



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 23, 2023 AT 2.30 PM

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with a Prayer said by the Temporary Speaker (Sen. Wakili Hillary Sigei, MP).

3. QUORUM OF THE SENATE

The Temporary Speaker (Sen. Wakili Hillary Sigei, MP), having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was Quorum, invited the Clerk to call the Orders of the day.

4. COMMUNICATIONS FROM THE CHAIR

The Temporary Speaker (Sen. Wakili Hillary Sigei, MP) conveyed the following communications from the Chair: -

i. Visiting Delegation of staff and students from the Kenya Institute of Management

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting delegation of members of staff and students from the Kenya Institute of Management. 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 Delegation from Elgon View Vocational and Training College (Migori Campus) in Migori County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting delegation of one (1) lecturer and sixteen (16) students from Elgon View Vocational and Training College (Migori Campus) in Migori 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.”

iii. Visiting Delegation of students from the Zetech University – Ruiru Campus in Kiambu County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting delegation of students from Zetech University (Ruiru Campus) in Kiambu 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.”

5. PAPERS LAID

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

- i.) Report of the Standing Committee on Agriculture, Livestock and Fisheries on its consideration of the Coffee Bill (Senate Bills No. 10 of 2023)

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

- ii.) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No. 37 of 2023)

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

iii.) Report of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports of the following Water Service Providers for the year ended 30th June, 2019;

- a) Amatsi Water Services Company Limited - Vihiga County;
- b) Bomet Water Company Limited – Bomet County;
- c) Gusii Water and Sanitation Company Limited – Kisii/Nyamira Counties;
- d) Kisumu Water and Sanitation Company Limited –Kisumu County;
- e) Kwale Water and Sewerage Company Limited – Kwale County; and
- f) Nyeri Water and Sanitation Company Limited – Nyeri County.

iv.) Report of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports of the following Water Service Providers for the year ended 30th June, 2020;

- a) Amatsi Water Services Company Limited - Vihiga County;
- b) Bomet Water Company Limited – Bomet County;
- c) Gusii Water and Sanitation Company Limited – Kisii/Nyamira Counties;
- d) Kisumu Water and Sanitation Company Limited –Kisumu County;
- e) Kwale Water and Sewerage Company Limited – Kwale County; and
- f) Nyeri Water and Sanitation Company Limited – Nyeri County.

v.) Report of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports of the following Water Service Providers for the year ended 30th June, 2021;

- a) Amatsi Water Services Company Limited - Vihiga County;
- b) Bomet Water Company Limited – Bomet County;
- c) Gusii Water and Sanitation Company Limited – Kisii/Nyamira Counties;
- d) Kisumu Water and Sanitation Company Limited –Kisumu County;
- e) Kwale Water and Sewerage Company Limited – Kwale County;
- f) Nyeri Water and Sanitation Company Limited – Nyeri County; and
- g) Wajir Water and Sewerage Company Limited – Wajir County.

(The Chairperson, Committee on County Public Investments and Special Funds)

vi.) Statement on the business of the Senate for the week commencing Tuesday, 28th November, 2023.

(The Senate Majority Leader)

6. **NOTICE OF 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.

7. **QUESTIONS AND STATEMENTS**

a) Statement pursuant to Standing Order 52(1)

Nominated Senator (Sen. Crystal Asige, MP) made a statement on commemoration of the World Day of Remembrance for Road Traffic Victims, observed on the 19th of November in every year.

In the Statement, the Senator conveyed deep concern over the global impact of road crashes, highlighting that according to the UN Global Road Safety Week report, submitted in May, 2023, over 1.35 million lives are lost annually worldwide due to road traffic accidents. The Senator further highlighted that of particular importance, is the distressing impact of road crashes on individuals aged between 5 and 29 years old.

Making reference to the local context, the Senator observed that a report by the Ministry of Roads and Transport revealed that 20,907 lives had been lost to road crashes in Kenya over the past six years, with an additional 2,319 casualties recorded in the current year. The Senator underscored the alarming fact that 90% of these accidents were attributed to human error, and called for immediate attention to this sobering reality. The Senator observed that despite global efforts to achieve the UN Sustainable Development Goal of reducing road traffic deaths by 50% by 2030, the Senator expressed dissatisfaction with the progress, deeming it inadequate.

