



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, SEPTEMBER 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 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. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

- a) **Resumption of Sitzings of the Senate for Part V of the Senate Calendar, 2023**

“Honourable Senators,

I take this opportunity to welcome you back from the recess. In accordance with the Calendar of the Senate for the regular sittings, Part V begins today, Tuesday, 19th September, 2023, and will conclude at the rise of the Senate on 19th October, 2023.

Honourable Senators,

The past recess saw the Senate participate in two major activities; the Biennial Devolution Conference which took place from 15th to 18th August, 2023, in Uasin Gishu County, and the Africa Climate Summit which took place from 4th to 6th September, 2023, in Nairobi. The

Devolution Conference brought together local and international delegates to learn and share best practices on pertinent issues affecting devolution in Kenya.

On the other hand, the Africa Climate Summit was held on the premise that climate change is the greatest challenge facing humanity and the biggest threat to all life on Earth. Further, that Africa is facing the harshest brunt of the effects of climate change. If unabated, it will continue to have adverse effects on African socio-economic well-being and hamper growth and development. Therefore, a unified approach that addresses climate change and the African development agenda was necessary.

The two events culminated in the signing of Communiqués which outlined actions that require to be taken with a view to ensuring –

1. the success of devolution; and
2. a concerted effort for Africa countries at combating climate change.

I take this opportunity to thank Honourable Senators for turning up in large numbers to participate in both events.

I also take this opportunity to urge the Standing Committee on Devolution and Intergovernmental Relations and the Standing Committee on Land, Environment and Natural Resources together with the Parliamentary Caucus on Climate Action to respectively interrogate the Communiqué on the Devolution Conference and the Communiqué on the Africa Climate Summit, and to develop the necessary legislative interventions to actualize them. By doing so, the Senate, and Parliament in general, will essentially be walking the talk.

Honourable Senators,

As we embark on Part V of the Senate Calendar, our in-tray is rather full already. A number of Bills, Motions, Petitions and Statements are pending consideration. I urge that we re-double our collective effort in a bid to conclude the business by the end of the Session in December, 2023. I also urge the Senate Majority Leader and the Senate Minority Leader to do all that is necessary within the Standing Orders so that the said business is fast-tracked.

My office remains at your disposal to assist you in discharging your Constitutional responsibilities. I will continue to support each Senator individually and in the Committees that you serve, to be able to achieve what we have set out during this term of Parliament.

Honourable Senators,

In conclusion, on 30th May, 2023, the Senate resolved to hold its Plenary and Committee sittings in Turkana County. The sittings will take place from 25th to 29th September, 2023, at the Turkana County Assembly premises. Preparations are now at an advanced stage to ensure that the sittings are a success. I take this opportunity to urge all Senators to participate in this momentous event outside the precincts of Parliament in Nairobi. More information regarding the Turkana sittings will be communicated through the Office of the Clerk.

I wish you fruitful deliberations in the remainder of this Session.

I thank you.”

b) Visiting delegation from the Committee on Equal Opportunities of the Parliament of Uganda

“Honorable Senators,

I acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation from the Parliament of Uganda comprising Members of the Committee on Equal Opportunities. The delegation is undertaking a benchmarking visit with their counterparts 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. Hon. Alyek Judith | - | Chairperson, Equal Opportunities Committee |
| 2. Hon. Acen Dorcas | - | Deputy Chairperson, Equal Opportunities Committee |
| 3. Hon. Ephraim Biraaro | - | Member |
| 4. Hon. Mukasa Aloysius | - | Member |
| 5. Hon. Otukol Sam | - | Member |
| 6. Hon. Kunihira Agnes Abwoli | - | Member |
| 7. Hon. Kayogera Yona | - | Member |
| 8. Mr. Adongo Joan | - | Secretariat |
| 9. Mr. Owili Geoffrey | - | Secretariat |

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.”

c) Visiting delegation from the County Assembly of Kisumu

“Honourable Senators,

I acknowledge the presence, in the Speaker’s Gallery this afternoon, a delegation from the County Assembly of Kisumu. The delegation comprises nine (9) Members and four (4) Officers of the Committee on Delegated Legislation who are on a benchmarking visit with their counterparts in the Senate.

