



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**MORNING SITTING**

**WEDNESDAY, MAY 24, 2023 AT 9.30 A.M.**

1. The Senate assembled at thirty Minutes past Nine O'clock.
2. The proceedings were opened with Prayer said by the 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 no Quorum after the expiry of the ten minutes, the Deputy Speaker caused the Bell to be rung for a further ten minutes;

And there being a Quorum after the expiry of the ten minutes;

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

4. **QUESTIONS AND STATEMENTS**

**QUESTIONS**

- a) **No. Question 015** by the Senator for Marsabit County (Sen. Mohamed Said Chute, MP) for the Cabinet Secretary for Investments, Trade and Industry on prequalification of companies to import commodities by the Kenya National Trading Corporation (KNTC) was deferred.
- b) **No. Question 017** by the Senator for Turkana County (Sen. James Lomenen, MP) on delay in disbursement of funds from sale of crude oil to the Turkana County Government and the local community was answered by the Cabinet Secretary for Energy and Petroleum.

5. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON A STATEMENT SOUGHT ON THE RELOCATION OF NATIONAL GOVERNMENT ADMINISTRATIVE SERVICES FROM CHUKA TOWN TO KATHWANA COUNTY HEADQUARTERS, THARAKA NITHI COUNTY.**

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on a Statement sought on the relocation of National Government administrative services from Chuka town to Kathwana County Headquarters, Tharaka Nithi County laid on the Table of the Senate, on Wednesday 19<sup>th</sup> April, 2023.

*(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations - 03.03.2023)*

Debate interrupted on Wednesday, 3<sup>rd</sup> May, 2023 resumed;

And there being no other Senator wishing to contribute;

Mover replied.

Before the Question was put, and pursuant to Standing Order 84(2), the Temporary Speaker (Sen. Abdul Mohammed Haji, MP) informed the House that the Motion does not affect counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY –**

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on a Statement sought on the relocation of National Government administrative services from Chuka town to Kathwana County Headquarters, Tharaka Nithi County laid on the Table of the Senate, on Wednesday 19<sup>th</sup> April, 2023.

6. **MOTION - COMPENSATION TO THE KENYAN VICTIMS OF THE 1998 BOMBING OF THE UNITED STATES EMBASSY IN NAIROBI**

(Sen. Agnes Kavindu Muthama, MP)

Order read;

THAT, AWARE THAT, disaster is defined as an overwhelming event and circumstance that tests the adaptation of responses of a community or individuals beyond their capability and leads momentarily to massive disruption of function for a community or individual that often exceeds their capacity to cope using existing resources;

FURTHER AWARE THAT, such was the case with the 1998 US Embassy Bomb disaster in Nairobi in which many of the Kenyan casualties resulted from the

collapse of adjacent buildings located within a two to three block radius, and with reverberations being felt in most parts of Nairobi that resulted in 213 Kenyans and 12 Americans killed and over 5000 citizens of both countries being seriously injured;

NOTING THAT, US Allies, including Kenya, have endured the great burden of death, and long-term and in many instances permanent, physical and psychological injury;

FURTHER NOTING THAT, the United States Government has since compensated some of the victims and families of US citizens, leaving the families of Kenyan citizens and certain other victims uncompensated;

NOW, THEREFORE, the Senate resolves that the Ministry of Foreign Affairs:

- i.) Advances friendship and co-operation between the United States and Kenya by supporting the eligibility of Kenyan and American victims and their personal representatives, surviving spouses and next of kin in the Victim Compensation Fund pursuant to the Justice for United States Victims of State Sponsored Terrorism Act; and
- ii.) Partners with the Ministry of Health to explore subsidized medical treatment for the surviving victims of the bomb blast.

Order dropped in the absence of the Mover pursuant to Standing Order 64 (3).

7. **MOTION – INSTITUTION OF MEASURES TO CURB INCESSANT HIGH ELECTRICITY COSTS IN KENYA**

(Sen. Mohamed Chute, MP)

Order read;

THAT, AWARE THAT energy is an essential factor of production and its total consumption is a major determinant of performance of the economy with its cost and reliability spurring or stifling economic growth;

FURTHER AWARE THAT there has been a significant growth in the demand for electricity in Kenya driven by economic growth and increased efforts towards rural electrification while the supply has been constrained due to, among other factors, the overreliance on hydro-electric power generating plants that have been negatively impacted by perennial drought experienced in the country;

NOTING THAT the imbalance in the demand and supply of power coupled with payments by the Kenya Power and Lighting Company (KPLC) for produced power not consumed and fluctuation in the foreign exchange rates contribute to the high cost of electricity;

APPRECIATING THAT Kenya has made strides in diversifying its power sources with geothermal plants, offering tremendous potential for zero-carbon source of power, already producing nearly one (1) Gigawatt (GW) of power;

CONCERNED THAT private power generating companies popularly referred to as Independent Power Producers (IPPs) only supply 28% of power to KPLC but account for 47% of power purchase costs calling for the need to enhance energy management in Kenya;

NOW THEREFORE the Senate resolves that the:

- a) Standing Committee on Energy to undertake an inquiry into: -
  - i. Contracts signed by IPPs, detailing the cost, capacity and duration of the contractual agreements and their implications on affordability of electricity in the country;
  - ii. Discrepancy in the cost of electricity sold to Kenya Power by KenGen, imports from Ethiopia and IPPs; and
  - iii. The diversion of the electricity generated by Lake Turkana Wind Power to the national grid, bypassing the inadequately supplied northern frontier counties of Marsabit and Samburu.
- b) Ministry of Energy to come up with a policy framework aimed at:-
  - i. Lowering the cost of electricity as a way of addressing the high cost of living; and
  - ii. Enhancing clean energy by switching to renewable sources of energy such as geothermal power, wind energy, among others as a way of reducing the carbon footprint.

Order dropped in the absence of the Mover, pursuant to Standing Order 64 (3).

8. **MOTION – BAN ON THE CULTIVATION OF EUCALYPTUS TREES ON RIPARIAN LANDS**

(Sen. James Kamau Murango, MP)

Order read;

THAT, AWARE THAT the Constitution of Kenya acknowledges the Nation's respect for the environment and obligates the State to eliminate processes and activities that are likely to endanger it;

FURTHER AWARE THAT there has been extensive cultivation of eucalyptus trees in Kenya owing to their rapid growth, high biomass yield, and adaptability to a wide range of climatic regimes and soil types;

CONCERNED THAT eucalyptus trees require high amounts of water through their growth, have deep root systems that extract water from the soil at a rapid rate and their cultivation on riparian land depletes the water in the riparian ecosystem, often resulting in the drying up of streams, aggravating the effects of climate change, particularly the infrequent and insufficient rainfall currently being experienced in the country;

NOW THEREFORE the Senate urges the Ministry of Environment, Climate Change and Forestry in coordination with the National Environment Management Authority to:

- i. develop and implement a policy framework to guide the cultivation of eucalyptus trees with the aim of mitigating their adverse effect on the environment; and
- ii. undertake a systematic nation-wide removal program for eucalyptus tree cultivations on riparian lands.

Order dropped in the absence of the Mover, pursuant to Standing Order 64 (3).

And there being no other business on the Order Paper, the Temporary Speaker (Sen. Abdul Haji Mohammed, MP) adjourned the Senate at forty – two minutes past Eleven O'clock without Question put, pursuant to the Standing Orders.

9. **SENATE ROSE** – at forty- two minutes past Eleven O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Wednesday, May 24, 2023 at 2:30 p.m.*

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