



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, APRIL 11, 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 OF 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 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) On resumption of sittings of the Senate in Part II of the Senate calendar

“Honourable Senators,

I take this opportunity to welcome you back from the short recess. I hope you had time to meet with your constituents, friends and families over the past week. Part II of the Senate Calendar commences today, and will run until the rise of the Senate on Thursday, 4th May, 2023.

Honourable Senators,

You will recall that just before the Senate proceeded on recess, we adopted amendments to the Standing Orders by introducing a framework for

Cabinet Secretaries to appear before the Senate to respond to Questions. This is provided for in Part XII of the Standing Orders. Consequently, we also altered the Senate Calendar to provide for a morning sitting every Wednesday, when Cabinet Secretaries will appear before the Senate. In line with the Resolution of the Senate when considering the Fifth Report of the Procedure and Rules Committee on the amendments to the Senate Standing Orders, I would like to remind Honourable Senators that the effective date of the procedure for Questions is today, Tuesday, 11th April, 2023.

I urge all Honourable Senators to familiarize themselves with the new framework. You will recall that on 28th March, 2023, I issued a communication guiding the Senate on the manner in which Questions shall be considered. The guidelines provide for filing, internal review, approval and scheduling of Questions in the Order Paper. They also detail the procedure for the disposal of Questions in Plenary. In your own interest, I also appeal to Senators to familiarize themselves with the guidelines.

Honourable Senators,

In the next couple of days we will expect the Standing Committee on Finance and Budget to table its report on the Division of Revenue Bill. The passage of the Division of Revenue Bill will be followed by the introduction of the County Allocation of Revenue Bill, the County Governments Additional Allocation Bill and respective Cash Disbursements Schedules. These are crucial financial instruments for the effective functioning of county governments.

As you already see from the Order Paper and the Weekly Programme of Business of the House, we resume our sittings with an already full plate. The new legislative tool in the form of Questions also adds to this in-tray. The Chair will be keen to ensure that the legislative agenda of the Senate moves at a much faster pace in this part of the Calendar compared to the First. This requires that we manage the time of the House more efficiently. It also means that certain decisions will be made by the Chair pertaining to the time allocation for Petitions, Questions and Statements as per the Standing Orders and in the Guidelines for Processing of Questions. In addition, the use of Standing Order 98 pertaining to points of order during debate will be applied in the manner stipulated.

It goes without saying that Movers of business in the Order Paper must be in the Senate to prosecute the same. The Chair will not hesitate to drop from the Order Paper, any business that upon being called, the Mover is absent without notification to the Speaker. In the same vein, I call upon the Senate Leadership to ensure that the requisite number of Senators is in the House for divisions to be undertaken in a timely manner.

Honourable Senators,

In conclusion, the Senate Business Committee has approved a Schedule for Committee chairpersons to issue Statements pursuant to Standing Order 56(1)(b). The first three Select Committees are already scheduled in today's Order Paper. We look forward to hearing the work that Committees are undertaking, impact that this work is making, their plans for the next few months, and a report on the status of implementation of resolutions of the Senate.

I wish you fruitful deliberations and wish all Honourable Senators well in this part of the Calendar.

I thank you.”

b) On Sensitization Programme on Protective Security

“Honourable Senators,

As part of a robust programme to promote a whole of government approach on matters of security and to facilitate a shared vision in safeguarding national interest, the Senate, in conjunction with the National Intelligence Service, has organized a two-day National Protective Security Awareness Programme for all Honourable Senators.

The objectives of the event hinges on a governance structure that ensures the successful leadership and oversight of protective security risk; adoption of a risk management approach that covers every area of protective security across government; establishment of a business continuity management programme, so that critical functions of each arm of government can continue to the fullest extent possible during a disruption; provision of regular information, security awareness training, and support development of relevant policy options; and the use of an annual evidence-based assessment process to provide assurance that government security capability is fit-for-purpose.

