

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 31st August, 2023

Special Sitting

*(Convened via Kenya Gazette Notice No. 11580
of 29th August, 2023)*

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Speaker (Hon. Kingi) in the Chair]

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?

(The Clerk-at-the-Table consulted with the Speaker)

Serjeant-at-Arms, please ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Serjeant-at-arms, I am informed we have quorum. Kindly, stop the Bell.

Clerk, proceed to call the Orders.

Hon. Senators, for the convenience of the House and pursuant to Standing Order No.45(2), allow me to rearrange the sequence of today's Order Paper, by moving to prosecute Order No.9. Thereafter, we will come back to Order No. 8.

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MOTIONALTERATION OF THE SENATE CALENDAR
FOR THE SECOND SESSION 2023

The Speaker (Hon. Kingi): Senate Majority Leader, please proceed.

(Sen. Cheruiyot spoke off record)

Your microphone is off.

The Senate Majority Leader (Sen. Cheruiyot): It is now okay.

Thank you, Mr. Speaker, Sir. I beg to move the following Motion albeit in an amended form, separate from what I had issued as a Notice earlier-

THAT, notwithstanding the resolutions of the Senate made on the 16th February, 2023, which is the approval of the Senate Calendar on the 29th March, 2023 and 27th June, 2023, (alteration of the Senate calendar), pursuant to Standing Order No.32(4), the Senate resolves to further alter its calendar (Regular sessions) for the second session 2023, in respect of Part V to resume from recess on Tuesday, 19th September, 2023.

Mr. Speaker, Sir, you will recall that when this House rose two weeks ago, we were supposed to have a three-week recess. However, as you are aware, soon after, we proceeded to Eldoret for the one-week Devolution Conference. Immediately after, we have spent the whole of this week here in Parliament. On Tuesday, yesterday and today, Members of the Land, Environment and Natural Resources Committee have been here.

Mr. Speaker, Sir, one of the hardest things as a politician in this country is to be re-elected as a Senator. This is because when you go to a public forum, the Member of the County Assembly (MCA) will point to the Early Childhood Development Education (ECDE) classroom that he has constructed. The Member of Parliament (MP) will point at the administration block. The Governor will say he or she has done the road. The President has promised a big dam. The county women representatives will have cheques for bursaries. Then they will say, "let us welcome our 'big man' that we elected to go to Nairobi called the Senator. What do you have for us?"

It is only out of our presence in the village solving little problems sometimes, when we have time during recess, that we are able to at least have relevance in this country. Therefore, I know what it means when colleagues ask me to allow them some time to retreat at least back to the villages to be with our constituents, for at least a week or two.

Many of these Senators are respected in their various counties. Their word on many topical issues in their county counts for something. Sen. Githuku would wish to go back to Lamu County and address himself to the security issues. I have seen many things online. Certain Members of County Assemblies (MCAs) have torn into the Governor here in Nairobi while others have turned into his chief defendants. It will be good for Sen. Sifuna to find time and speak to Governor Sakaja and understand what is happening in

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his county, listen to the MCAs as well as so many others. Sen. Thangw'a is not yet here. I saw a press conference from his MCAs.

Time for Senators to be out of Nairobi is time still spent actually going about their constitutional duty. I do not take it for granted when colleagues request that we allow them at least two weeks to find time to resolve a few issues in their counties. I have seen the problematic Deputy Governor of Siaya County has begun his usual problems. Therefore, they need the wise counsel of the youth leader, Sen. (Dr.) Oburu Odinga, to sit down and perhaps try and bring sanity to the county.

There are many things that Senators go about during their recess. Therefore, when we request that we need two weeks, it is not an abdication of responsibility. It is not in any sense dereliction of duty that Members are requesting for this period to be able to consider many other things. Over and above the individual things that some of them get to do, is only during recess. In short, that is why we have requested to move our recess period by a further two weeks so that we are able to attend to all those duties.

Thank you, Mr. Speaker Sir, for indulging us. With those very many remarks, I beg to move and request the indefatigable Senator for Migori County, Sen. Oketch Gicheru, to second this Motion.

I thank you.

Sen. Oketch Gicheru: Thank you, Mr. Speaker, Sir. I will not belabor much on this particular Motion because as the Senate Majority Leader, the very able leader Sen. Cheruiyot has indicated, we get energy as a people in this House from the people we represent.

