



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, DECEMBER 07, 2023 AT 9.30 AM

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 Speaker, having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was no Quorum, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

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

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

4. **MESSAGES**

The Speaker conveyed the following Messages from the National Assembly –

- i.) **Passage by the National Assembly of the National Construction Authority (Amendment) Bill (National Assembly Bill No. 59 of 2022)**

“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 Construction Authority (Amendment) Bill (National Assembly Bill No. 59 of 2022).

The Message, which is dated Wednesday 6th December, 2023 was received on the same day 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 Construction Authority (Amendment) Bill (National Assembly Bill No. 59 of 2022) was published vide Kenya Gazette Supplement No. 189 of 18th November 2022 as a Bill to amend the National Construction Authority Act;

*AND WHEREAS, the National Assembly considered and passed the said Bill on Thursday, October 26, 2023 **without amendments** in the form attached hereto;*

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders 41 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 will at the appropriate time, direct the Clerk to Read a First Time, the National Construction Authority (Amendment) Bill (National Assembly Bill No. 59 of 2022).

I thank you!”

ii.) Passage by the National Assembly of the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 46 of 2022)

“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 Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 46 of 2022).

The Message, which is dated Wednesday 6th December, 2023 was received on the same day 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 Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 46 of 2022) was published vide Kenya Gazette

Supplement No. 171 of 28th October 2022 as a Bill to amend the Public Service (Values and Principles) Act;

AND WHEREAS, the National Assembly considered and passed the said Bill on Thursday, October 26, 2023 with amendments in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders 41 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 will at the appropriate time, direct the Clerk to Read a First Time, the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 46 of 2022).

I thank you!”

iii.) Passage by the National Assembly of the Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023)

“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 Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023).

The Message, which is dated Wednesday 6th December, 2023 was received on the same day 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 Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly—

WHEREAS, the Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023) was published vide Kenya Gazette Supplement No. 14 of 15th February 2023 as a Bill seeking to amend the provisions of the Statutory Instruments Act, 2013 to enable the Committee on Delegated Legislation to require the regulation making authority to submit to Parliament a copy of any regulation that ceases to have effect by operation of law. The Bill further obligates Parliament to notify the general public in two newspapers of wide circulation, that a Statutory Instrument which ceases to have effect by operation of law is a nullity;

*AND WHEREAS, on Wednesday, 8th November 2023 and Tuesday, 28th November 2023, the National Assembly considered the Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023) and passed it **with amendments** and in the form attached herewith;*

NOW THEREFORE, in accordance with the provisions of Article 110 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 will at the appropriate time, direct the Clerk to Read a First Time, the Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023).

I thank you!”

5. **PETITIONS**

- i.) Pursuant to Standing Order 238 (2) the Chairperson, Standing Committee on Education laid on the Table of the Senate, the Report of the Standing Committee on Education on a Petition by Ms. Ruth Kabui concerning payment of salary arrears to P1 teachers with ‘A’ level academic qualification from 1996 to 2010.
- ii.) Pursuant to Standing Order 238 (2) the Chairperson, the Standing Committee on Labour and Social Welfare laid on the Table of the Senate, the Report of the Standing Committee on Labour and Social Welfare on a Petition by Mr. Charles Njoroge on behalf of County Football Associations, concerning the mismanagement of football in the country by Football Kenya Federation (FKF).

6. **PAPERS LAID**

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

- i.) Report of the Ethics and Anti-Corruption Commission on the activities and financial statements for the financial year 2021/2022.

(The Senate Majority Leader)

- ii.) Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Tea (Amendment) Bill (Senate Bills No. 1 of 2023).

(The Deputy Senate Majority Whip on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

- iii.) Report of the Parliament of Kenya Delegation to the 13th Plenary Assembly of the Forum of Parliaments of the Member States of the International Conference on the Great Lakes Region (FP-ICGLR), held in Juba, South Sudan, from March 27th to 1st April, 2023.

(The Senate Majority Leader on behalf of Sen. Ali Ibrahim Roba, MP)

- iv.) Report of the Standing Committee on Education on a Petition by Ms. Ruth Kabui concerning payment of salary arrears for P1 teachers with 'A' level academic qualification from 1996 to 2010.

(The Chairperson, Standing Committee on Education)

- v.) Report of the Standing Committee on Labour and Social Welfare on a Petition by Mr. Charles Njoroge on behalf of County Football Associations, concerning the mismanagement of football in the country by Football Kenya Federation (FKF).

(The Chairperson, Standing Committee on Labour and Social Welfare)

- vi.) Statement relating to the activities of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration for the period July to December, 2023.

(The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration)

- vii.) Statement relating to the activities of the Standing Committee on Justice, Legal Affairs and Human Rights for the period July to December, 2023.

(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

- viii.) Statement relating to the activities of the Standing Committee on Trade, Industrialization and Tourism for the period July to December, 2023.

