



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 12, 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. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair –

(a) Resumption of Sittings of the Senate for Part V of the Senate Calendar, 2024

“Honourable Senators,

I take this opportunity to welcome Honourable Senators back from the short recess. In accordance with the Calendar of the Senate for the regular sittings, Part V begins today, Tuesday, 12th November, 2024 and will conclude at the rise of the Senate on Thursday, 5th December, 2024.

Honourable Senators,

You will observe that this will be the last segment of the Senate Calendar (Regular Sessions of the Senate, 2024). It will be a short one before the Senate undertakes the December – January recess. The resumption of regular sittings in this last part brings with it a certain degree of urgency to conclude the legislative agenda of the Senate.

It is in this context that I therefore urge that we redouble our collective effort in a bid to conclude the business of the Senate by the close of the Session in December, 2024. I also urge the Office of the Senate Majority Leader, the Senate Minority Leader and Committee Chairpersons to do all that is necessary within the Standing Orders to expedite pending legislative business.

Honourable Senators,

I wish you fruitful deliberations and wish all Honourable Senators all the best in this part.

I thank you.”

(b) Visiting delegation from the Parliament of Uganda

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of a visiting delegation of Hansard Officers from the Parliament of Uganda. The delegation is undertaking a capacity building programme in the Senate.

Honorable Senators,

I request each member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition –

1. Mr. Julius Aboko - Senior Assistant Editor of Hansard
2. Ms. Livinia Tuhimbise - Assistant Editor of Hansard
3. Ms. Sherlene Mukite - Assistant Editor of Hansard
4. Mr. Isaac Musimenta - Assistant Editor of Hansard
5. Mr. Jorem Echodu - Technician
6. Ms. Ketty Akello - Assistant Secretary

Honorable Senators,

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.”

5. STATEMENT PURSUANT TO STANDING ORDER 56(1)(a)

Sen. Joe Nyutu, MP, on behalf of the Chairperson, Standing Committee on Health, made a Statement relating to the status of implementation of the resolution on the Motion on the Current State of the Nation.

In the Statement the Senator stated that, following the passage of the Motion on 24th July 2024, the Standing Committee on Health engaged relevant stakeholders in two key areas; namely, facilitating public participation in the re-enactment of the Social Health Insurance Act, the Digital Health Act, and the Primary Health Care Act, in line with a High Court ruling, in Petition No. E473 of 2023. Additionally, the committee was working with the Cabinet Secretary for Health and the Council of Governors to standardize the human resource policy for health workers across counties.

The Senator reported that the ruling by the High Court in Petition No. E473 of 2023, challenging the constitutionality of the three Acts of Parliament on claims that they lacked proper public participation. The High Court, in its ruling on 12th July 2024, found the Acts to be unconstitutional, ordering Parliament to undertake sufficient public participation and amend the unconstitutional provisions within 120 days. The court also suspended the Acts during this period, and where the Government failed to comply, the Acts would be declared null and void. The Cabinet Secretary for Health, dissatisfied with the ruling, appealed the decision, and the Court of Appeal granted a temporary stay on the judgment, allowing the Acts to remain in effect until the appeal was determined.

The Senator stated that, while awaiting the determination of the appeal, the Committee halted further actions on the re-enactment of the Acts. In addition, the Committee scheduled a retreat with the Ministry of Health, the Council of Governors, and medical practitioners' unions to address challenges in standardizing the health workforce policy. A report on this matter would be prepared for consideration by the Senate upon the conclusion of discussions by stakeholders.

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

(Sen. James Murango, MP)

(Second Reading)

Raising a point of order pursuant to Standing Order 159 (1), the Senator for Kirinyaga County (Sen. James Murango, MP) claimed to withdraw the Rice Bill (Senate Bills No. 19 of 2023).

And the Speaker acceding to the claim, the Bill was withdrawn.

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

(Sen. Crystal Asige, MP)

Order for Second Reading read;

Order deferred.

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

Order for Second Reading read;

Motion made and Question proposed;

THAT, the County Public Finance Laws (Amendment) Bill (Senate Bills No. 39 of 2023) be now read a Second Time.

(The Senate Majority Leader on behalf of Sen. Kathuri Murungi, MP – 29.10.2024)

Debate interrupted on Wednesday, 30th October, 2024 (Afternoon Sitting) resumed;

And there being no other Senator wishing to contribute;

The Senate Majority Leader replied on behalf of the Mover;

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

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

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

(Sen. Abdul Haji, MP)

Order for Second Reading read;

Order deferred.

10. **MOTION – REPORT OF THE MEDIATION COMMITTEE ON THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2023)**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Mediation Committee on the Water (Amendment) Bill (National Assembly Bills No. 33 of 2023), laid on the table of the Senate on Tuesday, 22nd October, 2024, and further that pursuant to Article 113 (2) of the Constitution and Standing Order 167 (3) of the Senate, approves the mediated version of the Bill.

(The Vice-Chairperson, Mediation Committee – 24.10.24)

Debate interrupted on Thursday, 24th October, 2024 resumed;

And there being no Senator wishing to contribute;

The Senate Majority Leader replied on behalf of the Mover;

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

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

11. **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 YEAR ENDED 30TH JUNE, 2019, 30TH JUNE, 2020 AND 30TH 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 year ended, 30th June, 2019, 30th June, 2020 and 30th 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 30th June, 2021, laid on the Table of the Senate on Thursday, 23rd November, 2023.

Debate interrupted on Wednesday, 23rd October, 2024 (Morning Sitting) resumed;

And there being no Senator wishing to contribute;

And in the absence of the Mover;

The Deputy Speaker deferred the reply by the Mover to a later date.

12. **MOTION – REPORT OF THE MEDIATION COMMITTEE ON THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2022)**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Mediation Committee on the National Rating Bill (National Assembly Bills No. 55 of 2022), laid on the table of the Senate on Wednesday, 30th October, 2024, and further that pursuant to

Article 113 (2) of the Constitution and Standing Order 167 (3) of the Senate, approves the mediated version of the Bill.

(Sen. Beatrice Ogola, MP on behalf of the Vice-Chairperson, Mediation Committee)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

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. Wakili Hillary Sigei, MP), acceding to the request, deferred the putting of the Question to a later date.

13. **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 – 31.10.2024)

Debate interrupted on Thursday, 31st October, 2024 resumed;

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

14. **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
Wednesday, November 13, 2024 at 9:30 am*

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