Honourable Senators,

I request each Member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition -

- | | | | |
|-----|---------------------|---|------------------|
| 1. | Hon. Mariam Abeid | - | Chairperson |
| 2. | Hon. Peter Obaso | - | Vice Chairperson |
| 3. | Hon. James Omollo | - | Member |
| 4. | Hon. Henrietta Bodo | - | Member |
| 5. | Hon. Samuel Dede | - | Member |
| 6. | Hon. Micky Ochieng | - | Member |
| 7. | Hon. George Abaja | - | Member |
| 8. | Hon. Regina Kizito | - | Member |
| 9. | Hon. Moses Ochele | - | Member |
| 10. | Pst. David Ochieng | - | Committee Clerk |
| 11. | Ms. Brenda Chasi | - | Committee Clerk |
| 12. | Mr. Zachary Nyalalo | - | Sergeant at Arms |
| 13. | Ms. Jacklyne Otieno | - | Hansard Reporter |

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish you a fruitful visit.

I thank you.”

d) Visiting delegation from the County Assembly of Kajiado

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation from the County Assembly of Kajiado. The delegation comprises three (3) officers from the Office of the Speaker who are on a benchmarking visit with their counterparts in the Senate.

Honourable Senators,

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish them a fruitful visit.

I thank you.”

5. **MESSAGES**

The Speaker conveyed the following Messages: -

a) **Message from the National Assembly on the passage, by the National Assembly, of the Food and Feed Safety Control Coordination Bill (National Assembly Bills No. 21 of 2023)**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46(3) & (5), I received the following Message, while the Senate was on recess, from the Speaker of the National Assembly regarding the passage by the National Assembly of the Food and Feed Safety Control Coordination Bill (National Assembly Bills No. 21 of 2023).

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

“PURSUANT to the provisions of Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS the Food and Feed Safety Control Coordination Bill (National Assembly Bill No. 21 of 2023) was published vide Kenya Gazette Supplement No. 75 of May 24, 2023 as a Bill to provide for the coordination of public institutions involved in the control of food and feed safety, to establish the Office of the Food Safety Controller, and to provide for the role of county government in food safety and feed safety;

AND WHEREAS, the Food and Feed Safety Control Coordination Bill (National Assembly Bill No. 21 of 2023) was passed by the National Assembly on Wednesday, 23rd August, 2023 with amendments and in the form attached herewith;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

I thank you.”

b) **Message from the National Assembly on the passage, by the National Assembly, of the Water (Amendment) Bill (National Assembly Bills No. 33 of 2023)**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46(3) & (5), I received the following Message, while the Senate was on recess, from

the Speaker of the National Assembly regarding the passage by the National Assembly of the Water (Amendment) Bill (National Assembly Bills No. 33 of 2023).

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

“PURSUANT to the provisions of Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS the Water (Amendment) Bill (National Assembly Bill No. 33 of 2023) was published vide Kenya Gazette Supplement No. 108 of 4th July, 2023 as a Bill seeking to amend the Water Act, 2016 to operationalize public private partnership in the water sector, and to provide for the supply of bulk water in counties by waterworks development agencies established under the Act;

AND WHEREAS, the Water (Amendment) Bill (National Assembly Bill No. 33 of 2023) was passed by the National Assembly on Wednesday, 23rd August 2023 with amendments and in the form attached herewith;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

I thank you.”

c) Message from the National Assembly on the rejection, by the National Assembly, of the Senate Amendments to the Public Finance Management (Amendment) Bill (National Assembly Bills No. 16 of 2023)

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46(3) & (4), I received the following Message from the Speaker of the National Assembly regarding the decision by the National Assembly on the Senate amendments to the Public Finance Management (Amendment) Bill (National Assembly Bill No. 16 of 2023).

The Message, dated Thursday, 14th September 2023, was received on Monday, 18th September 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) and 148(b) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS, the National Assembly passed the Bill with amendments on Tuesday, 27th June 2023 and referred it to the Senate for consideration;

AND WHEREAS, on Tuesday, 29th August 2023, the Senate considered the Public Finance Management (Amendment) Bill (National Assembly Bill No. 16 of 2023) and passed it with amendments to Clause 6;

FURTHER WHEREAS, on Thursday, 14th September 2023, the National Assembly rejected the Senate amendments to the Public Finance Management (Amendment) Bill (National Assembly Bill No. 16 of 2023), thereby committing the Bill to a Mediation Committee pursuant to Article 112(2)(b) of the Constitution;

NOW THEREFORE, in accordance with the provisions of Article 112 of the Constitution and Standing Order 149 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate and seek the appointment of Senators to the Mediation Committee on the Bill.”

