



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

AFTERNOON SITTING

WEDNESDAY, NOVEMBER, 01, 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 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) Visiting Delegation of Members of Staff from various Counties undertaking the County Assemblies Legislation Tracker Training

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of a visiting delegation of members of staff from various counties undertaking a County Assemblies Legislation Tracker Training.

Honourable Senators,

The County Assemblies Legislation Tracker is a platform where information on legislation passed or being considered by the county assemblies is uploaded. The platform will also provide a centralized online space where members of the public and relevant stakeholders may access bills/ legislation being processed by specific county assemblies and promote openness, transparency and public involvement in the legislative process as required under Article 196 of the Constitution.

It is envisaged that the Senate will utilize the system in accessing firsthand and synthesized information on Bills and Acts passed by county assemblies in undertaking its oversight and legislative mandate. It is for this reason that the Senate, with the support from the Westminster Foundation for Democracy (WFD), engaged a consultant to develop an online legislative database that would bridge the gap on information on the trends in enactment of legislation by county assemblies.

I request each member of staff represented to stand when their county is called out; Nakuru, Narok, Kajiado, Machakos, Makueni, Kiambu, Kakamega, Vihiga, Bungoma, Busia, Siaya, Kisumu, Homa Bay, Migori, Kisii, Nyamira, Wajir, Samburu, Embu, Kitui, Mandera, Isiolo and Kwale.

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.”

b) Students from the Starehe Boys’ Centre and School under the School’s Voluntary Service Scheme (VSS)

Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of students from Starehe Boys’ Centre and School who are undertaking a three (3) week service in the Senate under the school’s Voluntary Service Scheme (VSS).

I request the students to stand when called out so that they may be acknowledged in the Senate tradition.

<u>Name</u>	<u>Class</u>
1. Roy Victor Tanu	Form 3
2. Yassir Adam	Form 3
3. Hockings Juma	Form 3

- | | |
|---------------------|--------|
| 4. Jared Osira | Form 3 |
| 5. Moses Ekutan | Form 2 |
| 6. Emmanuel Amuhaya | Form 2 |

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. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE PASSAGE BY THE NATIONAL ASSEMBLY OF THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2022)**

The Speaker conveyed the following Message from the National Assembly:-

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3) and (4), I received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the National Rating Bill (National Assembly Bills No. 55 of 2022).

The Message, which is dated Thursday, 26th October, 2023 was received on Tuesday, 31st October 2023 in the Office of the Clerk of the Senate.

Pursuant to the said Standing Order, I now report the Message-

“PURSUANT to the provisions of Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS, the National Rating Bill (National Assembly Bill No. 55 of 2022) was published vide Kenya Gazette Supplement No. 185 on 15th November 2022 as a Bill seeking to provide a comprehensive legislative framework for imposition of property rates on land and buildings by county governments; the valuation of rateable property; the appointment and powers of property valuers; and the establishment, powers and functions of the National Rating Tribunal;

AND WHEREAS, on Wednesday, 11th October 2023, the National Assembly considered and passed the National Rating Bill (National Assembly Bill No. 55 of 2022) with amendments and in the form attached herewith;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.”

Honourable Senators,

Pursuant to Standing Order No. 163 which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.144; I direct that the National Rating Bill (National Assembly Bills No. 55 of 2022) be listed in tomorrow's Order Paper for purposes of the Bill being Read a First Time.

I thank you.”

6. PAPERS LAID

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

- i.) Report of the Auditor General on the financial statements of the Gatundu Level 5 Hospital, County Government of Kiambu for the year ended 30th June, 2022.
- ii.) Report of the Auditor General on the financial statements of the Kiambu Level 5 Hospital, County Government of Kiambu for the year ended 30th June, 2022.
- iii.) Report of the Auditor General on the financial statements of the Lari Level 4 Hospital, County Government of Kiambu for the year ended 30th June, 2022.
- iv.) Report of the Auditor General on the financial statements of the Kihara Level 4 Hospital, County Government of Kiambu for the year ended 30th June, 2022.
- v.) Report of the Auditor General on the financial statements of the Tigoni Level 4 Hospital, County Government of Kiambu for the year ended 30th June, 2022.
- vi.) Report of the Auditor General on the financial statements of the Ruiru Level 4 Hospital, County Government of Kiambu for the year ended 30th June, 2022.
- vii.) Report of the Auditor General on the financial statements of the Igegania Level 4 Hospital, County Government of Kiambu for the year ended 30th June, 2022.
- viii.) Report of the Auditor General on the financial statements of the Kigumo Level 4 Hospital, County Government of Kiambu for the year ended 30th June, 2022.
- ix.) Report of the Auditor General on the financial statements of the Nyathuna Level 4 Hospital, County Government of Kiambu for the year ended 30th June, 2022.

- x.) Report of the Auditor General on the financial statements of the Ahero County Level 4 Hospital, County Government of Kisumu for the year ended 30th June, 2022.
- xi.) Report of the Auditor General on the financial statements of the Jaramogi Oginga Odinga Teaching and Referral Hospital, County Government of Kisumu for the year ended 30th June, 2022.
- xii.) Report of the Auditor General on the financial statements of the Fort Tenan Level 4 Hospital, County Government of Kericho for the year ended 30th June, 2022.

