



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, OCTOBER 19, 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 Deputy Speaker.
3. **QUORUM OF THE SENATE**

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

4. **COMMUNICATIONS FROM THE CHAIR**

The Deputy Speaker conveyed the following communications from the Chair:-

- i. Visiting delegation of university students (*Young Future Movement*) from Homa Bay County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting delegation of University Students ‘Young Future Movement’ from Homa Bay County. The delegation is in the Senate for a one-day academic exposition.

Honourable Senators,

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

ii. Visiting Teachers and Students from Mawingo Secondary School, Nyandarua County

“Honorable Senators,

In the public gallery, we have forty-one (41) students, accompanied by two (2) teachers from Mawingo Secondary School in Nyandarua County who are in the Senate on an education tour.

Honorable Senators,

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you!”

5. MESSAGE FROM THE NATIONAL ASSEMBLY ON THE PASSAGE OF A MOTION BY THE NATIONAL ASSEMBLY, FOR EXTENSION OF THE MANDATE OF THE NATIONAL DIALOGUE COMMITTEE

The Deputy Speaker conveyed the following Message from the National Assembly:-

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3) and (4), I received the following Message from the Speaker of the National Assembly with respect to the National Assembly’s Resolution on the Extension of the Mandate of the National Dialogue Committee passed on Tuesday, 17th October, 2023.

The Message, which is dated Wednesday, 18th October, 2023, was received on Wednesday, 18th 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 Order 41(1) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS, the National Assembly and the Senate considered and passed a resolution on the Establishment of a National Dialogue Committee on 16th August 2023 and 29th August 2023, respectively;

AND WHEREAS, the National Dialogue Committee (NADCO) was mandated to, amongst other roles, facilitate dialogue, build consensus, and recommend appropriate constitutional, legal, and policy reforms on issues of concern to the people of Kenya and to report to the Leadership of the Kenya

Kwanza and Azimio Coalitions, and to Parliament within sixty (60) days from 29th August 2023;

FURTHER WHEREAS, on Tuesday, 17th October 2023 following a request from NADCO, the National Assembly considered and passed a Resolution on the Extension of the Mandate of the National Dialogue Committee by a further thirty (30) days from 28th October 2023;

NOW THEREFORE, in accordance with the provisions of Standing Order 41(1) of the National Assembly Standing Orders, I hereby convey the said Resolution of the National Assembly to the Senate for consideration.”

Honourable Senators,

As you may be aware, the Senate considered and passed a Resolution to extend the mandate of the National Dialogue Committee by a further thirty (30) days from 28th October, 2023 on Wednesday, 18th October, 2023. This decision has been communicated to the National Assembly.

I thank you.”

6. **PAPERS LAID**

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

- i) Report of the Standing Committee on Finance and Budget on its consideration of the Equalization Fund Appropriation Bill (Senate Bills No. 30 of 2023).

(Sen. Mwinyihaji Mohamed Faki, MP on behalf of the Chairperson, Standing Committee on Finance and Budget)

- ii) Statement on the business of the Senate for the week commencing Tuesday, 31st October, 2023.

(The Senate Majority Whip)

- iii) Report of the Ad-Hoc Committee to Investigate the Proliferation of Religious Organizations and Circumstances Leading to the Deaths of more than 95 people in Shakahola, Kilifi, County.

(The Chairperson, Ad-Hoc Committee)

7. **NOTICE OF MOTION - REPORT OF THE AD-HOC COMMITTEE TO INVESTIGATE THE PROLIFERATION OF RELIGIOUS ORGANISATIONS AND CIRCUMSTANCES LEADING TO THE DEATHS OF MORE THAN 95 PEOPLE IN SHAKAHOLA, KILIFI COUNTY**

(The Chairperson, Ad-Hoc Committee)

THAT, the Senate adopts the Report of the Ad-Hoc Committee to Investigate the Proliferation of Religious Organisations and Circumstances Leading to Deaths of more than 95 people in Shakahola, Kilifi County laid on the Table of the Senate on Thursday, 19th October, 2023.

