



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, JUNE 29, 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 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: -

i. Visiting delegation from the Nyandarua County Assembly

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, visiting Committee Members on Delegated Legislation from Nyandarua County Assembly and their secretariat, who are in the Senate for five (5) days benchmarking visit with their counterparts.

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

<u>NAME</u>	<u>DESIGNATION</u>
(i) Hon. Daniel Gitau Ndung'u	- Chairperson
(ii) Hon. Peter Mwangi Maina	- Vice Chairperson
(iii) Hon. Paul Ngeche Wambaire	- Member
(iv) Hon. Maureen Wairimu Mugaki	- Member
(v) Hon. Ebrahim Mwangi Maina	- Member
(vi) Ms. Alice Nyambura Kimani	- Committee Clerk
(vii) Ms. Judy Nyambura Kinyua	- Hansard Officer
(viii) Ms. Leah Wanjiru Njenga	- Serjeant-at-Arms
(ix) -Mr. Dennice Odoot	- Serjeant-at-Arms

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 engagement.

I thank you!"

ii. Visiting delegation from the Invictus Games Foundation

"Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, a visiting delegation from Invictus Games Foundation, who are in the Senate for one - day visit. They are in the Country through an invitation by Sen. Gloria Orwoba, MP.

The Invictus Games Foundation was founded in 2013 by Prince Harry, the Duke of Sussex, to celebrate the unconquered human spirit, and shine a spotlight on the men and women who served. It offers a recovery pathway for international wounded, injured and sick servicemen and women. They also collaborate to provide opportunities for post-traumatic growth, enabling those involved to reclaim their purpose, identity and future, beyond injury.

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

<u>NAME</u>	<u>DESIGNATION</u>
(i) Mr. David Wiseman	- Director
(ii) Mr. Derrick Cobbin	- Africa Representative

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 engagement.

I thank you!"

iii. Visiting teachers and students from Moi Girls' School, Kamusinga in Bungoma County

"Honourable Senators,

In the public gallery, we have sixty four (64) students, accompanied by four (4) teachers, from Moi Girls' School, Kamusinga, Bungoma 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!"

iv. Visiting teachers and students from Orero Boys' High School in Homa Bay County

"Honourable Senators,

In the public gallery, we have forty-five (45) students, accompanied by six (6) teachers, from Orero Boys High School – Homa Bay 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!"

v. Visiting teachers and students from Friends Boys' School Bwake in Trans Nzoia County

"Honourable Senators,

In the public gallery, we have forty-three (43) students, accompanied by two (2) teachers, from Friends Boys' School, Bwake in Trans Nzoia 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!"

vi. Visiting teachers and students from St. Teresa's Girls' School, in Samburu County

"Honourable Senators,

In the public gallery, we have forty-five (45) students, accompanied by four (4) teachers, from St. Teresa's Girls' School in Samburu 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. PETITIONS

- i.) Pursuant to Standing Order 236 (2) (b), the Speaker reported to the Senate a Petition by Mr. Kerich Kipronoh Hillary concerning alleged catastrophic maize disease affecting farmers in Bomet County for the past twelve (12) years.

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 Agriculture, Livestock and Fisheries, pursuant to Standing Order 238(1).

- ii.) Pursuant to Standing Order 236 (2) (a), the Senator for Kajiado County (Sen. Seki Lenku Ole Kanar, MP) presented to the Senate a Petition by residents of Kajiado East and West sub counties concerning the rampant livestock theft in the region and Kajiado county at large.

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 National Security, Defence and Foreign Relations, pursuant to Standing Order 238(1).

6. **PAPERS LAID**

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

- i.) The Central Bank of Kenya Bank Supervision Annual Report of for the year 2021.

(The Senate Majority Leader)

- ii.) Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Prevention of Livestock and Produce Theft Bill (Senate Bills No. 12 of 2023)

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

- iii.) Report of the Senate Delegation to the 67th session of the Commission on the Status of Women (CSW 67) held in New York, from 6th March, 2023 to 17th March 2023.

