



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 03, 2023 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 IN THE SENATE**

The Speaker, having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was no Quorum, caused the Bell to be rung for ten minutes pursuant to Standing Order 40;

And there being a Quorum after the expiry of ten minutes;

The Speaker invited the Clerk to call the Orders of the day.

4. **COMMUNICATION FROM THE CHAIR ON THE SITTINGS OF THE SENATE IN TURKANA COUNTY**

The Speaker conveyed the following Communication from the Chair: -

“Honourable Senators,

I take this opportunity to welcome you back from the sittings of the Senate which were held from 25th to 29th September, 2023 in Turkana County. The sittings were held pursuant to the resolution of the Senate made on 8th March, 2023, and on 30th May, 2023 to hold its Plenary and Committee sittings in the counties for a one-week period within the month of September in every Session of the 4th Senate.

The sittings in Turkana County were held in the backdrop of immense successes realized from the sittings of the Senate outside Nairobi held in Uasin Gishu and Kitui Counties in September, 2018 and in September, 2019, respectively.

Honourable Senators,

The Senate plays a critical role in the interlinkage between the National and County levels of government. The main objective of the sittings in the counties is to promote the role and work of the Senate and enhance public awareness regarding the Business of the Senate and Parliament in general; highlight existing and new opportunities for engagement in the legislative process; develop and strengthen partnerships at the county level of government; and provide an opportunity to members and staff of county assemblies to learn and share best practices with Senators and parliamentary officers. I am confident that in Turkana County, these objectives were achieved, following implementation of a robust programme of activities that included both Plenary and Committee meetings.

Honourable Senators,

I believe that we all took advantage of our time in the great county of Turkana, to learn and to make positive impact in the various areas of our work. I believe that as a Senate, we have appreciated the unique challenges that Turkana County and other Counties in the arid and semi-arid areas of the country face and will develop legislative interventions to address them.

Even more importantly, the sittings in Turkana County went a long way in proving and restating to all and sundry that the county is part and parcel of the Republic of Kenya. This offered tremendous opportunity for pulling down long held stereotypes and biases thereby enhancing national unity.

Finally, I take this opportunity to appreciate you, Honourable Senators, for making time to travel to Turkana County for the *Senate Mashinani*. I would also like to thank the Senator for Turkana County, Sen. James Lomenen MP, the Turkana County Government, led by Governor Jeremiah Lomorukai, the Speaker of the Turkana County Assembly, the Rt. Hon. Christopher Nakuleu, Members of the County Assembly (MCAs), the Clerk and staff of the County Assembly and the Turkana County security team for their warm hospitality and facilitation during our stay in Turkana County.

I thank you.”

5. MESSAGES

The Speaker conveyed the following Messages: -

a) Passage, by the National Assembly, of the Digital Health Bill (National Assembly Bill No. 57 of 2023)

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46(3) & (4), I have received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Digital Health Bill (National Assembly Bill No. 57 of 2023).

The Message, dated Thursday, 28th September 2023, was received on Monday, 2nd October, 2023, in the Office of the Clerk of the Senate.

Pursuant to the said Standing Order, I now report the Message-

“PURSUANT to the provisions of Standing Orders 41 and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the Digital Health Bill (National Assembly Bill No. 57 of 2023) was published vide Kenya Gazette Supplement No. 163 of 8th September 2023 as a Bill concerning county governments to provide a framework for provision of digital health services, a function affecting the powers of county governments set out in the Fourth Schedule to the Constitution;

AND WHEREAS, the said Bill was considered and passed by the National Assembly on Wednesday, 27th September 2023 with amendments and in the form attached hereto;

NOW, THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41 and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.”

Honourable Senators,

Pursuant to Standing Order 163, which requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading, in accordance with Standing Order 144, I will, at the appropriate time during this Sitting, call upon the Clerk to read the said Bill a First Time.

I thank you.”

b) Passage, by the National Assembly, of the Social Health Insurance Bill (National Assembly Bill No. 58 of 2023)

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46(3) & (4), I have received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Social Health Insurance Bill (National Assembly Bill No. 58 of 2023).

The Message, dated Thursday, 28th September 2023, was received on Monday, 2nd October, 2023, in the Office of the Clerk of the Senate.

Pursuant to the said Standing Order, I now report the Message-

“PURSUANT to the provisions of Standing Orders 41 and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the Social Health Insurance Bill (National Assembly Bill No. 58 of 2023) was published vide Kenya Gazette Supplement No. 164 of 11th September 2023 as a Bill seeking to establish a legislative framework for the management and regulation of the provision of social health insurance, promote the implementation of the Universal Health Coverage (UHC) and ensure access to affordable and comprehensive quality health services by all Kenyans;

AND WHEREAS, the National Assembly considered the said Bill on Wednesday, 27th September 2023, and passed it with amendments and in the form attached hereto;

NOW, THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41 and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.”