8. QUESTIONS AND STATEMENTS

STATEMENTS

a) Pursuant to Standing Order 52(1)

- i) The Senator for Nandi County (Sen. Samson Cherarkey, MP) made a statement concerning the remarkable achievement by Mr. James Muhia and Mr. Cheruiyot Kirui in climbing Mt. Manaslu in Nepal.

The Senator highlighted that Mr. James Muhia and Mr. Cheruiyot Kirui made history by becoming the first Africans and Kenyans in particular, to successfully climb Mt. Manaslu in Nepal. The Senator observed that the two compatriots reaching a height of 8,163 metres above sea level and noted that the achievement was notable because it was accomplished without the use of supplemental oxygen or Sherpa support that showcased their mountaineering skills, physical endurance and mental fortitude.

The Senator stated that the success of Mr. Muhia and Mr. Kirui served as an inspiration to aspiring mountaineers and highlighted the importance of perseverance and dedication in the face of adversity. The Senator commended Mr. Muhia and Mr. Kirui for their historic accomplishment and the positive image they had brought to Kenya in the international stage.

- ii) Nominated Senator (Sen. Crystal Asige, MP) made a statement commemorating World Sight Day, which is observed annually on the second Thursday of October.

In the Statement, the Senator highlighted the importance of raising awareness about vision impairment, blindness, and the necessity of comprehensive eye care. She pointed out that out of the 7.5 million Kenyans suffering from severe visual impairment or blindness, 90% of the cases could have been prevented. The Senator therefore emphasized the importance of protecting one's eyesight, and called upon policymakers to lead and support initiatives that highlight issues of eyesight.

The Senator further noted the connection between eye health and economic advancement, citing studies that show a significant increase in productivity and income following successful eye treatments like cataract surgery and the use of spectacles. She also underscored the

need for employers to prioritize eye health of employees, especially in workplaces where eye injuries were a potential hazard.

In conclusion, the Senator called upon Senators to take advantage of regular eye screenings and to encourage testing and screening for eye issues within their families and communities. She also emphasized on the obligation of employers to provide for the eye health of their employees and fostering a workplace culture that champions the well-being of employees.

b) Pursuant to Standing Order 53(1)

- i.) 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 influx of bars around schools and residential areas in Isiolo County and other parts of the country.
- ii.) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a statement from the Standing Committee on Energy regarding stalled rural electrification projects in Isiolo County.
- iii.) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning the status of compensation to landowners displaced in the construction of the Horn of Africa Gateway Development Project.
- iv.) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a statement from the Standing Committee on Education regarding the inordinate delay in the promotion of teachers in Isiolo County.
- v.) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the Isiolo-Meru border dispute.
- vi.) The Senator for Tana River County (Sen. Danson Mungatana, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding contractual employment and compensation issues at Hola Referral Hospital in Tana River County.
- vii.) Nominated Senator (Sen. Shakila Abdalla, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing regarding the upgrade of the Lamu Airport.
- viii.) The Senator for Wajir County (Sen. Abass Sheikh, MP) sought a statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning the state of the livestock sector in Kenya.

- ix.) The Senator for Wajir County (Sen. Abass Sheikh, MP) sought a statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning the non-implementation of the presidential order on the establishment of the National Livestock Development and Promotion Service.
- x.) The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) sought a statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration concerning recruitment in the public service.
- xi.) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a statement from the Standing Committee on Information, Communication and Technology concerning the operations of the Kenya National Library Services.
- xii.) 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 classification of Tsavorite gemstones as strategic minerals.
- xiii.) 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 operationalization of the Wildlife Management Act.
- xiv.) 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 operationalization of the Wildlife Management Act.
- xv.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Education on the interdiction of teachers seeking transfers from the North-Eastern region over alleged insecurity.
- xvi.) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a statement from the Standing Committee on Education regarding the welfare of teachers engaged to administer and mark national examinations.
- xvii.) The Senator for Lamu County (Sen. Joseph Githuku, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing regarding the open mines left by the contractor for the Garsen- Lamu road construction project.
- xviii.) The Senator for Lamu County (Sen. Joseph Githuku, MP) sought a statement from the Standing Committee on Health regarding the status of National Health Insurance Fund (NHIF) cover rolled out by the County Government of Lamu.

