and Budget regarding the utilization of development funds in Marsabit County.
- ii) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding the state of ongoing investigations at the Kenya National Trading Corporation (KNTC).
- iii) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a Statement from the Standing Committee on Finance and Budget regarding the reallocation of development funds by the Marsabit, Turkana and Samburu County governments toward special programmes for distribution of food and other relief supplies.
- iv) Nominated Senator (Sen. Esther Okenyuri, MP) sought a Statement from the Standing Committee on Health regarding the safety, efficacy and side effects of polio vaccines administered in Kenya.
- v) Nominated Senator (Sen. Esther Okenyuri, MP) on behalf of the Senator for Kisii County (Sen. Richard Onyonka, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding the labour practices and welfare of employees working for Shivling Supermarkets in Kisii County.
- vi) The Senator for Elgeyo Marakwet County (Sen. William Kisang, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding delays in the upgrading to bitumen standards of Kilang'ata to Kopasi river road in Elgeyo Marakwet and West Pokot Counties.

- vii) The Senator for Elgeyo Marakwet County (Sen. William Kisang, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the sudden collapse of the Economic Stimulus Programme Market (ESPM) structure under construction at Iten town in Elgeyo Marakwet County.
- viii) The Senator Nakuru County (Sen. Tabitha Keroche, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the state of Njoro Kisima Land, Reference Number (L.R.) 9216, purchased by the government in 2014 to resettle internally displaced persons (IDPs) from the Njoro and Nakuru pipeline areas.
- ix) The Senator for Nakuru County (Sen. Tabitha Keroche, MP) sought a Statement from the Standing Committee on Health regarding the closure of Nakuru War Memorial Hospital despite issuance of orders on 1st October, 2024 by the Court of Appeal for the immediate reopening of the hospital.
- x) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the status of Kshs.908 million compensation fund released by the government, for victims of wildlife attacks in Taita Taveta County and across the Country.
- xi) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a Statement from the Standing Committee on Finance and Budget regarding the alleged misappropriation of funds in Isiolo County.
- xii) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a Statement from the Standing Committee on Education regarding the allocation of bursary funds by the Isiolo County Government.
- xiii) The Senator for Migori County (Sen. Eddy Oketch, MP) sought a Statement from the Standing Committee on Information, Communication, and Technology regarding alleged breach of confidential subscriber information by M/S Safaricom Ltd.
- xiv) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Energy regarding the passage of deliberately incurred demurrage costs to consumers of petroleum products.
- xv) The Senator for Kajiado County (Sen. Seki Lenku Ole Kanar, MP) sought a Statement from the Standing Committee on Health regarding the incessant plight of medical interns, who have not received their rightful remuneration since being posted in August 2024.
- xvi) Nominated Senator (Sen. Tabitha Mutinda, MP) on behalf of Nominated Senator (Sen. Hamida Kibwana, MP) sought a Statement from the

Standing Committee on National Security, Defence and Foreign Relations regarding the recent wave of abductions and gruesome murders across the country.

- xvii) The Senator for Bomet County (Sen. Wakili Hillary Sigei, MP) sought a Statement from the standing committee on the Devolution and Intergovernmental Relations regarding the status of engagement and remuneration of county administrators and village councils in Bomet County.

b) Statements pursuant to Standing Order 56(1)(a)

- i.) The Vice Chairperson, Standing Committee on Finance and Budget (Sen. Tabitha Mutinda, MP), issued a Statement concerning the implementation status of the resolution of the Senate on the Current State of the Nation.

The Vice Chairperson informed the Senate that in accordance with the Senate resolution on the current State of the Nation, the Committee had been directed to address several key financial matters. These included, working with the Parliamentary Budget Office to conduct an independent audit of the national debt, engaging the National Treasury to provide a plan to reduce public debt to not more than 55% of the GDP as required by the Public Finance Management Act, and collaborating with the National Treasury to implement strategies for reducing the cost of living.

The Vice Chairperson stated that the Committee had received relevant documents from the National Treasury, including the revised 2024 Medium Term Debt Management Strategy and a report on recent government loans. To address the matters thoroughly, the Committee tasked the Parliamentary Budget Office with analyzing the documents and present a progress report at its meeting on 7th November 2024.

Additionally, the Vice Chairperson concluded by outlining the Committee's plans to consult with the National Treasury on the current state of public debt and on measures to maintain debt sustainability within legal thresholds. Thereafter, a comprehensive report with recommendations would be presented to the Senate for consideration.

- ii.) The Vice Chairperson, Standing Committee on Cohesion, Equal Opportunity and regional Integration (Sen. Joyce Korir, MP) issued a Statement concerning the implementation status of the resolution of the Senate on the status of the Motion on the Current State of the Nation particularly on employment in the public service and compliance with the Public Procurement and Assets Disposal Act.

The Vice - Chairperson reported on the actions taken by the Committee in promoting equitable opportunities for all citizens. In particular, the Committee engaged stakeholders such as the Public Service Commission (PSC), the Public Procurement Regulatory Authority (PPRA), and various

county governments to evaluate employment practices. The Committee reviewed demographic compositions concerning gender, disability, age and ethnicity within county governments and noted several non-compliance issues, especially regarding disability representation, minorities and marginalized groups ethnic balance, contrary to Article 27(6) of the Constitution, and stressed that the county assembly should not approve executive committee nominations that exclude these groups, as outlined in section 35 of the County Government Act.

