



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, DECEMBER 03, 2024 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, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

And there being a Quorum before the expiry of the 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 from the Centre for Pan African Affairs (USA Chapter)

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, a visiting delegation from the Centre for Pan African Affairs (USA Chapter). The delegation is composed of eight (8) dignitaries who are in the Senate on a one-day study visit.

Honourable Senators,

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

- | | | | | |
|----|------------------------------|----------------------|------------|---------|
| 1. | Mr. John W. Milton, Esq. | Attorney, | Archbishop | Imani |
| | | Temple | | |
| 2. | Mr. Seanice M. Etienne, Esq. | Attorney | | |
| 3. | Mr. Joseph Johnson Jr. | Businessman | | |
| 4. | Ms. Aleisha Johnson Cook | Principal Consultant | – | AJC |
| | | Business Solutions, | | Adjunct |

- Professor – University of Louisiana, Lafayette College Business
5. Mr. Christopher J. Williams, PHD Founder and CEO, SUNVESTKA
 6. Ms. Brenda Wanjiku Wanyoike Project Specialist, SUNVESTKA
 7. Mr. George Ndhawa Director – International Liaison, Centre for Pan African Affairs Kenya
 8. Mr. Ismail Owuor Director – Membership and Recruitment, Centre for Pan African Affairs Kenya

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish you a fruitful visit.

Thank you.”

(b) Visiting Delegation from the Centre for Parliamentary Studies and Training (the CPST)

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation from the Centre for Parliamentary Studies and Training. The Centre for Parliamentary Studies and Training is conducting a training on Evidence Based Report Writing for Members of Staff from the Parliament of Namibia, a clerk assistant from the County Assembly of Mandera and Research Officers from various Services of the Parliament of Kenya.

Honourable Senators,

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

1. Ms. Dorothy Fransman Deputy Director, Committee Services
2. Mr. Himuvi Mbingeneeko Deputy Director
3. Mr. Bonifatius Amadhila Parliamentary Clerk
4. Ms. Moringa Goagoses Parliamentary Clerk
5. Mr. Brian Riruako Parliamentary Clerk
6. Mr. Mwala Neo Chief Parliamentary Clerk
7. Ms. Hilde Kapuku Chief Parliamentary Clerk

- | | | |
|-----|-------------------------|---------------------------|
| 8. | Ms. Moono Matengu | Chief Parliamentary Clerk |
| 9. | Ms. Amelia Katangolo | Chief Parliamentary Clerk |
| 10. | Ms. Pamela Mate | Chief Parliamentary Clerk |
| 11. | Ms. Elizabeth Andreas | Parliamentary Clerk |
| 12. | Ms. Priskila Kulula | Parliamentary Clerk |
| 13. | Ms. Valerie J. Chemweno | Research Officer |

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish you a fruitful visit.

Thank you.”

5. **MESSAGES FROM THE NATIONAL ASSEMBLY**

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

(a) Approval of the appointment of a Member to the Parliamentary Service Commission

“Honourable Senators,

I wish to report to the Senate that I have, pursuant to Standing Order 46 (3), received the following Message from the National Assembly regarding the approval of the appointment of a Member to the Parliamentary Service Commission.

The Message, dated Tuesday, 26th November, 2024, was received in the Office of the Clerk of the Senate on the same day.

Pursuant to Standing Order 46 (4), I now report the Message –

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

WHEREAS, Article 127(2)(c) of the Constitution provides for the appointment, by Parliament, of four Members of Parliament nominated equally from both Houses by the party or coalition of parties forming the national government, of whom at least two shall be women;

AND WHEREAS, following the resignation of Sen. John Kinyua, MP from the Parliamentary Service Commission, Sen. Wahome Wamatinga, MP was nominated to fill the vacancy occasioned by the said resignation;

FURTHER WHEREAS, in accordance with the provisions of Article 127(2)(c) of the Constitution, by a Resolution passed on Tuesday, 26th November 2024, the National Assembly approved the appointment of Sen. Wahome Wamatinga, MP to the Parliamentary Service Commission;

NOW THEREFORE, pursuant to the provisions of the Standing Order 41(1) of the National Assembly Standing Orders, I hereby convey the decision of the National Assembly to the Senate.”

Honourable Senators,

Having concluded the bicameral approval of the appointment of Sen. Wahome Wamatinga for the Position of Member, Parliamentary Service Commission, the Senator, this afternoon, took his oath of office, pursuant to Section 46 of the Parliamentary Service Act.

I thank you.”