Honourable Senators,

I, therefore, take this opportunity to extend an invitation to you, to attend and participate at this very important event, that is scheduled to take place on Friday, 14th and Saturday, 15th April, 2023, at the Windsor Golf Hotel and Country Club in Kiambu County. Further details pertaining to the programme will be communicated through the Office of the Clerk.

I thank you.”

c) On the Internship programme in the Senate

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, seven (7) young men and women who have been in the Senate in the last six (6) months undertaking an internship programme. The objective of the programme is to provide young people with firsthand experience in the legislative process and to expose them to the intricate world of public policy and public service. I request each one of them to stand when called out so that they may be acknowledged in the usual Senate tradition.

They are: -

1. Ms. Sheila Wangari Muriithi
2. Mr. Gichengo Elly Wachira
3. Mr. Juma Ongóngá Tobias
4. Ms. Sharon Anstacia Muhonja
5. Mr. Muranja Lewis Kungú
6. Ms. Stacey Cedella Maloba
7. Mr. Manasses Mathagu Munyi

On behalf of the Senate, and on my own behalf, I wish you well in your future endeavours.

I thank you.”

d) On visiting students from the Universities Students’ Association in Migori County

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of visiting students from the Universities Students’ Association in Migori County. The delegation comprises forty-two (42) students who are 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.”

e) On visiting students from the Universities Students' Association in Homabay County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting students from the Universities Students' Association in Homa Bay County. The delegation comprises forty (40) students who are 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.”

f) On a visiting delegation from the United States of America

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, a visiting delegation from the United States of America. They are in the Senate as guests of the Senator for Makueni County, Sen. Daniel Maanzo, MP.

Honourable Senators,

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

They are: -

- | | | |
|------------------------|---|--------------------------------------|
| 1. Griffith Morgan | - | Member of Congress, Virginia State |
| 2. Sara Jacobs | - | Member of Congress, California State |
| 3. Janti Soeripto | - | CEO Save the Children |
| 4. Griffith Hilary | - | Member of delegation |
| 5. Gleason Christy | - | Member of delegation |
| 6. Laws Arion Nechelle | - | Member of delegation |

Honourable Senators,

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

I thank you.”

5. PETITIONS

- i) Pursuant to Standing Order 236(2)(b), the Speaker of the Senate presented a Petition by Mr. Charles W. Waikwa on behalf of residents of Laikipia West Constituency in Laikipia County, concerning de-gazettement as a forest, of Land Reference No. 12493, situated West of Rumuruti Township in Laikipia County.

Pursuant to Standing Order 237, the Speaker invited Senators to make comments, observations or seek clarification 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 Nandi County (Sen. Samson Cherarkey, MP) presented a Petition on behalf by Mrs. Zipporah C. K. Seroney, concerning mistreatment, harassment, property loss and human rights violation against the family of the late Hon. Jean Marie Seroney.

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

6. PAPERS LAID

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

- i.) Performance Audit Report of the Auditor-General on Response to Floods in Kenya.
- ii.) Report of the Auditor General on the financial statement of the Bungoma County Trade Development Loans Fund for the year ended 30th June, 2022.
- iii.) Report of the Auditor General on the financial statement of the Bungoma County Youth and Women Empowerment Fund for the year ended 30th June, 2022.
- iv.) Report of the Auditor General on the financial statement of the Nyandarua County Executive (State and Public Officers) Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.
- v.) Report of the Auditor General on the financial statement of the Nyandarua County Assembly Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.