The Senator urged for collaboration among stakeholders to address the concerning trend of increasing road fatalities in Kenya. She emphasized the need for a responsive legal system, incorporating comprehensive policy and legislative framework, particularly in road design and safety education. Additionally, the Senator announced sponsorship of amendments to various road-related legislation, seeking the support of the House to fortify roads and ensure the safety of citizens.

b) 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 Roads, Transportation and Housing regarding the status of completion of Bunge Tower.
- ii.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a statement from the Standing Committee on Education concerning the conversion of scholarship grants to loans by the Higher Education Loans Board (HELB).
- iii.) Nominated Senator (Sen. Hezena Lemaletian, MP) sought a statement from the Standing Committee on Health regarding the prevalence of throat cancer in Samburu County.
- iv.) Nominated Senator (Sen. Shakila Abdalla, MP) sought a statement from the Standing Committee on Finance and Budget concerning customs regulations and taxation for travelers returning to Kenya via the Jomo Kenyatta International Airport (JKIA).
- v.) The Senator for Samburu County (Sen. (Dr.) Lelegwe Ltumbesi, MP) sought a statement from the Standing Committee on Roads and Transportation regarding the deplorable state of Kisima Airstrip in Samburu County.
- vi.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding claims of abduction and brutality meted on Mr. Peter Kiplimo and Ms. Irene Chemutai by police officers at Cheptulu police station in Hamisi Constituency, Vihiga County on 6th November, 2023.
- vii.) The Senator for Nyamira County (Sen. Okong'o Omogeni, SC, P) sought a statement from the Standing Committee on Health regarding the acute shortage of anti-tuberculosis drugs countrywide.

c) Statement pursuant to Standing Order 57(1)

The Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 28th November, 2023.

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

(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

Order read;

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.

*(Resumption of debate interrupted on Thursday 19th October, 2023)
(Division)*

Order deferred.

9. **THE EQUALIZATION FUND APPROPRIATION BILL (SENATE BILLS NO. 30 OF 2023)**

(The Chairperson, Standing Committee on Finance and Budget)

Order for Second reading read;

*(Resumption of debate interrupted on Wednesday 18th October, 2023 –
Afternoon Sitting)
(Division)*

Order deferred.

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

(Sen. Miraj Abdillahi Abdulrahman, MP)

Order for Second reading read;

*(Resumption of debate interrupted on Thursday, 16th November, 2023)
(Division)*

Order deferred.

11. **THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)**

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Order for Second reading read;

*(Resumption of debate interrupted on Wednesday, 22nd November, 2023 –
Afternoon Sitting)
(Division)*

Order deferred.

12. **THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO. 12 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Prevention of Livestock and Produce Theft Bill (Senate Bills No. 12 of 2023) be now read a Second Time.

(Sen. Samson Cherarkey, MP- 01.11 .2023)

Debate interrupted on Tuesday, 21st November, 2023 resumed for the Mover to reply;

Thereupon, the Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested the Temporary Speaker (Sen. Veronica Maina, MP) to defer putting of the Question to a later date.

And the Temporary Speaker (Sen. Veronica Maina, MP), acceding to the request, deferred the putting of the Question to a later date.

13. **THE FOOD AND FEED SAFETY CONTROL CO-ORDINATION BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Food and Feed Safety Control Co-ordination Bill (National Assembly Bills No. 21 of 2023) be now read a Second Time.

(The Senate Majority Whip on behalf of the Senate Majority Leader - 22.11.2023)

Debate arising;

And there being no other Senator wishing to contribute;

The Senate Majority Whip replied on behalf of the Mover;

Pursuant to Standing Order 66 (3), the Senate Majority Whip requested the Temporary Speaker (Sen. Catherine Mumma, MP) to defer putting of the Question to a later date;

And the Temporary Speaker (Sen. Catherine Mumma, MP) acceding to the request, deferred putting of the Question to a later date.

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

Order read;

Motion made;

THAT, the Senate adopts the Report of the Ad-Hoc Committee to investigate the proliferation of religious organisations and circumstances leading to more than 95 deaths in Shakahola, Kilifi County laid on the Table of the Senate on Thursday, 19th October, 2023.

(The Chairperson of the Ad-Hoc Committee)

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Catherine Mumma, 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
Tuesday, November 28, 2023 at 2:30 p.m.*

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