When we were starting the sitting in the morning, I listened to what Sen. (Dr.) Khalwale said, that he really missed the House. I was listening and waiting for him to tell us where he was. Unfortunately, the Senator was not in his home county or village in Kakamega. Apparently, he was on some assignments and duties that are still related to this House. I can assure you that if that was not the case, the Senator could not have said that he saw some huge planes in some airport. This could not have been somewhere in Kakamega.

Therefore, the Senator definitely needs to go back to Kakamega and be able to get some insights from the people of Kakamega as well as be able to engage in some bullfighting activities. I am seeing he is losing the stamina and he needs to go and recharge.

I also recognise that even though we were trying to extend our time to around the 12th, next week will still just be just as heavy as normal working days because we have the Climate Change Summit that is coming to the country. I know that it is a very well-aligned event both formally and informally, that fellow Senators and Members of Parliament will be engaged in. As such, it will be so difficult to come from that heavy Summit and come here and still have the same level of energy and rigor to contribute in the House.

I encourage my brother, Sen. Cherarkey, to make sure that he supports this Motion. I know that he was not very well aware that the forum that we are having on climate change next week, will affect some of the Senators very squarely. Therefore, he needs to actually participate so well in that Summit knowing very well that after that, you

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can be able to go home and recharge. Also, be able to engage with the Governor of Nandi County together with the MCAs, on how the resources of Nandi County are being spent.

I support this Motion and I hope that when we come back, we will not only have enough energy to continue transacting the business of this House, but also have better insights on issues that we need to give priority to the communities that we serve at the grassroots.

With that, I second.

Thank you.

The Speaker (Hon. Kingi): Hon. Senators, I will proceed to propose the question.

(Question proposed)

Sen. Wambua: On a point of order, Hon. Speaker, Sir.

What is your point of order, Sen. Wambua.

Sen. Wambua: I thank you, Mr. Speaker, Sir. I stand on Standing Order No.111 to seek leave of the House to limit debate on this Motion. Seeing as this is a Procedural Motion, we do not need to spend a lot of time debating extension of time for the calendar. Under Standing Order No.111, I seek to limit debate to three minutes per Senator. I ask Sen. Methu to second.

Sen. Methu: Thank you, very much, Mr. Speaker, Sir. I want to agree with the elder of our church, the African Inland Church (AIC). This is a Procedural Motion and you also know that we also have the other Bill before us that we need to conclude on.

I second and ask that we have maybe three Senators from each side, if it is agreeable and then we limit debate.

(Loud consultations)

Even one Senator from each side! The mood of the House is that they just want the question to be put.

Sen. Sifuna: On a point of order, Hon. Speaker, Sir.

The Speaker (Hon. Kingi): What is your point of order, Sen. Sifuna?

Sen. Sifuna: Mr. Speaker, Sir, in fact, on the Minority side, we have confirmed that we do not want to make any contribution to this Motion.

(Applause)

Mr. Speaker, Sir, protect me, please.

The Speaker (Hon. Kingi): Can Sen. Sifuna be heard in silence?

Sen. Sifuna: On this particular agenda, I ask that the Senate Majority Leader seconds me.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I have equally read the mood of the Majority side and I have declared that nobody will be allowed to speak. We put the question because people want to begin their recess. I just want to vote for the Third Reading, then we go home.

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The Speaker (Hon. Kingi): Hon. Senators, pursuant to the mood as correctly read by Sen. Sifuna and the Senate Majority Leader, I will proceed to put the question

(Question put and agreed to)

Next Order.

COMMITTEE OF THE WHOLE

(Order for Committee read)

[The Speaker (Hon Kingi) left the Chair]

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Mumma) in the Chair]

THE CLIMATE CHANGE (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.42 OF 2023)

The Temporary Chairperson (Sen. Mumma): Hon. Senators, we are now in the Committee of the Whole to consider the Climate Change (Amendment) Bill (National Assembly Bills No.42 of 2023).

Hon. Senators, I confirm that there are no amendments proposed for this Bill. So, we will proceed very quickly

Clauses 3, 4, 5, 6, 7, 8, 9 and 10

(Question, that Clauses 3, 4, 5, 6, 7, 8, 9, and 10 be part of the Bill proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clauses 11, 12, 13, 14, 15, 16 and 17

(Question, that Clauses 11, 12, 13, 14, 15, 16 and 17 be part of the Bill proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clauses 2, the Title and Clause 1

(Question, that Clause 2, the Title and Clause 1 be part of the Bill proposed)

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The Temporary Chairperson (Sen. Mumma): Division will be at the end. Hon. Senators, we are now proceeding to the Division. I direct that the Division Bell be rung for two minutes.