(b) Approval of the Mediated Version of the Division of Revenue (Amendment) Bill (National Assembly Bills No. 38 of 2024)

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3), I received the following Message from the Speaker of the National Assembly regarding the approval, by the National Assembly, of the Mediated Version of the Division of Revenue (Amendment) Bill (National Assembly Bills No. 38 of 2024).

The Message, dated Friday, 29th November, 2024, was received in the Office of the Clerk of the Senate on Monday, 2nd December, 2024.

Pursuant to Standing Order 46 (4), I now report the Message –

“PURSUANT to the provisions of Standing Order 41 (1) and 150 (4)(b) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, on Wednesday, 16th October 2024, the National Assembly considered and rejected the Senate amendments to the Division of Revenue (Amendment) Bill (National Assembly Bills No. 38 of 2024) thereby committing the Bill to a mediation committee, in accordance with the provisions of Article 112 (2)(b) of the Constitution;

AND WHEREAS, on Friday, 18th October, 2024 and Tuesday, 5th November, 2024, the National Assembly and the Senate, respectively, appointed Members to a Mediation Committee to develop a mediated version of the said Bill;

AND WHEREAS, on Wednesday, 27th November 2024, the National Assembly considered the Mediated Version of the Division of Revenue (Amendment) Bill (National Assembly Bills No. 38 of 2024) and passed it without amendments and in the form developed by the Mediation Committee;

NOW THEREFORE, in accordance with the provisions of Article 113 (3) of the Constitution and Standing Order 150 (4)(b) of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

Honourable Senators,

As you are aware, the Senate, on Thursday, 28th November, 2024, also approved the Mediated Version of the Division of Revenue (Amendment) Bill (National Assembly Bills No. 38 of 2024).

Accordingly, the Bill, having been passed by both Houses, will be referred to His Excellency the President for assent, pursuant to Article 113 (3) of the Constitution.

I thank you.”

(c) Passage of the Coffee Bill (Senate Bills No. 10 of 2023)

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3), I received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Coffee Bill (Senate Bills No. 10 of 2023).

The Message, dated Friday, 29th November, 2024, was received in the Office of the Clerk of the Senate on Tuesday, 3rd December, 2024.

Pursuant to Standing Order 46 (4), I now report the Message –

“PURSUANT to the provisions of Standing Order 41 (1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the Coffee Bill (Senate Bill No. 10 of 2023), which was published as a Bill concerning county government to provide for, inter alia, the regulation of the coffee industry in the country, was passed by the Senate on Thursday, 21st March 2024 and thereafter referred to the National Assembly for consideration pursuant to the provisions of Article 110(4) of the Constitution;

AND WHEREAS, the National Assembly considered the said Bill and passed it with amendments on Wednesday, 27th November 2024, in the form attached herewith;

NOW THEREFORE, in accordance with the provisions of Article 112(1)(b) of the Constitution and Standing Orders 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

Honourable Senators,

Article 112 (1) (b) of the Constitution provides that if one House passes an ordinary Bill concerning counties and the second House passes the Bill in an amended form, it shall be referred back to the originating House for reconsideration.

Honourable Senators,

In this regard, I direct the Standing Committee on Agriculture, Livestock and Fisheries to deliberate on the National Assembly amendments and report to the Senate. Further, pursuant to Standing Order 165 (1) of the Senate Standing Orders, I direct that the National Assembly amendments to the Coffee Bill (Senate Bill No. 10 of 2023) be circulated to all Senators. At an

appointed time, the Senate Business Committee will schedule the consideration of the amendments.

The House is accordingly guided.

I thank you.”

6. **PAPER LAID**

The following Paper was laid on the Table of the Senate:

Report of the Standing Committee on Finance and Budget on the consideration of the Presidential Memorandum on Referral of the County Allocation of Revenue Bill (Senate Bills No.25 of 2024).

(Chairperson, Standing Committee on Finance and Budget)

7. **STATEMENTS**

a) Statement pursuant to Standing Order 52(1)

The Senator for Meru County (Sen. Kathuri Murungi, MGH, MP) made a Statement regarding the persistent challenges facing the miraa sector in the Somalia market and other related issues. He emphasized that Somalia's suspension of flights from Kenya had harmed the livelihoods of thousands of farmers who rely on Miraa as their primary income source.

Thereupon, Sen. Kathuri stated that, in addition to the above, the sector was plagued by cartel-like activities that exploited farmers, leading to drastic price reductions and further economic hardships and that challenges facing the Miraa sector were exacerbated by mismanagement, cartel exploitation and lack of transparency.