- vi.) Report of the Auditor General on the financial statement of the Nyeri County Executive Car Loan and Mortgage (Staff) Scheme Fund for the year ended 30th June, 2022.
- vii.) Report of the Auditor General on the financial statement of the County Revenue Fund – County Government of Nyeri for the year ended 30th June, 2022.
- viii.) Report of the Auditor General on the financial statement on Receiver of Revenue – the County Government of Nyeri for the year ended 30th June, 2022.
- ix.) Report of the Auditor General on the financial statement of the Nyeri County Health Services Fund for the year ended 30th June, 2022.
- x.) Report of the Auditor General on the financial statement of the County Executive of Garissa for the year ended 30th June, 2022.
- xi.) Report of the Auditor General on the financial statement of the Garissa County Assembly for the year ended 30th June, 2022.
- xii.) Report of the Auditor General on the financial statement of the Garissa County Investment Development Authority for the year ended 30th June, 2022.
- xiii.) Report of the Auditor General on the financial statement of the Garissa County Emergency Fund for the year ended 30th June, 2022.
- xiv.) Report of the Auditor General on the financial statement of the County Executive of Wajir for the year ended 30th June, 2022.
- xv.) Report of the Auditor General on the financial statement of the County Assembly of Wajir for the year ended 30th June, 2022.
- xvi.) Report of the Auditor General on the financial statement of the Kiambu County Executive Staff Car Loan and Mortgage Scheme for the year ended 30th June, 2022.
- xvii.) Report of the Auditor General on the financial statement of the Kiambu County Health Services Facility Improvement Fund (HSFIF) for the year ended 30th June, 2022.
- xviii.) Report of the Auditor General on the financial statement of the Kiambu County Jiinue Fund for the year ended 30th June, 2022.
- xix.) Report of the Auditor General on the financial statement of the Busia County (Public Officers) Revolving Fund for the year ended 30th June, 2022.

- xx.) Report of the Auditor General on the financial statement of the Turkana County Executive for the year ended 30th June, 2022.
- xxi.) Report of the Auditor General on the financial statement of the Turkana County Assembly for the year ended 30th June, 2022.

(The Senate Majority Whip)

7. **NOTICE OF MOTION - STATE OF MENTAL HEALTH OF POLICE OFFICERS**
(Sen. Hamida Kibwana, MP)

AWARE THAT, police officers are usually first responders and are often exposed to traumatic scenes and chronic stressors such as, dangerous situations, injuries and violence coupled with the need to report and testify about psychologically stressful scenes;

COGNIZANT OF, a survey done by the National Police Service Commission in 2022 which indicated that at least 12 to 13 percent of the 110,000 police officers have mental health challenges stemming from work related issues;

CONCERNED THAT, there has been a recent spike of incidents involving police officers, including murder and suicide which have been linked to the state of mental wellbeing;

NOW THEREFORE, the Senate urges the National Government and the National Police Service through the Ministry of Interior and National Administration to –

1. declare the current mental health situation within the police service a national emergency;
2. urgently establish a specialized facility to cater for police officers with mental illness;
3. develop and implement policies to reduce the stigma surrounding mental health issues within law enforcement agencies and encourage officers to seek help when needed; and
4. prioritise mental health as a priority health and socio-economic agenda within the Police Service and that in cases of deployment and transfers the service considers the health of the affected officers.

8. **NOTICE OF MOTION - DESIGNATION OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES**
(Sen. Crystal Asige, MP)

THAT AWARE THAT, Kenyans have a right to a clean and healthy environment pursuant to Article 42 of the Constitution;

NOTING THAT the National Climate Change Action Plan identifies transportation as the fourth largest contributor to greenhouse gas emissions

which if uncontrolled, will result to negative impact of climate change that will adversely affect millions of Kenyans;

CONCERNED THAT the number of private vehicles has significantly grown leading to increased road accidents, carbon emission and vehicle congestion costs which are more than Kshs.100 billion in GDP per year;

NOW THEREFORE the Senate urges the Ministry of Roads and Transport, in collaboration with the Council of Governors, and the National Climate Change Council to;

- i.) identify, publicize and execute suitable monthly car-free days and County car-free zones in urban areas;
- ii.) provide affordable, safe and efficient public transport including but not limited to development of Bus Rapid Transport (BRT) in the urban areas;
- iii.) encourage the use of electric hybrid buses and provide appropriate incentives for their use; and
- iv.) design an infrastructure that can support non – motorized transport facilities such as pedestrian and bicycle access within urban centers; and
- v.) ensure inter-modal connectivity among the various transport modes.