(The Senate Majority Whip on behalf of the Senate Majority Leader)

7. QUESTIONS AND STATEMENTS

STATEMENTS

a) Statement pursuant to Standing Order 52(1)

Request by Nominated Senator (Sen. Catherine Mumma, MP) to make a statement concerning the proposed introduction of service charges at Huduma Centres across the country was dropped in the absence of the Senator.

b) Request for Statements pursuant to Standing Order 53(1)

- i.) Nominated Senator (Sen. Karen Nyamu, MP) sought a statement concerning the alleged death of Master Harders Kanyora Mutahi at Kimathi Primary School in Bahati, Nairobi County.
- ii.) The Senator for Kakamega County (Sen. (Dr.) Boni Khalwale, MP) sought a statement from the Standing Committee on Finance and Budget regarding the rental fees incurred by the County Government of Kakamega.
- iii.) The Senator for Kakamega County (Sen. (Dr.) Boni Khalwale, MP) sought a statement from the Standing Committee on Finance and Budget regarding revenue generation and usage by the County Government of Kakamega.
- iv.) The Senator for Kakamega County (Sen. (Dr.) Boni Khalwale, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding the status of employment contracts for the staff engaged by the County Government of Kakamega.
- v.) The Senator for Machakos County (Sen. Agnes Kavindu, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing regarding the expansion of roads in Machakos County.

- vi.) Request for Statement by Senator for Migori County (Sen. Eddy Oketch, MP) from the Standing Committee on Labour and Social Welfare concerning the position of 'Advisor' in the Public Service was dropped in the absence of the Senator.
- vii.) The Senator for Busia County (Sen. Andrew Okioti Omtatah, MP) sought a statement from the Standing Committee on Education regarding the full implementation of the Basic Education Curriculum Framework (BECF).
- viii.) The Senator for Busia County (Sen. Andrew Okioti Omtatah, MP) sought a statement from the Standing Committee on Education regarding the implementation of Junior Secondary School Curriculum for children with special needs.
- ix.) The Senator for Busia County (Sen. Andrew Okioti Omtatah, MP) sought a statement from the Standing Committee on Finance and Budget regarding debt waivers and bailouts by the Government of Kenya.
- x.) Nominated Senator, (Sen. Hamida Kibwana, MP) sought a statement from the Standing Committee on Information, Communication and Technology concerning the state of digital infrastructure in the public service.
- xi.) The Senator for Wajir County (Sen. Abass Sheikh Mohammed, MP), on behalf of the Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the handover of machinery, motor vehicles and unfinished projects from the Nairobi Metropolitan Services (NMS) to the Nairobi City County Government.
- xii.) The Senator for Wajir County (Sen. Abass Sheikh Mohammed, MP), on behalf of the Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning the alleged grabbing of public land in Marsabit County.
- xiii.) The Senator for Wajir County (Sen. Abass Sheikh Mohammed, MP), on behalf of the Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing regarding the status of construction of the Laisamis – Sarima road in Marsabit County.
- xiv.) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a statement from the Standing Committee on Health regarding the death of Mr. Samuel Mwatate Nzai, allegedly through medical negligence, at Moi Hospital in Voi, Taita Taveta County.
- xv.) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a statement from the Standing Committee on National Security, Defence

and Foreign relations concerning the procedure for acquisition of citizenship for foreign persons married to Kenyans.

- xvi.) The Senator for Mombasa County (Sen. Mwinyihaji Mohammed Faki, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing regarding the safety of motorists and pedestrians along the Makupa Causeway bridge and Changamwe Roads in Mombasa County.
- xvii.) Request for statement by Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) from the Standing Committee on Agriculture, Livestock and Fisheries regarding the provision of agricultural extension services in Kisumu County was dropped in the absence of the Senator.
- xviii.) Request for statement by Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) from the Standing Committee on Education concerning Early Childhood Development Education (ECDE) in Kisumu County was dropped in the absence of the Senator.
- xix.) Request for statement Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) from the Standing Committee on Finance and Budget concerning pending bills accrued by the County Government of Kisumu was dropped in the absence of the Senator.

8. THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 29 OF 2023)

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Care and Protection of Child Parents Bill (Senate Bills No. 29 of 2023) be now read a Second Time.

(Sen. Miraj Abdillahi Abdulrahman, MP – 19.10.2023)

Debate interrupted on Thursday 19th October, 2023 resumed;

There being no other Senator wishing to contribute;

And in the absence of the Mover;

The Temporary Speaker (Sen. Wakili Hillary Sigei, MP) deferred the replying to the Motion by the Mover to a later date.

9. THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO. 12 OF 2023)

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Prevention of Livestock and Produce theft Bill (Senate Bills No. 12 of 2023) be now read a Second Time.

(Sen. Samson Cherarkey, MP)

Debate interrupted on Tuesday 31st October, 2023 resumed;

QUORUM IN THE HOUSE

Raising on a point of order, pursuant to Standing Order 41(1), Nominated Senator (Sen. Joyce Korir, MP) drew the attention of the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) to the fact that there was no quorum in the House;

And the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) having counted the Senators present and confirming that there was no Quorum, caused the Quorum Bell to be rung for ten minutes;

And there being no Quorum after the expiry of ten minutes;

The Temporary Speaker (Sen. Wakili Hillary Sigei, MP), adjourned the Senate at ten minutes past Six O'clock without Question put, pursuant to the Standing Orders.

10. **SENATE ROSE** – at ten minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Thursday, November 02, 2023 at 2:30 p.m.*

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