



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, MARCH 2, 2023 AT 2.30 P.M.**

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 HOUSE**

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 five minutes pursuant to Standing Order 40;

And there being a Quorum after the expiry of five 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) Visiting Delegation from the County Assembly of Baringo**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of a visiting delegation from the County Assembly of Baringo. The delegation comprises Members of the Budget and Appropriations Committees who are on a five-day study tour with the counterpart Committee of the Senate.

Honourable Senators,

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

<b>NAME</b>	-	<b>DESIGNATION</b>
1. Hon. Ernest Kibet Tarus	-	Chairperson Budget and Appropriations Committee, MCA.
2. Hon. Symon Kimuge Kiplagat	-	Vice-Chairperson Budget and Appropriations Committee, MCA.
3. Hon. Lawi K. Tallam	-	Member Budget and Appropriations Committee, MCA.
4. Hon. Maria Cheporiot Losilee	-	Member Budget and Appropriations Committee, MCA.
5. Hon. Alex Kiprono Kurui	-	Member Budget and Appropriations Committee, MCA.
6. Hon. Lourien Sam Lokales	-	Member Budget and Appropriations Committee, MCA.
7. Hon. Ben Koech	-	Member Budget and Appropriations Committee, MCA.
8. Mr. Emmanuel Kubai	-	Principal Hansard Reporter.
9. Mr. Jaffred Kipkorir Chepsoi	-	Assistant Director HRM and DEV.
10. Mr. Kiptum K Jonathan	-	Clerk, Budget and Appropriations Committee.
11. Mr. Ronald Cherutich	-	Principal Fiscal Analyst.
12. Mr. Motonyo Pirakol Dennis	-	Clerk Assistant, Budget and Appropriations Committee.
13. Mr. Wilson Kechem Kiptui	-	Accounts Assistant.
14. Mr. Amos K. Cherogony	-	Serjeant- At- Arms.

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

Thank you.”

**b) Visiting Teachers and Students from Uwalimo Secondary School, Nairobi City County**

“Honourable Senators,

In the public gallery, we have fifty eight (58) students, accompanied by five (5) teachers from Uwalimo Secondary School in Nairobi City County who are in the Senate on an education tour.

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**

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

- i. Statement of the Business of the Senate for the week commencing Tuesday, 7<sup>th</sup> March, 2023.

*(Senate Majority Leader)*

- ii. Letter by the Kenya Revenue Authority, dated 15<sup>th</sup> February, 2023, addressed to the Governor of Central Bank of Kenya, on the Nyamira County Assembly accounts held at the Central Bank of Kenya in relation to a request for Statement by Sen. Eddy Oketch, MP, on non-remittance of statutory Pay-As-You-Earn (PAYE) deductions for staff in county assemblies)

*(Sen. Erick Mogeni, MP)*

6. **NOTICE OF MOTION – ADJOURNMENT OF THE SENATE TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE RELATING TO THE DECISION OF THE SUPREME COURT OF KENYA IN PETITION NO. 16 OF 2019: THE NGOS CO-ORDINATION BOARD VS ERICK GITARI AND FIVE OTHERS**

Raising a point of order, the Senator for Kitui County (Sen. Enoch Wambua, MP), sought leave to move a Motion for the adjournment of the Senate to discuss a definite matter of urgent national importance, pursuant to standing order 37, namely, the decision of the Supreme Court of Kenya in Petition No. 16 of 2019: the NGOs Co-ordination Board Vs Erick Gitari and five others which declared discrimination against Lesbian, Gay, Bisexual, Transgender and Queer Community (LGBTQ) unconstitutional and affirmed the rights of the community to form an association.

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.

7. **STATEMENTS**

- a) **Pursuant to Standing Order 53(1)**

- i) The Senator for Nakuru County (Sen. Tabitha Keroche, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding the human-wildlife conflict in various areas in Nakuru County.
- ii) The Senator for Nakuru County (Sen. Tabitha Keroche, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding the status of resettlement of the informal settlers residing in Karasani and Elburgon areas in Molo sub-county, Nakuru County.
- iii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Trade, Industrialization and Tourism concerning the state of affairs at the Kenyatta International Convention Centre (KICC).
- iv) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding the ratification and use of appropriate scheme of service for clinical officers.
- v) The Senator for Migori County (Sen. Eddy Oketch, MP) sought a statement from the Standing Committee on Finance and Budget on allegations of non-remittance of statutory Pay-As-You-Earn (PAYE) deductions by county assemblies.

**b) Pursuant to Standing Order 57(1)**

The Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 7<sup>th</sup> March, 2023.

8. **THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023 )**

(Sen. Beth Syengo, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Agriculture, Livestock and Fisheries.

9. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE 2023 BUDGET POLICY STATEMENT**

(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate, adopts the Report of the Standing Committee on Finance and Budget on the 2023 Budget Policy Statement, laid on the Table of the Senate on Tuesday, 28th February, 2023, and pursuant to Section 25 (7) of the Public Finance Management Act and Standing Order 186 (7) of the Senate, approves the 2023 Budget Policy Statement.

**(Resumption of debate interrupted on Tuesday 28<sup>th</sup> February, 2023)**

**(Division)**

Order deferred.

10. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE ON THE 2023 MEDIUM TERM DEBT MANAGEMENT STRATEGY**  
(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate, adopts the Report of the Standing Committee on Finance and Budget on the 2023 Medium Term Debt Management Strategy, laid on the Table of the Senate on Tuesday, 28th February, 2023.

**(Resumption of debate interrupted on Wednesday 1<sup>st</sup> March, 2023)**

**(Division)**

Order deferred.

11. **THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO. 5 OF 2022)**  
(Sen. Danson Mungatana, MP)

(Second Reading)

**(Resumption of Debate interrupted on Thursday, 23rd February, 2023)**

**(Division)**

Order deferred.

12. **THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 6 OF 2022)**

Order for Second Reading read;

Motion made and question proposed -

THAT, the Natural Resources (Benefit Sharing) Bill (Senate Bills No. 6 of 2022) be now read a second time

*(Sen. Danson Mungatana, MP)*

Debate arising;

And the time being thirty minutes past five O'clock, the Temporary Speaker (Sen. Veronica Maina, MP) interrupted the debate.

13. **ADJOURNMENT OF THE SENATE TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE RELATING TO THE DECISION OF THE SUPREME COURT OF KENYA IN PETITION NO. 16 OF 2019: THE NGOS CO-ORDINATION BOARD VS ERICK GITARI AND FIVE OTHERS**

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 Decision of the Supreme Court of Kenya in NGOs Co-ordination Board Vs Erick Gitari and five others in Petition No. 16 of 2019, which declared discrimination against Lesbian, Gay, Bisexual, Transgender and Queer Community (LGBTQ) to be unconstitutional and affirmed the rights of the community to form an association

*(Sen. Enoch Wambua, MP)*

Debate arising;

And the time being thirty Minutes past Six O'clock, the Temporary Speaker (Sen. Veronica Maina, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

14. **SENATE ROSE** – at thirty minutes past six O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Tuesday, March 07, 2023 at 2:30 p.m.*

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