Honourable Senators,

Pursuant to Standing Order 163, which requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading, in accordance with Standing Order 144, I will, at the appropriate time during this Sitting, call upon the Clerk to read the said Bill a First Time.

I thank you.”

6. PETITIONS

- i.) Pursuant to Standing Order 236 (2) (b), the Speaker reported to the Senate a Petition by the Cultural Environmental Care Society (CECARE) concerning the conversion of Land LR NO. 209/2378/1 Pumwani Majengo, from public to private land.

Pursuant to Standing Order 237, the Speaker invited Senators to make comments, observations or seek clarifications in relation to the Petition and, subsequently, committed it to the Standing Committee on Land, Environment and Natural Resources pursuant to Standing Order 238 (1).

- ii.) Pursuant to Standing Order 236 (2) (a), the Senator for Machakos County (Sen. Agnes Kavindu, MP), presented a Petition by Muindi Mbingu Memorial Ngelani Association concerning historical injustices suffered by residents of Ngelani area in Machakos County during the colonial period.

Pursuant to Standing Order 237, the Speaker invited Senators to make comments, observations or seek clarifications in relation to the Petition and, subsequently, committed the Petition to the Standing Committee on Justice, Legal Affairs and Human Rights pursuant to Standing Order 238 (1).

7. STATEMENTS**a) Pursuant to Standing Order 52 (1)**

- i.) The Senator for Turkana County (Sen. James Lomenen, MP) made a Statement concerning the untapped potential of Lake Turkana's blue economy.

The Senator highlighted that Lake Turkana and its surroundings had abundant natural resources, including strong and consistent winds, a diverse range of fish species and unique landscapes but faced challenges in terms of development of the lake with a view to improving the livelihoods of local communities.

The Senator called upon the Standing Committee on Agriculture, Livestock and Fisheries to engage the National Government with a view to advocate for the enforcement of environmentally sustainable practices in and around Lake Turkana, prioritize investments in critical infrastructure around the lake and champion for community engagement in decision making. The Senator observed that this would address the underdeveloped nature of economic activities around the lake and promote the livelihoods of the residents.

- ii.) The Senator for Turkana County (Sen. James Lomenen, MP) made a Statement concerning the displacement and aggression faced by the Turkana Community.

The Senator noted that the Turkana community had faced challenges in the recent past resulting from cattle rustling and tribal conflicts with the neighboring pastoralist communities. The Senator also observed that there were cases of encroachment into land within Turkana County from neighboring communities in Uganda, South Sudan and Ethiopia. This had put pressure on available pasture and farmland, and as a result, sparked incidences of insecurity in Turkana County.

The Senator recommended solutions to the problem, including the promotion of peaceful coexistence with the neighboring communities, collaboration between relevant authorities in the country and the neighboring countries, promotion of sustainable resource management practices and empowerment of the Turkana community through education and skill development to reduce vulnerability. The Senator, thereafter, implored Senators to lend their attention, support and advocacy to the matter.

b) Pursuant to Standing Order 53 (1)

- i.) Nominated Senator (Sen. George Mbugua, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the leasing of idle public land to farmers.
- ii.) The Senator for Kiambu County (Sen. Karungo Thangwa, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the mitigation efforts by government to control the overflow of Karimenu II dam.
- iii.) The Senator for Baringo County (Sen. William Cheptumo, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the settlement of outstanding compensation claims for deaths and injuries caused by snake bites.
- iv.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding vaccine production and distribution at the Kenya Veterinary Vaccines Production Institute.
- v.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a Statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration concerning equal representation in recruitment processes in state agencies.

- vi.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a Statement from the Standing Committee on Education regarding the status of construction of Technical and Vocational Education and Training (TVET) institutions.
- vii.) Nominated Senator (Sen. Hamida Kibwana, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding reports of abuse in care homes for the elderly.
- viii.) Nominated Senator (Sen. Hamida Kibwana, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding dumping of textile, plastic and synthetic waste in Kenya.
- ix.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Health concerning bills owed to the Kenya Medical Supplies Agency (KEMSA).

8. **THE E-HEALTH BILL (SENATE BILLS NO. 32 OF 2023)**

Order for First Reading read;

Bill read a first time and committed to the Standing Committee on Health.

9. **THE DIGITAL HEALTH BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2023)**

Order for First Reading read;

Bill read a first time and committed to the Standing Committee on Health.

10. **THE SOCIAL HEALTH INSURANCE BILL (NATIONAL ASSEMBLY BILL NO. 58 OF 2023)**

Order for First Reading read;

Bill read a first time and committed to the Standing Committee on Health.