(The Chairperson, Standing Committee on Trade, Industrialization and Tourism)

- ix.) Statement relating to the activities of the Standing Committee on National Security, Defence and Foreign Relations for the period July to December, 2023.

(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)

- x.) Statement relating to the activities of the Standing Committee on Roads, Transportation and Housing for the period July to December, 2023.

(The Chairperson, Standing Committee on Roads, Transportation and Housing)

- xi.) Statement relating to the activities of the Select Committee on County Public Accounts for the period July to December, 2023.

(The Vice-Chairperson, Select Committee on County Public Accounts)

- xii.) Statement relating to the activities of the Select Committee on Public Investments and Special Funds for the period July to December, 2023.

(The Chairperson, Select Committee on Public Investments and Special Funds)

- xiii.) Statement on the business of the Senate for the Session.

(The Senate Majority Leader)

7. QUESTIONS AND STATEMENTS

a) Requests for Statements pursuant to Standing Order 53 (1)

- i.) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a statement from the Standing Committee on Education regarding delivery of centrally procured learning materials to schools.
- ii.) Nominated Senator (Sen. Esther Okenyuri), on behalf of Nominated Senator (Sen. George Mbugua, MP), sought a Statement from the Standing Committee on Labour and Social Welfare concerning the delay in the operationalization of the Social Assistance Act, 2013.
- iii.) Nominated Senator (Sen. Esther Okenyuri), on behalf of Nominated Senator (Sen. Mariam Sheikh Omar, MP), sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the escalation in ticket prices for flights operating from Mandera County.
- iv.) The Senator for Migori County (Sen. Eddy Oketch, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding diplomatic relations between Kenya and the Kingdom of Morocco.
- v.) Nominated Senator (Sen. Gloria Orwoba, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding the uplifting of football talent at the grassroot level.

- vi.) Nominated Senator (Sen. Tabitha Mutinda, MP) sought a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding the assault of a female passenger by a matatu conductor along Thika Road.
 - vii.) The Senator for Kiambu County (Sen. Karungo Thangwa, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding the rising fatalities resulting from hyena attacks in Witeithie Ward of Kiambu County.
 - viii.) The Senator for Lamu County (Sen. Joseph Kamau, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing concerning maintenance of the Lamu-Garsen road.
 - ix.) The Senator for Lamu County (Sen. Joseph Kamau, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the resettlement of residents occupying land intended for a power generation plant in Lamu County.
 - x.) The Senator for Nyandarua County (Sen. John Methu, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding alleged grabbing of the Douglas dam in Tulaga and Muruaki Schemes in Nyandarua County.
 - xi.) The Senator for Nakuru County (Sen. Tabitha Keroche, MP) sought a Statement from the Standing Committee on Health on the closure of the Nakuru War Memorial Hospital and the transfer of patients to the Nakuru Provincial General Hospital.
 - xii.) The Senator for Nakuru County (Sen. Tabitha Keroche, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources on the land ownership over the Nakuru War Memorial Hospital in Nakuru County.
- b) Statements by Committee Chairpersons 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 July to December, 2023.
 - ii.) The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration made a Statement relating to the activities of the Committee for the period July to December, 2023.

- iii.) The Chairperson, Standing Committee on National Security, Defence and Foreign Relations made a Statement relating to the activities of the Committee for the period July to December, 2023.
- iv.) The Chairperson, Standing Committee on Trade, Industrialization and Tourism made a Statement relating to the activities of the Committee for the period July to December, 2023.
- v.) The Chairperson, Standing Committee on Roads, Transportation and Housing made a Statement relating to the activities of the Committee for the period July to December, 2023.
- vi.) The Vice-Chairperson, Select Committee on County Public Accounts made a Statement relating to the activities of the Committee for the period July to December, 2023.
- vii.) The Chairperson, Select Committee on Public Investments and Special Funds made a Statement relating to the activities of the Committee for the period July to December, 2023.

c) Statement pursuant to Standing Order 57(1)

The Senate Majority Leader issued a Statement on the business of the Senate for the Second Session.

8. **THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2022)**

(Sen. Samson Cherarkey, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Labour and Social Welfare.

9. **THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 59 OF 2022)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Roads, Transportation and Housing.

10. **THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2023)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Justice, Legal Affairs and Human Rights.

11. **MOTION – ADJOURNMENT OF THE SENATE**

Order read;

Motion made and Question proposed;

THAT, pursuant to Standing Order 31 (3), the Senate do adjourn until Tuesday, 13th February, 2024.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

The Temporary Speaker (Sen. Catherine Mumma, MP) adjourned the Senate at fifteen minutes past One O'clock pursuant to Standing Order 34(2A), without Question put.

12. **SENATE ROSE** – at fifteen minutes past One O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, February 13, 2024 at 2:30 p.m.*

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