



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, JULY 27, 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 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 before 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: -

a) Invitation to the Honourable Senators to participate in the Devolution Conference 2023

“Honourable Senators,

Over the last nine years, the Council of Governors in conjunction with the Senate, the National Government and the County Governments, have hosted annual devolution conferences in various parts of the country. The Conferences have generated conversations around certain thematic areas of concern to the Counties, nationally and globally, key among them being the devolved governance structure established under Chapter 11 of the Constitution, following its promulgation in 2010. The conferences were geared towards assessing the progress of devolution, identify challenges faced by the county governments, share best practices, and provide a platform for stakeholders to exchange ideas and solutions.

The Senate continues to be a critical stakeholder in this discourse and its participation in the Devolution Conference cannot be gain-said. During the 6th Annual and final annual Devolution Conference held in Wote, Makueni County in 2021, it was agreed that the subsequent conferences be held after every two years. This marked the end of the annual conferences.

Honourable Senators,

The first (1) Biennial Devolution conference is scheduled to take place at the Eldoret Sports Club, in Eldoret, Uasin Gishu County, from Tuesday, 15th August to Saturday, 19th August 2023. The theme of the event is *“10 Years of Devolution: The present and the Future”*, and the Sub- theme is *“Driving Transformation from the Local Level: County Governments as the Center of Economic Development.”*

This theme would not have come at a better time, as more focus is shifting to county governments as the centers of economic development, inclusivity and sustainable growth.

As the Co-Chair of the Steering Committee which coordinates the hosting of the event, I appointed Senators to the Steering Committee to assist in guiding and advising on the participation of the Senate in the conference. The representatives of the Senate at the Steering Committee include Sen. Jackson Mandago, MP, Senator for Uasin Gishu County and Chairperson, Standing Committee on Health; Sen. (Prof.) Margaret Kamar, EGH, MP, Sen. Moses Kajwang', MP, Chairperson, Select Committee on County Public Accounts and Sen. Mohamed Abas Sheikh, MP, Chairperson, Standing Committee on Devolution and Intergovernmental Relations.

Activities of the Steering Committee are supported by an Organizing Committee comprising various offices from the Senate. A number of Senators have been identified to represent the Senate in the Conference programme as Panelists. I urge the identified Senators to cooperate with the Steering Committee and to closely work with the Secretariat to ensure the effective participation of the Senate.

Honorable Senators,

In conclusion, I urge all Honourable Senators to save these dates and plan to attend and participate at this important event in our devolution calendar. Senators may give their confirmation by signing a register, to be circulated in the Chamber, from today, until Wednesday, 10th August, 2023.

I thank you.”

b) Provisions of Senators travelling outside the Country

“Honourable Senators,

As you may be aware, Standing Order 256 (1) of the Senate Standing Orders provides the requirements for a Senator who intends to travel outside Kenya and states as follows;

“A Senator intending to travel outside Kenya whether in an official or a private capacity, shall give to the Speaker a written notice to that effect, indicating: -

(a) the destination intended to be visited;

(b) the dates of the intended travel and period of absence from Kenya; and

(c) the email, telephone contact, postal or physical address of the Senator during the period of absence from Kenya.”

Honourable Senators,

This is to emphasize to each and every one of you to adhere to these requirements of the Senate Standing Orders. Further, this is to draw your attention to the provisions of Article 103 (1) (b) of the Constitution which states as follows: -

“If during any session of Parliament, the Member is absent from eight sittings of the relevant House without permission, in writing, from the Speaker, and is unable to offer a satisfactory explanation for the absence to the relevant committee.”

It should be noted that Article 103 (1) (b) is applicable when the absence is occasioned by a Senator travelling out of the country, but applies equally when a Senator is within the country but does not attend a sitting of the Senate.

Honourable Senators,

Please note accordingly.

I thank you.”

c) Visiting Teachers and Pupils from Olkiramatian Primary School in Kajiado County

‘Honourable Senators,

In the public gallery, we have forty-one (41) pupils, accompanied by six (6) teachers, from Olkiramatian Primary School – Kajiado 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.”

d) Visiting Teachers and Students from Meswondo Secondary School in Bomet County

“Honourable Senators,

In the public gallery, we have eighty-six (86) students, accompanied by eight (8) teachers, from Meswondo Secondary School – Bomet 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.”

e) Visiting Teachers and Students from Alsuhaime Girls High School in Kajiado County

“Honourable Senators,

In the public gallery, we have one hundred and five (105) students, accompanied by three (3) teachers, from Alsuhaime Girls’ High School – Kajiado 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.”

f) Visiting Teachers and Students from Cardinal Otunga High School Mosochi in Kisii County

“Honourable Senators,

In the public gallery, we have one hundred (100) students, accompanied by eight (8) teachers, from Cardinal Otunga High School Mosochi – Kisii 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. **PETITION**

Pursuant to Standing Order 236 (2) (b), the Speaker reported a Petition by members of the Kenyan Union of Post Primary Education Teachers (KUPPET) and residents of Kilifi County concerning alleged discrimination by the Teachers’ Service Commission (TSC) on payment of hardship allowance and enhanced house allowance to teachers in Kilifi County.