(Sen. Fatuma Dullo, CBS, MP)

- iv.) Statement on the business of the Senate for the week commencing Tuesday, 18th July, 2023.

(The Senate Majority Leader)

7. **NOTICE OF MOTION – REPORT OF THE SENATE DELEGATION TO THE 67TH SESSION OF THE COMMISSION ON THE STATUS OF WOMEN (CSW 67) HELD IN NEW YORK, FROM 6TH MARCH, 2023 TO 17TH MARCH 2023.**

(Sen. Fatuma Dullo, CBS, MP)

THAT, the Senate notes the Report of the Senate Delegation to the 67th session of the Commission on the Status of Women (CSW) held in New York, from 6th March, 2023 to 17th March, 2023, Laid on the Table of the Senate today, Thursday, 29th June, 2023.

8. **QUESTIONS AND STATEMENTS**

STATEMENTS

a) Pursuant to Standing Order 53(1)

- (i) Nominated Senator (Sen. Esther Okenyuri, MP) sought a statement from the Standing Committee on Health regarding accreditation of new clinics and health facilities across the country, by the Board of the National health Insurance Fund (NHIF).
- (ii) Nominated Senator (Sen. Esther Okenyuri, MP) sought a statement from the Standing Committee on Trade, Industrialization and Tourism regarding the sensitization and involvement of women and youth start-ups in the special economic zones and county aggregation industrial parks.
- (iii) The Senator for Taita Taveta (Sen. Johnes Mwaruma, MP) sought a statement from the Standing Committee on Finance and Budget regarding the status of funds for the construction of Taita Taveta County headquarters.
- (iv) The Senator for Kakamega County (Sen. (Dr.) Boni Khalwale, MP) sought a statement from the Standing Committee on Devolution and Intergovernmental Relations regarding efforts by the Kakamega County Government to anchor in law the office of the Governor's spouse.
- (v) Nominated Senator (Sen. Crystal Asige, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing regarding retesting of Public Service Vehicles (PSVs) and commercial vehicle drivers upon expiry of their driving licenses.
- (vi) Nominated Senator (Sen. Crystal Asige, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding unfair labor practices facing long distance drivers and conductors.

- (vii) The Senator for Nyamira County (Sen. Okong'o Mogeni, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding the delayed payment of monies to the elderly under the Older Persons Cash Transfer (OPCT) programme.
- (viii) The Senator for Nyamira County (Sen. Okong'o Mogeni, MP) sought a statement from the Standing Committee on Roads and Transportation regarding the state of roads in Nyamira County.
- (ix) The Senator for Kirinyaga County, (Sen. James Murango, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding management of talent in counties.
- (x) The Senator for Nairobi County, (Sen. Edwin W. Sifuna, MP), sought a statement from the Standing Committee on Labour and Social Welfare regarding the neglect of the families of the five freedom fighters who were imprisoned in Kapenguria together with former president, the late Mzee Jomo Kenyatta during the fight for the country's independence.

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, 18th July, 2023.

9. **THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILLS NO. 12 OF 2022)**

(Sen. Maureen Tabitha Mutinda, MP)

Order read;

(Second Reading)

(Resumption of debate interrupted on Tuesday, 20th June, 2023)
(Division)

Order deferred.

10. **THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)**

(Sen. Crystal Asige, MP)

Order read;

(Second Reading)

(Resumption of debate interrupted on Tuesday, 27th June, 2023)
(Division)

Order deferred.

11. **COMMITTEE OF THE WHOLE**
THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023)

(Sen. Beth Syengo, MP)

Order read;

*(Resumption of debate interrupted on Wednesday, 21st June, 2023 –
Afternoon Sitting)
(Division)*

Order deferred.