(The Division Bell was rung)

Hon. Senators, I now direct that the doors be closed and the bars drawn. Hon. Senators, please log out.

(The bars were drawn and the doors closed)

Serjeant-at-Arms, withdraw unattended cards. Senators may now log in afresh. We are going to vote electronically.

(Voting in progress)

The Temporary Speaker (Sen. Mumma): Hon. Senators, we only have 15 seconds for those who have not voted.

I would like to invite Sen. Oketch Gicheru, Sen. Mariam Omar, Sen. Peris Tobiko and Sen. Ogola to come vote manually. They have not voted.

(Voting in progress)

DIVISION

ELECTRONIC VOTING

(Question, that Clause 3, Clause 4, Clause 5, Clause 6, Clause 7, Clause 8, Clause 9, Clause 10, Clause 11, Clause 12, Clause 13, Clause 14, Clause 15, Clause 16, Clause 17, Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang', Elgeyo Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi City County; Sen. Thang'wa, Kiambu

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County; Sen. Tobiko; Sen. Ogolla; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; Sen. Wambua, Kitui County and Sen. Wafula, Bungoma County.

NOES: Nil

The Temporary Speaker (Sen. Mumma): Hon. Senators, these are the results of the vote.

AYES: 33

NOES: Nil

ABSENTIONS: Nil

(Question carried by 33 votes to Nil)

I now call the Mover, Sen. Cheruiyot.

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the Climate Change (Amendment) Bill (National Assembly Bills No.42 of 2023) and its approval thereof, without amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Temporary Speaker (Sen. Veronica Maina) in the Chair]

The Temporary Speaker (Sen. Veronica Maina): Serjeant-at-arms, you may open the doors and draw the bar.

(The bars were drawn and doors opened)

Hon. Senators, you may resume your seats. I now call upon the Sen. Mumma, the Chairperson to report the proceedings of the committee.

REPORT

THE CLIMATE CHANGE (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.42 OF 2023)

Sen. Mumma: Thank you, Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the Climate Change (Amendment) Bill (National Assembly Bills No.42 of 2023) and its approval thereof, without amendments.

The Temporary Speaker (Sen. Veronica Maina): I now call upon the mover to proceed and move.

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The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Speaker, I beg to move that the House do agree with the Committee in the said report.

I call upon the Minority Leader to second.

The Senate Minority Leader (Sen. Madzayo): I second. Thank you.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Veronica Maina): I call upon the Mover.

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Speaker, I beg to move that Climate Change (Amendment) Bill (National Assembly Bills No.42 of 2023) be now read a third time.

I call upon the Minority Leader, Sen. Madzayo, to second.

The Senate Minority Leader (Sen. Madzayo): Madam Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Sen. Veronica Maina): We will vote electronically. I request the doors to be closed and the bars to be drawn.

(The bars were drawn and doors closed)

Senators, proceed to log out. Serjeant-at-Arms collect any unattended cards. Senators, you can now log in and proceed to vote.

Sen. Tobiko, Sen. Mariam Omar and Sen. Ogolla, please approach the Clerk's Table.

THIRD READING

THE CLIMATE CHANGE (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.42 OF 2023)

DIVISION

ELECTRONIC VOTING

(Question that the Climate Change (Amendment) Bill (National Assembly Bills No.42 Of 2023) be read a Third Time put, and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen.

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Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang', Elgeyo Marakwet; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Mwaruma, Taita Taveta County; Sen. Murgor, West Pokot County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi City County; Sen. Thang'wa, Kiambu County; Sen. Tobiko, Kajiado County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; Sen. Wambua, Kitui County; Sen. Wafula, Bungoma County.

NOES: Nil.

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, the results of the vote have been tabulated as follow-

AYES: 33

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 33 votes to Nil)

(Applause)

(The Bill was accordingly read a Third Time and passed)

The Temporary Speaker (Sen. Veronica Maina): Serjeant-at-Arms, you can withdraw the bar and open the doors.

(The bar was drawn and doors opened)

Hon. Senators, I thank you for making it to the Special Sitting today and expediting the business that was before the House.

ADJOURNMENT

The Temporary Speaker (Sen. Veronica Maina): There being no other business on the Order Paper, the Senate stands adjourned until Tuesday, 19th September, 2023 at 2.30 p.m.

Thank you.

The Senate rose at 3.17 p.m.

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