The Senator called upon the government to address the diplomatic tensions with Somalia, propose ways of dismantling the cartels exploiting Miraa farmers and ensure greater transparency in the allocation of funds related to Miraa exports. Additionally, the Senator urged the government to diversify export markets, consider diplomatic solutions that would lead to reopening of the Somalia market, provide updates on any efforts to reopen other closed markets and put strategies in place to protect the future of the sector.

b) Statements pursuant to Standing Order 53 (1)

- i) Seneta wa Kaunti ya Mombasa (Sen. Mohamed Faki, Mb.) aliomba Kauli kutoka kwa Kamati ya Kudumu ya Leba na Ustawi wa Jamii kuhusu kucheleweshwa kwa malipo ya uzeeni ya wafanyikazi waliostaafu wa Shirika la Kenya Aerotech.
- ii) Request for a Statement by Nominated Senator (Sen. Gloria Orwoba, MP) from the Standing Committee on Finance and Budget regarding alleged unilateral investment of funds by the management of the Unclaimed Financial Assets Authority (UFAA) was **dropped** in the absence of the Senator.

- iii) The Senator for Nandi County (Sen. Samson Cherarkey, MP), on behalf of the Senator for Kajiado County (Sen. Seki Lenku Ole Kanar, MP), sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the re-issuance of land title deeds belonging to Mbirikani Group Ranch that were stolen from Kimana Police Station in Kajiado County.
- iv) The Senator for Nandi County (Sen. Samson Cherarkey, MP), on behalf of the Senator for Kajiado County (Sen. Seki Lenku Ole Kanar, MP), sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning alleged theft of a safe box containing land title deeds and other critical official documents belonging to Mbirikani Group Ranch from Kimana Police Station.
- v) Nominated Senator (Sen. Crystal Asige, MP) sought a Statement from the Standing Committee on Education regarding the plight of Ms. Rachel Nasimiyu Barasa on claims of indirect discrimination due to her disability.
- vi) The Senator for Kisii County (Sen. Richard Onyonka, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding continued logging and degradation of forests in Kenya.
- vii) The Senator for Kisii County (Sen. Richard Onyonka, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations on the plight of missing Kenyan citizens in Saudi Arabia and other foreign countries.
- viii) The Senator for Lamu County (Sen. Joseph Githuku, MP) sought a Statement from the Standing Committee on Health regarding the supply of pharmaceutical and non-pharmaceutical products to hospitals in Lamu County.

8. **MOTION – REPORT OF THE JOINT SITTINGS OF THE STANDING COMMITTEE ON FINANCE AND BUDGET OF THE SENATE AND THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING OF THE NATIONAL ASSEMBLY ON THE NOMINATION OF MR. GERALD NYAOMA ARITA FOR APPOINTMENT TO THE POSITION OF DEPUTY GOVERNOR OF THE CENTRAL BANK OF KENYA**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Joint Sittings of the Standing Committee on Finance and Budget of the Senate and the Departmental Committee on Finance and National Planning of the National Assembly on the nomination of Mr. Gerald Nyaoma Arita for appointment to the position of Deputy Governor of the Central Bank of Kenya laid on the Table of the Senate on Thursday, 28th November, 2024; and pursuant to Section 13B (1) of the Central Bank of Kenya Act and Section 8 of the Public Appointments (Parliamentary Approval) Act, approves the nomination of Mr.

Gerald Nyaoma Arita for appointment to the position of the Deputy Governor of the Central Bank of Kenya.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 84(2), the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) ruled that the Motion did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate adopts the Report of the Joint Sittings of the Standing Committee on Finance and Budget of the Senate and the Departmental Committee on Finance and National Planning of the National Assembly on the nomination of Mr. Gerald Nyaoma Arita for appointment to the position of Deputy Governor of the Central Bank of Kenya laid on the Table of the Senate on Thursday, 28th November, 2024; and pursuant to Section 13B(1) of the Central Bank of Kenya Act and Section 8 of the Public Appointments (Parliamentary Approval) Act, approves the nomination of Mr. Gerald Nyaoma Arita for appointment to the position of the Deputy Governor of the Central Bank of Kenya.

9. **THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL (SENATE BILLS NO. 14 OF 2024)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the County Assemblies Pensions Scheme Bill (Senate Bills No. 14 of 2024) be now read a Second Time.

(The Senate Majority Leader – 20.11.2024)

Debate interrupted on Wednesday, 20th November, 2024 (Afternoon Sitting) 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. Wakili Hillary Sigei, MP) to defer putting of the Question to a later date;

And the Temporary Speaker (Sen. Wakili Hillary Sigei, MP), acceding to the request, deferred the putting of the Question to a later date.

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

10. **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
Wednesday, December 04, 2024 at 9:30 am*

--x--