Pursuant to Standing Order 237, the Speaker invited Senators to make comments, observations or seek clarifications in relation to the Petition and, subsequently, committed it to the Standing Committee on Education, pursuant to Standing Order 238 (1).

6. **PAPERS**

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

- i.) Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for the FY 2023/2024.

(The Chairperson, Standing Committee on Finance and Budget)

- ii.) Statement on the Business of the Senate for the week commencing Tuesday, 1st August, 2023.

(The Senate Majority Leader)

7. **NOTICE OF MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS (EQUITABLE SHARE) CASH DISBURSEMENT SCHEDULE FOR THE FINANCIAL YEAR 2023/2024 AND APPROVAL OF THE COUNTY GOVERNMENT CASH DISBURSEMENT (EQUITABLE SHARE) SCHEDULE FOR THE FINANCIAL YEAR 2023/2024.**

(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for the Financial year 2023/2024, laid on the Table of the Senate on Thursday, 27th July, 2023 and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 189 (3), the

Senate approves the County Governments (Equitable Share) Cash Disbursement Schedule for the Financial year 2023/2024.

8. **NOTICE OF MOTION - EXTENSION OF MANDATE OF THE AD HOC COMMITTEE TO INVESTIGATE THE PROLIFERATION OF RELIGIOUS ORGANIZATIONS AND THE CIRCUMSTANCES LEADING TO THE DEATHS OF MORE THAN 95 PEOPLE IN SHAKAHOLA, KILIFI COUNTY**
(Sen. Eddy Oketch, MP on behalf of the Chairperson, Ad-hoc Committee)

THAT, AWARE that at the sitting of the Senate held on Thursday, 27th April, 2023, the Senate, by Resolution, established an Ad Hoc Committee to investigate the proliferation of religious organizations and the circumstances leading to the deaths of more than 95 people in Shakahola, Kilifi county;

ACKNOWLEDGING that the Committee has undertaken a tremendous amount of work in the execution of its mandate including meetings with the Cabinet Secretary for Interior and National Administration, the Attorney General, religious leaders and visiting families of victims throughout the country;

APPRECIATING that the mandate of the Select Committee is due to lapse on Wednesday, 26th July, 2023;

NOTING that the events surrounding the Shakahola Massacre in the country continues to evolve with the discovery of more bodies in the Shakahola mass graves with the death toll being upwards of 400 people, and the need for the Committee to visit the new gravesites and engage more stakeholders;

NOW THEREFORE, the Senate resolves to renew the mandate of the Ad Hoc Committee by a further period not exceeding twenty-one days (21) days from 26th July, 2023, and to table its final report in the Senate on or before 16th August, 2023.

9. **QUESTIONS AND STATEMENTS**

STATEMENTS

a) Pursuant to Standing Order 53 (1)

- i.) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding the status of revenue sharing generated from the Tsavo National Park between the National Government and the County of Taita Taveta.
- ii.) The Senator for Nyandarua County (Sen. John Methu, MP) on behalf of the Senator for Laikipia County (Sen. John Kinyua, MP) sought a statement from the Standing Committee on Education concerning the state of learning at Ngiroriti Primary School in Laikipia County.

- iii.) Nominated Senator (Sen. Beatrice Ogola, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding Gender-Based Violence (GBV) in Homa Bay County.
- iv.) The Senator for Kitui County (Sen. Enoch Wambua, MP) on behalf of the Senator for Kilifi County (Sen. Justice (Rtd) Stewart Madzayo, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations on the withdrawal of security detail attached to the Azimio One-Kenya Alliance Leaders.

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

- i.) The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights made a statement relating to the activities of the Committee for the period April to June, 2023.
- ii.) The Chairperson, Standing Committee on Labour and Social Welfare made a statement relating to the activities of the Committee for the period April to June, 2023.

c) Pursuant to Standing Order 57 (1)

The Senate Majority Leader issued a statement on the Business of the Senate for the week commencing Tuesday, 1st August, 2023.

d) Pursuant to Standing Order 58

The Nominated Senator (Sen. Gloria Orwoba, MP) made a personal statement on her participation in the United Nations 53rd Human Rights Council Session on Menstrual Health and Gender Discrimination.

The Senator expressed concern at the alleged frustrations she encountered while processing documents relating to her participation at the UN meeting and reflected on the consistent challenges she has faced as a new legislator. The Senator alleged that the frustrations she was encountering were deliberate mainly as a result of her advocacy for women's rights.

In conclusion, the Senator expressed hope that in the Statement, she had brought the matter to the attention of relevant authorities who will assist in addressing the matter and facilitate her to fulfil her duties as a legislator.

10. THE EQUALIZATION FUND (ADMINISTRATION) BILL (SENATE BILLS NO. 14 OF 2023)

Order for Second Reading read;

Motion made and Question proposed;

THAT, The Equalization Fund (Administration) Bill (Senate Bills No. 14 of 2023) be now read a Second Time.

(The Chairperson, Standing Committee on Finance and Budget)

Debate arising;

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

11. **SENATE ROSE** - at thirty minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, August 01, 2023 at 2.30 p.m.*

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