12. **COMMITTEE OF THE WHOLE**
THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2022)

(Sen. Samson Cherarkey, MP)

Order read;

*(Resumption of debate interrupted on Wednesday, 21st June, 2023 –
Afternoon Sitting)
(Division)*

Order deferred.

13. **COMMITTEE OF THE WHOLE**
THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)

(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

Order read;

Order deferred.

14. **THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Mung Beans Bill (Senate Bills No. 13 of 2023) be read a Second Time

(Sen. Enoch Wambua, MP- 22.06.2023)

Debate interrupted on Thursday, 22nd June, 2023 resumed;

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.

15. **MOTION – ESTABLISHMENT OF AN AD HOC COMMITTEE ON THE COMPENSATION TO THE KENYAN VICTIMS OF THE 1998 BOMBING OF THE UNITED STATES OF AMERICA EMBASSY IN NAIROBI**

Order read;

Motion made and Question proposed;

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 to establish an Ad Hoc committee to –

- (i) engage the Ministry of Foreign and Diaspora Affairs to advance friendship and co-operation between the United States of America 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;

- (ii) coordinate with the Ministry of Foreign and Diaspora Affairs in the engagement of victims, their personal representatives, the United States of America government and other stakeholders at home and abroad to pursue and accomplish the compensation of victims and families of the victims of Kenyan nationals; and,
- (iii) coordinate with the Ministry of Health to explore subsidized medical treatment for the surviving victims of the bomb blast.

and submit a report to the House within 90 days with effect from 3rd July, 2023;

AND FURTHER THAT, the following Senators be appointed to serve in the Ad Hoc committee –

1. Sen. Agnes Kavindu Muthama, MP;
2. Sen. Daniel Maanzo, MP;
3. Sen. Alexander Mundigi, MP;
4. Sen. Beatrice Ogolla, MP;
5. Sen. Johnes Mwaruma, MP;
6. Sen. Mohamed Said Chute, MP;
7. Sen. Jackson Mandago, MP;
8. Sen. William Cheptumo, MP; and,
9. Sen. Peris Tobiko, MP.

(Sen. Agnes Kavindu, MP– 27.06.2023)

Debate interrupted on Tuesday, 27th June, 2023, resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 84 (1), the Speaker informed the House that the Motion did not affect Counties.

Question put and agreed to.

RESOLVED ACCORDINGLY -

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 to establish an Ad Hoc committee to –

- i.) engage the Ministry of Foreign and Diaspora Affairs to advance friendship and co-operation between the United States of America 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;
- (i) coordinate with the Ministry of Foreign and Diaspora Affairs in the engagement of victims, their personal representatives, the United States of America government and other stakeholders at home and abroad to pursue and accomplish the compensation of victims and families of the victims of Kenyan nationals; and,
- (ii) coordinate with the Ministry of Health to explore subsidized medical treatment for the surviving victims of the bomb blast.

and submit a report to the House within 90 days with effect from 3rd July, 2023;

AND FURTHER THAT, the following Senators be appointed to serve in the Ad Hoc committee –

1. Sen. Agnes Kavindu Muthama, MP;
2. Sen. Daniel Maanzo, MP;
3. Sen. Alexander Mundigi, MP;
4. Sen. Beatrice Ogolla, MP;
5. Sen. Johnes Mwaruma, MP;
6. Sen. Mohamed Said Chute, MP;
7. Sen. Jackson Mandago, MP;
8. Sen. William Cheptumo, MP; and,
9. Sen. Peris Tobiko, MP.

16. **THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)**

Order for Second Reading read;

Motion made –

THAT, the Persons with Disabilities Bill (Senate Bills No. 7 of 2023) be now read a Second Time.

(Sen. Crystal Asige, MP)

And the time being thirty minutes past six O'clock, the Temporary Speaker (Sen. Catherine Mumma, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

17. **SENATE ROSE**

-at thirty minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, July 18, 2023 at 2:30 p.m.*

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