



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, JUNE 08, 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 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 ten minutes, pursuant to Standing Order 40;

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

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

4. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

i. Inaugural High-Level Joint Session of the Council of Governors and the Senate

“Honourable Senators,

1. Following the promulgation of the Constitution of Kenya in 2010, its now ten years into the existence of the county governments. Devolution has highlighted the existence of unique opportunities for socioeconomic growth. However, reports also reveal emerging challenges that continue to hamper the operations of the devolved units, thereby impacting the ability of counties to manage situations that affect the well-being of the people.

Honourable Senators,

2. In the spirit of nurturing collegiality between the Senate and the Council of Governors (CoG), it is proposed that an annual High-Level Joint Session of the CoG and the Senate be established. The objective of the proposed High-Level Joint Session is to:-
 - i.) Recognize the contributions of the devolved units and their position as vital drivers for adequate social protection and transformative development as envisioned by the Constitution 2010;
 - ii.) Accelerate and support co-ordination between the Senate and the CoG and further devise ways of fostering inter-governmental relations between the national and sub-national level and, by extension, the County Executive, Assemblies, and County Public Service Boards with an objective of seamless service delivery within the devolved units;
 - iii.) Identify the gaps in policy, legislation, and institutional mechanisms impeding inter-governmental relations, oversight, and service delivery within devolved units and explore opportunities for SMART solutions for accelerated services;
 - iv.) Build momentum in exploring actionable solutions in addressing funding challenges affecting service delivery in devolved units amidst the current shrinking resource envelope; and
 - v.) Share county experiences in all aspects to foster collegiality between CoG, the Senate, and the respective counties.

Honourable Senators,

3. Towards this end, a Steering Committee for the High-Level Joint Session was constituted to plan for the inaugural Joint Session. The Committee comprise of Sen. (Capt.) Roba Ali Ibrahim, EGH, MP, Sen. Abass Sheikh Mohamed and Sen. Moses Kajwang' from the Senate and Gov. Fernandes Barasa, Gov. Stephen Sang' and Gov. Mutula Kilonzo Junior, CBS, from the Council of Governors.

Honourable Senators,

4. The Steering Committee has now organized an inaugural joint session to be held from 15th – 18th June, 2023 at the Great Rift Valley Resort in Naivasha, Nakuru County.

Honourable Senators,

5. The Joint Session will focus on achieving:

- i.) enhanced relations between the CoG and the Senate, including other critical stakeholders in Devolution;
- ii.) informed future in-depth engagements among the devolution stakeholders, including but not limited to the upcoming Devolution Conference 2023, Legislative Summit 2023, and '*Senate Mashinani*' slated for later in the year;
- iii.) an action-oriented joint communique spelling out commitments of the CoG and Senate to enhance dialogue, address challenges, and accelerate service delivery; and
- iv.) comprehensive resolutions targeting social development and protection concerns, with clear timelines to be implemented jointly by the Senate and CoG and monitored by respective technical teams.

Honourable Senators,

I, therefore, urge all the Senators to prioritize and attend and attend this important meeting.”

ii. Visiting Teachers and Students from Mukaa Girls’ High School in Makueni County

“Honourable Senators,

In the public gallery, we have seventy-two (72) students, accompanied by three (3) teachers, from Mukaa Girls’ High School in Makueni 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!”

iii. Visiting Teachers and Pupils from Sekenani Primary School in Narok County

“Honourable Senators,

In the public gallery, we have fifty (50) pupils, accompanied by five (5) teachers, from Sekenani Primary School in Narok 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 LAID**

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

- (i) Report of the Auditor General on the Financial Statements of Makueni County State and Public Officers Car and Mortgage Loan Fund for the year ended 30th June, 2022.
- (ii) Report of the Auditor General on the Financial Statements of Machakos County Assembly (Housing and Car Loan Scheme) Fund for the year ended 30th June, 2022.
- (iii) Report of the Auditor General on the Financial Statements of the County Government of Nyamira – County Revenue Fund for the year ended 30th June, 2022.
- (iv) Report of the Auditor General on the Financial Statements of the County Government of Nyamira – Receiver of Revenue – Revenue Statements for the year ended 30th June, 2022.

(Sen. Veronica Maina, MP, on behalf of the Senate Majority Leader)

- (v) Statement of the Senate Majority Leader on the business of the Senate for the week commencing Tuesday, 13th June, 2023.

(Sen. Tabitha Mutinda, MP, on behalf of the Senate Majority Leader)

6. **QUESTIONS AND STATEMENTS**

STATEMENTS

a) Pursuant to Standing Order 53(1)

- (i) Nominated Senator (Sen. Crystal Asige, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding the enforcement of five per cent (5%) employment quota for Persons with Disabilities (PWDs) in the public sector recruitment.

- (ii) Nominated Senator (Sen. George Mbugua, MP) sought a statement from the Standing Committee on Education regarding the status of funding for special needs schools in the counties.
- (iii) Nominated Senator Catherine Mumma, MP, (on behalf of Nominated Senator, Hamida Kibwana, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning the lifting of the ban on logging in public and community forests in Kenya.
- (iv) Seneta Mteuliwa (Sen. Miraj Abdullahi, MP) aliomba Kauli kutoka kwa Kamati ya Kudumu ya Leba na Ustawi wa Jamii kuhusu maslahi na ustawi wa mabaharia nchini Kenya.

b) Pursuant to Standing Order 57(1)

Sen. Tabitha Mutinda, MP, on behalf of the Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 13th June, 2023.

7. THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2022)

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Employment (Amendment) Bill (Senate Bills No. 11 of 2022) be now read a second time.

(Sen. Samson Cherarkey, MP – 06.06.2023)

Debate interrupted on Tuesday, 6th June, 2023, resumed;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover (Sen. Samson Cherarkey, MP) requested the Speaker to defer the putting of the Question to a later date;

And the Speaker, acceding to the request, deferred the putting of the Question to a later date.

8. THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 16 OF 2023)

Order for Second Reading read;

Motion made and Question proposed –

THAT, The County Allocation of Revenue Bill (Senate Bills No. 16 of 2023) be now read a Second Time.

(The Chairperson, Standing Committee on Finance and Budget)

Debate arising;

And there being no other Senator wishing to contribute;

The Vice Chairperson, Standing Committee on Finance and Budget (Sen. Tabitha Mutinda, MP) replied on behalf of the Mover;

Pursuant to Standing Order 66 (3), the Vice Chairperson (Sen. Tabitha Mutinda, MP) 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 putting of the Question to a later date.

Pursuant to Standing Order 34 (2A), the Temporary Speaker (Sen. Catherine Mumma, MP), for the convenience of the Senate, interrupted the proceedings and adjourned the Senate at thirty-two minutes past Six O'clock, without Question put.

9. **SENATE ROSE** – at thirty-two Minutes past Six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, June 13, 2023 at 2:30 p.m.*

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