- xix.) The Senator for Lamu County (Sen. Joseph Githuku, MP) sought a statement from the Standing Committee on Education regarding the management of the County Scholarship Programme in Lamu County.
- xx.) Nominated Senator (Sen. Hezena Lemaletian, MP) on behalf of the Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP), sought a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the state of coffee industry in Kisumu County.
- xxi.) Nominated Senator (Sen. Hezena Lemaletian, MP) on behalf of the Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP), sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding the water and sanitation situation in Kisumu County.
- xxii.) Nominated Senator (Sen. Hezena Lemaletian, MP) on behalf of the Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP), sought a statement from the Standing Committee on Finance and Budget regarding the own source revenue collection in Kisumu County.
- xxiii.) The Senator for Bungoma County (Sen. David Wafula, MP) sought a statement from the Standing Committee on Education concerning the operational viability of the Webuye Campus of Masinde Muliro University of Science and Technology.
- xxiv.) Nominated Senator (Sen. Crystal Asige, MP) sought a statement from the Standing Committee on Labour and Social Welfare concerning the status of the implementation of the court order mandating the Registrar of trade unions to register the Kenya Musicians' Union.
- xxv.) The Senator for Busia County (Sen. Andrew Omtatah, MP) sought a statement from the Standing Committee on Education regarding the failure by the Ministry of Education to harmonize the nationwide issuance of scholarships and bursaries.
- xxvi.) The Senator for Narok County (Sen. Ledama Olekina, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding the status of payment of death and disability/injury benefits to public service employees in accordance with Section 6(4) and Section 30 of the Public Service Superannuation Scheme (PSSS) Act of 2012.
- xxvii.) Nominated Senator (Sen. Hamida Kibwana, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources on the ongoing demolitions and reports of illegal land

grabbing of L.R. No. 7815/1, 10424, 10425, 8784/4, and 8786 in Athi River, Mavoko Constituency.

c) Pursuant to Standing Order 57(1)

The Senate Majority Whip issued a statement on the business of the Senate for the week commencing Tuesday, 31st October, 2023.

9. **THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)**

(Sen. Mohammed Chute, MP)

Order for First Reading read;

Bill read a first time and committed to the Standing Committee on Devolution and Intergovernmental Relations.

10. **THE REAL ESTATE REGULATION BILL (SENATE BILLS NO. 35 OF 2023)**

(Sen. Allan Chesang, MP)

Order for First Reading read;

Bill read a first time and committed to the Standing Committee on Land, Environment and Natural Resources.

11. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON THE APPLICATION FOR CONFERMENT OF CITY STATUS TO THE MUNICIPALITY OF ELDORET**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on the application for conferment of city status to the Municipality of Eldoret laid on the table of the Senate on Wednesday, September 20, 2023 and pursuant to Section 8(6) of the Urban Areas and Cities Act, 2011 the Senate approves the conferment of City status to the Municipality of Eldoret.

(Sen. Richard Onyonka, MP, on behalf of the Chairperson, Standing Committee on Devolution and Intergovernmental Relations – 05.10.2023)

And there being no other Senator wishing to contribute;

And in the absence of the Mover;

The Deputy Speaker deferred reply of the Motion to next sitting.

12. **THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 29 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Care and Protection of Child Parents Bill (Senate Bills No. 29 of 2023) be now read a Second Time.

(Sen. Miraj Abdillahi, MP)

Debate arising;

13. **QUORUM OF THE SENATE**

Rising on a Point of Order pursuant to Standing Order 41(1), Nominated Senator (Sen. Hamida Kibwana, MP) drew the attention of the Temporary Speaker (Sen. Veronica Maina, MP) to the fact that there was no quorum in the Senate.

And the Temporary Speaker (Sen. Veronica Maina, MP) having counted the Senators present and confirmed that there was no quorum in the House, ordered the Quorum Bell to be rung for ten minutes.

And there being no quorum at the expiry of ten minutes, the Temporary Speaker (Sen. Veronica Maina, MP) adjourned the Senate at fifty-four minutes past five O'clock, without Question put, pursuant to the Standing Orders.

14. **SENATE ROSE** – at fifty-four minutes past five O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, October 31, 2023 at 2:30 p.m.*

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