The Committee found out that some County Public Service Boards (CPSBs) have predominantly recruited from the dominant community in recent years as such the Committee had recommended that at least 30 percent of entry-level positions be reserved for individuals from non-dominant ethnic groups. Such measures were critical in ensuring compliance with Section 65(1)(e) of the County Government Act and succession planning to enhance youth and minority employment in line with the provisions of the Constitution.

The Vice Chairperson further stated that the Committee in its discussions with the County Procurement Regulatory Authority (CPRA), identified several counties—namely Meru, Nandi, Marsabit, Garissa, Isiolo, Kericho, Kiambu, Kisii, Mandera, Migori, Tana River, Tharaka Nithi, Turkana, and Vihiga—as non-compliant with Section 157(12) of the Public Procurement and Asset Disposal Act, which mandates reporting to CPRA every six months, covering the financial years 2022/2023 and 2023/2024.

She noted that compliant counties have initiated affirmative action programmes, such as special funds and civic education for Access to Government Procurement Opportunities (AGPO), to align with Section 53(6) of the Act. The Vice Chairperson noted that the Committee had recommended that all county executives develop similar programmes and benchmark with compliant counties to fulfill these requirements.

The Vice – Chairperson in conclusion informed the Senate that the exercise was ongoing and requested a brief extension to finalize the remaining details to ensure a comprehensive and compliant outcome.

- iii.) Sen. Fatuma Dullo, MP on behalf of the Chairperson, Standing Committee on National Security, Defence and Foreign Relations issued a Statement on the status of implementation of the recommendations of the resolution on the Motion on the Current State of the Nation.

The Senator outlined that the Committee had engaged with relevant Government departments, agencies, commissions and independent offices concerning the issues under the mandate of the Committee. The Senator reported that the Committee had invited several stakeholders, including the Cabinet Secretary for Interior and National Administration, the Inspector General of the National Police Service and other authorities, to discuss the issues.

She highlighted that the meeting with the National Police Service Commission and the Directorate of Occupational Safety and Health Services took place on 24th October, 2024, however, the Committee resolved to reschedule the meeting to 14th November, 2024, to allow the stakeholders prepare adequately on their submissions for subsequent engagements and meaningful deliberations. The Committee had further resolved to extend invitations to the Social Health Authority (SHA) and the Insurance Regulatory Authority (IRA) to provide more insights on the issues that may arise out of the engagements with regard to insurance cover.

The Senator highlighted that the Committee had also requested a detailed report from the Cabinet Secretary of Interior and National Administration on injuries and fatalities related to the protests and had also made a request to the Kenya National Commission for Human Rights to report on those injured, killed or reported missing as a result of the protests.

The Senator concluded by thanking the Office of the Speaker and the Clerk of the Senate for their support and the Committee Members for their dedication and commitment to duty.

c) Statement pursuant to Standing Order 57(1)

The Senate Majority Whip issued a Statement on the business of the Senate for the week commencing Tuesday, 12th November, 2024.

d) Personal Statements pursuant to Standing Order 58

- i.) The Senator for Isiolo County (Sen. Fatumo Dullo, MP) made a personal statement concerning threats to her life while performing her oversight function. The Senator reported to the Senate that she had been facing threats to her life and interference from certain Isiolo county government officials due to her oversight responsibilities.

The Senator expressed concern over credible information regarding efforts to obstruct her access to Isiolo County and intimidate her staff and supporters. She disclosed that a recent meeting among county officials allegedly involved plans for her assassination, which posed a serious threat to her safety. The Senator also highlighted a court petition aimed at hindering her work, a break-in at her county office under suspicious circumstances, and stated that if anything were to happen to her or her associates, the Isiolo County Government should be held accountable.

The Senator concluded by informing the Senate that she had reported the issues to the Directorate of Criminal Investigations, and affirming her commitment to transparency and accountability for Isiolo County despite the challenges.

- ii.) Nominated Senator (Sen. Crystal Asige, MP) made a personal statement concerning her naming in the list of 2024 TIME100 NEXT honourees.

In the Statement, the Senator expressed her deep gratitude for being named in the 2024 TIME100 NEXT list, which celebrated influential leaders across various fields globally. She reflected on her journey as a young Kenyan woman with a disability, describing how her experiences have shaped her perspective on resilience and overcoming barriers. The Senator highlighted her legislative efforts on disability rights, her work through the Crystal Asige Foundation and her passion for music which all aimed at building a lasting legacy of service.

The Senator concluded by dedicating the honour to all Kenyans, particularly those with disabilities, and encouraged them to see beyond limitations and contribute their talents to the world.

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

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Environment Laws (Amendment) Bill (Senate Bills. No. 23 of 2024) be now read a Second Time.

(Sen. Abdul Haji, MP)

Debate arising;

Raising a Point of Order, pursuant to Standing Order 110 (1), the Senator for West Pokot County (Sen. (Rev.) Julius Recha Murgor, MP) claimed to move-

“THAT the debate be now adjourned”

And the Temporary Speaker (Sen. Veronica Maina, MP) acceding to the claim;

Motion made and Question proposed;

THAT the debate be now adjourned.

(Sen. (Rev.) Julius Recha Murgor, MP)

There being no Senator wishing to contribute;

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

Question put and **agreed to.**

7. **MOTION - CONSOLIDATION OF BURSARY FUNDS FOR EQUITABLE ACCESS TO EDUCATION IN KENYA**

Order read;

Motion made and Question proposed;

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.

(Sen. Karungo Thangwa, MP)

Debate arising;

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

8. **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, November 12, 2024 at 2.30 p.m.*

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