11. **MOTION – EXTENSION OF THE MANDATE OF THE AD HOC COMMITTEE TO INVESTIGATE THE PROLIFERATION OF RELIGIOUS ORGANIZATIONS AND THE CIRCUMSTANCES LEADING TO THE DEATHS OF MORE THAN 95 PEOPLE IN SHAKAHOLA, KILIFI COUNTY.**

Order read;

Motion made and Question proposed in an amended form pursuant to Standing Order 62.

THAT, AWARE that at the Sitting of the Senate held on Thursday, 27th April, 2023, the Senate, by Resolution, established an Ad Hoc Committee to

investigate the proliferation of religious organizations and the circumstances leading to the deaths of more than 95 people in Shakahola, Kilifi County;

APPRECIATING that the initial mandate of the Select Committee was due to lapse on Wednesday, 26th July, 2023 but was extended for a further thirty (30) days at a Sitting of the Senate held on Tuesday, 1st August, 2023 to allow the Committee to conclude the investigations owing to the evolving nature of the matter at the time; with discovery of new grave sites;

NOTING that the renewed mandate of the Committee lapsed on 5th September, 2023, and the Committee is yet to meet a number of key stakeholders in order to prepare a comprehensive report;

NOW, THEREFORE, the Senate resolves to renew the mandate of the Ad Hoc Committee by a further period not exceeding fourteen (14) days from 5th October, 2023, and to table its final report in the Senate on or before 19th October, 2023.

(The Chairperson, Ad Hoc Committee)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

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

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, AWARE that at the Sitting of the Senate held on Thursday, 27th April, 2023, the Senate, by Resolution, established an Ad Hoc Committee to investigate the proliferation of religious organizations and the circumstances leading to the deaths of more than 95 people in Shakahola, Kilifi County;

APPRECIATING that the initial mandate of the Select Committee was due to lapse on Wednesday, 26th July, 2023 but was extended for a further thirty (30) days at a Sitting of the Senate held on Tuesday, 1st August, 2023 to allow the Committee to conclude the investigations owing to the evolving nature of the matter at the time; with discovery of new grave sites;

NOTING that the renewed mandate of the Committee lapsed on 5th September, 2023, and the Committee is yet to meet a number of key stakeholders in order to prepare a comprehensive report;

NOW, THEREFORE, the Senate resolves to renew the mandate of the Ad Hoc Committee by a further period not exceeding fourteen (14) days from 5th October, 2023, and to table its final report in the Senate on or before 19th October, 2023.

12. **MOTION – EXTENSION OF THE MANDATE OF THE AD HOC COMMITTEE ON THE COMPENSATION TO THE KENYA VICTIMS OF THE 1998 BOMBING OF THE UNITED STATES OF AMERICA EMBASSY IN NAIROBI**

Order read;

Motion made and Question proposed;

THAT, AWARE that at the Sitting of the Senate held on Thursday, 27th June, 2023, the Senate, resolved to establish an Ad Hoc Committee to investigate the compensation to the Kenyan victims of the 1998 bombing of the United States of America Embassy in Nairobi and report back to the House within three months of its establishment;

REALIZING that the three-month period lapsed on 30th September, 2023 but, owing to the magnitude of the work involved, the Committee has not completed its work within the duration;

NOTING the need for more time to carry out a thorough inquiry into this matter;

NOW, THEREFORE, the Senate resolves to renew the mandate of the Ad Hoc Committee for a further period not exceeding forty-five (45) days of this resolution, and to table its final report in the Senate on or before 10th November, 2023.

(The Chairperson, Ad Hoc Committee)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

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

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, AWARE that at the Sitting of the Senate held on Thursday, 27th June, 2023, the Senate, resolved to establish an Ad Hoc Committee to

investigate the compensation to the Kenyan victims of the 1998 bombing of the United States of America Embassy in Nairobi and report back to the House within three months of its establishment;

REALIZING that the three-month period lapsed on 30th September, 2023 but, owing to the magnitude of the work involved, the Committee has not completed its work within the duration;

NOTING the need for more time to carry out a thorough inquiry into this matter;

NOW, THEREFORE, the Senate resolves to renew the mandate of the Ad Hoc Committee for a further period not exceeding forty-five (45) days of this resolution, and to table its final report in the Senate on or before 10th November, 2023.

13. **THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL (SENATE BILLS NO. 22 OF 2023)**

Order for Second Reading read;

Order deferred;

14. **THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the County Governments Additional Allocations Bill (National Assembly Bills No. 23 of 2023) be now read a Second Time.

(The Senate Majority Whip)

Debate arising;

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.

15. **SENATE ROSE** - at thirty minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Wednesday, October 04, 2023 at 9:30 a.m.*