Honourable Senators,

Consequent to the said Decision, the Speaker of the National Assembly appointed the following Members of the National Assembly to the Mediation Committee to consider the contentious clause of the Bill in accordance with Article 113 of the Constitution –

1. Hon. Owen Baya, CBS, MP – Co- Chairperson;
2. Hon. Martha Wangari, MP;
3. Hon. Omboko Milemba, MP;
4. Hon. Abraham Kirwa, MP;
5. Hon. Millie Odhiambo Mabona, MP;
6. Hon. (Dr.) Makali Mulu, MP, and
7. Hon. Daudi Mohamed, MP.

Honourable Senators,

Pursuant to the provisions of Standing Order 166 (2) of the Senate Standing Orders, and in consultation with the Majority and Minority Leaders, I will, at an appropriate time, appoint Senators to the Joint Mediation Committee.

I thank you.”

d) Message from the National Assembly on the approval, by the National Assembly, of a nominee for appointment to the position of Chairperson of the Board of Directors of the Central Bank of Kenya

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46(3) & (4), I received the following Message from the Speaker of the National Assembly regarding the approval of a nominee for appointment as the Chairperson of the Board of the Central Bank of Kenya.

The Message, dated Thursday, 14th September 2023, was received on Monday, 18th September 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, in exercise of powers conferred by section 11(1)(a) of the Central Bank of Kenya Act (CAP 491), as read together with section 5 of the Public Appointments (Parliamentary Approval) Act, 2011, His Excellency the President nominated Mr. Andrew Mukite Musangi for appointment as the Chairperson of the Board of the Central Bank of Kenya and sought the approval of Parliament;

AND WHEREAS, in accordance with the provisions of section 11(2A) of the Central Bank of Kenya Act (CAP 491) as read together with section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, the National Assembly, by a resolution passed on Thursday, 14th September 2023, approved the appointment of Mr. Andrew Mukite Musangi as the Chairperson of the Board of the Central Bank of Kenya.

NOW THEREFORE, in accordance with the provisions of Standing Order 41(1) of the National Assembly, I hereby convey the said Resolution of the National Assembly and seek the concurrence of the Senate on approval of the nominee for appointment as Chairperson of the Board of the Central Bank of Kenya.”

Honourable Senators,

Pursuant to Standing Order No. 230 of the Senate Standing Orders, the Standing Committee of the Senate on Finance and Budget and the Departmental Committee on Finance and National Planning of the National Assembly jointly considered the nominee and prepared a report for consideration by the Houses of Parliament.

The joint report of the Committee is scheduled for tabling under Order No. 5 on Papers in the Supplementary Order Paper. A Notice of Motion has also been prepared and listed in the Supplementary Order Paper.

I thank you.”

6. **PAPERS LAID**

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

- i.) Report of the Auditor General on the financial statements of the Kiambu County Government Revenue Fund for the year ended 30th June, 2022.

(The Senate Majority Leader)

- ii.) Joint Report of the Departmental Committee on Finance and National Planning of the National Assembly and the Standing Committee on Finance and Budget of the Senate on the approval hearing for Mr. Andrew Mukite Musangi, nominee for appointment to the position of Chairperson of the Board of Directors of the Central Bank of Kenya.

(The Chairperson, Standing Committee on Finance and Budget)

7. **NOTICE OF MOTION - CONSIDERATION OF A NOMINEE FOR APPOINTMENT AS THE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE CENTRAL BANK OF KENYA**

(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Joint Report of the Departmental Committee on Finance and National Planning of the National Assembly and the Standing Committee on Finance and Budget of the Senate, on the vetting of Mr. Andrew Mukite Musangi for appointment as the Chairperson of the Board of Directors of the Central Bank of Kenya, laid on the Table of the Senate on Tuesday, 19th September, 2023, and that pursuant to section 11(2A) of the Central Bank of Kenya Act and section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, the Senate approves the appointment of Mr. Andrew Mukite Musangi to the position of Chairperson of the Board of the Central Bank of Kenya.

8. **NOTICE OF MOTION - ADJOURNMENT OF THE SENATE PURSUANT TO STANDING ORDER 37 TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE RELATING TO THE SECURITY SITUATION IN LAMU COUNTY ARISING OUT OF ATTACKS BY SUSPECTED AL-SHABAAB MILITANTS**

Rising a point of order, pursuant to Standing Order 37, the Senator for Mombasa County (Sen. Mwinyihaji Faki, MP) sought leave to give notice of a Motion for the adjournment of the Senate to discuss a definite matter of

urgent national importance, namely, the security situation in Lamu County arising out of attacks by suspected Al-Shabaab militants.