9. QUESTIONS AND STATEMENTS

STATEMENTS

a) Pursuant to Standing Order 52 (1)

Nominated Senator (Sen. Crystal Asige, MP) made a statement concerning the commemoration of the World Autism Awareness Day.

The Senator noted that the World Autism Awareness Day was an annual global event observed on 2nd April to highlight the need to improve the quality of life of people with autism and to support them to lead meaningful lives as an integral part of society. She informed the Senate that autism is a lifelong condition with varying degrees of severity, affecting approximately 4% of the Kenyan population. Noting that autistic learners are not receiving therapy as it is only offered in main government hospitals, and parents are forced to choose between requesting frequent days off or leaving their children at home to fend for themselves

The Senator appealed for integration, inclusivity, and medical support be offered in all government schools to enable autistic learners to grow up as successful and independent members of society. She urged integration as a necessary tool for protection of autistic children, as some of these children are sometimes beaten, hidden away, tied to trees or bedposts for the day, or killed due to stigmatization.

She further recommended the enactment of legislation to enhance the lives of persons with autism, promotion of autism awareness throughout the month of April, educating Kenyans on the signs, symptoms, and facts related to the condition, and collaborating with the Ministry of Health to provide Applied Behavior Therapy and Sensory Integration Therapy within school institutions where learners with Autism are enrolled.

The Senator in conclusion, appealed for the creation of a framework to include learners with disabilities in bursary allocation, urging the Senate fraternity under the leadership of the Speaker to host or support events promoting autism awareness, and organize campaigns to raise awareness in schools and teacher training facilities.

b) Pursuant to Standing Order 53(1)

- i. Nominated Senator (Sen. Hamida Kibwana, MP) sought a statement from the Standing Committee on Labour and Social Welfare concerning the welfare of street families and children.
- ii. Nominated Senator (Sen. Hamida Kibwana, MP) sought a statement from the Standing Committee on Finance and Budget concerning claims of disposal of state-owned entities without the approval of Parliament.
- iii. Nominated Senator (Sen. Hamida Kibwana, MP) sought a statement from the Standing Committee on Finance and Budget concerning the readiness for uptake of the Green Climate Fund's (GCF) capacity building programme for legislators in Kenya.
- iv. The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a statement from the Standing Committee on Education regarding the delayed disbursement of loans by the Higher Education Loans Board (HELB).
- v. Nominated Senator (Sen. (Prof.) Margaret Kamar, MP) sought a statement from the Standing Committee on Education concerning the failure by the Ministry of Education to release capitation funds for Special schools.

c) Pursuant to Standing Order 56(1)(b)

- i. The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries issued a Statement relating to the activities of the Committee for the period commencing 14th October, 2022 to 30th March, 2023.
- ii. The Chairperson, Standing Committee on Devolution, and Intergovernmental Relations issued a Statement relating to the activities of the Committee for the period commencing 29th September, 2022 to 31st March, 2023.

- iii. The Chairperson, Standing Committee on Education issued a Statement relating to the activities of the Committee for the period commencing 14th October, 2022 to 30th March, 2023.

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

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

Order for the first reading read;

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

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

(Sen. Danson Mungatana, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 9th March, 2023)

(Division)

Order read.

Order deferred.

12. **THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 3 OF 2022)**

(Sen. Moses Kajwang', MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 29th March, 2023)

(Division)

Order read.

Order deferred.

13. **THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 7 OF 2022)**

Order for Second Reading read;

Motion made and question proposed -

THAT, the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7 of 2022) be now read a second time

(Sen. Danson Mungatana, MP – 23.03.2023)

Debate interrupted on Thursday, 30th March, 2023 resumed;

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.

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

MEMORANDUM

*The Speaker will take the Chair on
Wednesday, April 12, 2023 at 9:30 a.m.*

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