And there being the requisite number of Senators rising in support of the claim;

Thereupon, the Speaker nominated thirty minutes past five O'clock, as the time when the Motion would be moved.

9. **STATEMENTS**

a) Pursuant to Standing Order 53 (1)

- i.) Request for a Statement by Nominated Senator (Sen. Beth Syengo, MP) from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration concerning the promotion of lesbians, gays, bisexual, transgender, queer, intersex and asexual (LGBTQIA) agenda in the country was **dropped** in the absence of the Senator.
- ii.) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a statement from the Standing Committee on Education concerning capitation and disbursement of funds for the Free Day Secondary Education (FDSE) Programme.
- iii.) Request for Statement by the Senator for Nakuru County (Sen. Tabitha Karanja Keroche, MP) from the Standing Committee on Devolution and Intergovernmental Relations regarding the recruitment process of Board Members for Municipalities in Nakuru County was **withdrawn** on the request of the Senator.
- iv.) Nominated Senator (Sen. George Mbugua, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the state of preparedness for mitigation against the effects of El-Nino rains, by the Government.
- v.) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding alleged claims of hire of corpses from mortuaries, during the anti-tax demonstrations held in June and July, 2023.
- vi.) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) sought a statement from the Standing Committee on Health concerning alleged unfair hiring and promotion of nurses in hospitals within Nairobi City County.

- vii.) Nominated Senator (Sen. Tabitha Mutinda, MP) sought a statement from the Standing Committee on Information, Communication and Technology concerning the state of digital skills literacy in Kenya.
- viii.) Nominated Senator (Sen. Beatrice Ogola, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the loss of an AK-47 rifle at Ndhiwa Police Station.

10. **PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD OF SPECIFIED BILLS**

Order read;

Motion made and Question proposed;

THAT, pursuant to the provisions of Standing Order 139, the Senate resolves to reduce the publication period of the following Bills that were published on 15th September, 2023, from fourteen (14) days to four (4) days –

- i.) The Facilities Improvement Financing Bill (Senate Bills No. 43 of 2023); and,
- ii.) The Primary Health Care Bill (Senate Bills No. 44 of 2023).

(The Senate Majority Leader)

And there being no Senator wishing to contribute;

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

Question put and **agreed to.**

RESOLVED ACCORDINGLY

THAT, pursuant to the provisions of Standing Order 139, the Senate resolves to reduce the publication period of the following Bills that were published on 15th September, 2023, from fourteen (14) days to four (4) days –

- i.) The Facilities Improvement Financing Bill (Senate Bills No. 43 of 2023); and,
- ii.) The Primary Health Care Bill (Senate Bills No. 44 of 2023).

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

Order for First Reading read;

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

12. **THE FOOD AND FEED SAFETY CONTROL COORDINATION BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2023)**

Order for First Reading read;

Bill read a first time and committed to the Standing Committee on Agriculture, Livestock and Fisheries.

13. **THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2023)**

Order for First Reading read;

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

14. **THE FACILITIES IMPROVEMENT FINANCING BILL (SENATE BILLS NO. 43 OF 2023)**

Order for First Reading read;

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

15. **THE PRIMARY HEALTH CARE BILL (SENATE BILLS NO. 44 OF 2023)**

Order for First Reading read;

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

16. **THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 9 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Kenyan Sign Language Bill (Senate Bills No. 9 of 2023) be now read a Second Time.

(Sen. (Prof.) Margaret Kamar, MP)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

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

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

17. **MOTION – ADJOURNMENT OF THE SENATE PURSUANT TO STANDING ORDER 37 TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE RELATING TO THE SECURITY SITUATION IN LAMU COUNTY ARISING OUT OF ATTACKS BY SUSPECTED AL-SHABAAB MILITANTS**

Motion made and Question proposed;

THAT, pursuant to Standing Order 37, the Senate do now adjourn to discuss a definite matter of urgent national importance, namely, the security situation in Lamu County arising from recent attacks by suspected Al-Shabaab militants.

(Sen. Mwinyihaji Faki, MP)

Debate arising;

And the time being forty-five minutes past Six O'clock, the Temporary Speaker (Sen. Catherine Mumma, MP) adjourned the Senate, pursuant to Standing Order 34(2A) without Question put.

18. **SENATE ROSE** - at forty-five minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Wednesday, September 20, 2023 at 9:30 a.m.*

--X--