

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Thursday, 4th May, 2023**

*The House met at the Senate Chamber,
Parliament Buildings, at 2.33 p.m.*

[The Speaker (Hon. Kingi) in the Chair]

PRAYER**DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING**

The Speaker (Hon. Kingi): Clerk, do we have quorum?

(The Clerk-at-the-Table consulted the Speaker)

Clerk, please, proceed to call the first Order.

COMMUNICATIONS FROM THE CHAIR**VISITING DELEGATION FROM THE INSTITUTE OF
ECONOMIC AFFAIRS, KENYA**

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting officials and interns from the Institute of Economic Affairs, Kenya. Two of the interns are undergraduate students at the American University in Washington DC and one at the University of Passau in Germany. They are on a one day study tour in the Senate.

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to the visitors. On behalf of the Senate and on my own behalf, I wish them a fruitful visit

**VISITING DELEGATION FROM THE
COUNTY ASSEMBLY OF KITUI**

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation from the County Assembly of Kitui comprising of Members of the Speaker's Panel and Table Clerks. The delegation is undertaking a four day training at the Centre for Parliamentary Studies and Training (CPST).

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

Hon. Kevin Kinengo Katisya	-	Speaker
Hon. Christopher Nzioka Nzilu	-	Deputy Speaker
Hon. Paul Maluki	-	Member
Hon. Fastina Mwendu Solomon Salu	-	Member
Hon. Muthama Musyoka Kieti	-	Member
Hon. Elijah M. Mutambuki	-	Clerk of the Assembly
Ms. Lucy Waema	-	Deputy Clerk
Mr. Josephat Kwanda	-	Principal Clerk Assistant
Mr. Cyrus Kiema	-	Senior Clerk Assistant
Mr. Andrew Mulandi	-	First Clerk Assistant
Mr. Jacob Kimanzi	-	First Clerk Assistant

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to the delegation. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I will allow the Senate Majority Leader to say brief welcoming remarks to welcome the delegation from the Institute of Economic Affairs, Kenya (IEA Kenya). Thereafter, I will allow Sen. Maanzo to welcome the delegation from the County Assembly of Kitui, in that order.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. On behalf of the senate, I would like to welcome the visiting interns from the Institute of Economic Affairs, one of the most distinguished and decorated think tanks that we have in this Republic.

Mr. Speaker, Sir, you will struggle to find their peers, both locally, regionally and even globally. Despite the fact that they may not have the stature in terms of a brand of the global think tanks that have been in existence for many years more them, I know for a fact, that the IEA Kenya is one institution that has done a lot of research in public policy decision making in this Republic.

Mr. Speaker, Sir, I know this because in my time that I served in the Committee on Budget and Finance, there is no single budgetary document, policy decision or the revenue formulas that we debated in that Committee, that did not have the input of this institution.

On many occasions, they send the memorandum and appear before various Committees of this House to give their thoughts. Many of the times, they did not agree with the direction that the Government was taking. They would give substantive reasoning behind their points of departure. There are not many such institutions in our country.

Mr. Speaker, Sir, for us to get a visit by these distinguished members, who work in that particular institution, is a great honour. I believe that in the course of their visit, they will interact with the various Committees of the House, see the Session this afternoon and appreciate the workings of the Parliament outside the Committees, where most of the time we meet members of the Institute of Economic Affairs in Kenya.

I believe that they have enjoyed the full course of their study in both the country and here in Parliament, especially those that are from outside the Republic of Kenya.

I welcome them and wish them a fruitful stay for the remainder of their time here in the country. I hope they will carry with them the great lessons that they have learnt in the course of their study.

Mr. Speaker, Sir, we will continue to receive and applaud the challenging documents that they send to this institution every time we are considering serious decisions. Also, for their well-reasoned arguments as to why they agree or sometimes disagree as it is the case on many occasions with certain policy decisions taken by Parliament or the Executive.

Thank you, Mr. Speaker, Sir.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. On behalf of the Senator for Kitui County, Sen. Wambua, I welcome the team from Kitui County.

Recently, we went to there with Sen. Wambua, when he was making his address to the county, with quite a number of Senators, including Sen. Tabitha Mutinda, who is originally from Kitui County. She is part of Nairobi and Meru team. We were treated very well. I hope Members will learn a lot from us and implement the same.

Mr. Speaker, Sir, Mr. Kinengo of Kitui County is a well-polished lawyer. I am sure that he is doing well with the rest of the team. With your kind permission, I request Sen. Tabitha Mutinda to also welcome the team. We shared good moments with them recently.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Next Order.

Sen. Maanzo, I did not get you.

Sen. Maanzo: Mr. Speaker, Sir, with your permission, I pleaded with you to also allow, Sen. Tabitha Mutinda who comes from the same county where we were recently welcomed. As I said, she is also from Nairobi and Meru counties. So, I was seeking to donate a minute to her.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Maanzo, you had a minute which you utilised fully. Which another minute is this that you are donating?

Sen. Maanzo: Mr. Speaker, Sir, I just seek your indulgence, with your permission.

The Speaker (Hon. Kingi): Sen. Tabitha Mutinda, I give you one minute.

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. I am humbled for giving me this opportunity. I am not feeling well today, but I am happy to see my motherland delegation, which is Kitui County.

We visited Kitui County and they welcomed us with the Eastern Delegation well. I offer the same and welcome them to the 'Upper' House of this Parliament, the Senate. As you go back to our people and my motherland, Kitui County, pass my regards to our people.

God bless you.

The Speaker (Hon. Kingi): Clerk, proceed to the next Order.

PETITION**REFURBISHMENT AND EXPANSION OF
KAJIADO MUNICIPALITY MARKET**

Sen. Seki: Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No. 232(1)(b), I hereby present to the Senate a Petition submitted by the Kajiado Municipality Clothes Market Traders who are citizens of the Republic of Kenya and residents of Kajiado County.

As you are aware, under Article 119 (1) of the Constitution, I quote-

“Every person has a right to Petition Parliament to consider any matter within its authority, including enacting amending or repealing any legislation.”

The salient issues raised in the said Petitions are as follows-

(1) THAT, during the Financial Year 2020/2021, the County Government of Kajiado received an allocation of Kshs63,061,157.20 on 2nd July, 2021 from the World Bank via the State Department of Housing and Urban Development.

The funds were meant to refurbish and expand the Kajiado Municipality Market to accommodate the clothes market vendors who had been displaced by the previous Kenya Urban Support Programme (KUSP) project of public square.

(2) THAT, it had been mutually agreed between the county government through the municipality and the traders under the resettlement of the action plan for the World Bank; that the traders will permanently be settled in the upgraded market within a designated open, but roofed area for their business. In the meantime, the municipality was to provide a street where the traders would temporarily operate from during the transition period.

(3) THAT, the refurbished market was to meet the following objectives-

- (a) Provide adequate and viable space for all the clothes traders.
- (b) Provide a business space to shed traders from environment factors.
- (c) Provide traders a trading space that meets sanitation standards.
- (d) Provide a one stock market for all merchandise where all town streets

would be freed from street vendors thus guaranteeing all traders equal access to customers.

(4) THAT, the mentioned conditions were adopted by the County Government, the World Bank and the State Department for Housing and Urban Development, as a condition for approving the 2019/2020 KUSP Project Expenditure.

(5) THAT, in January, 2021, the County Government of Kajiado put on its website a tender notice for the proposed Construction of Kajiado Market and other Works at Kajiado Town, as Tender No.2 of 2021/2022 and under IFMIS negotiation No.932676.

The tender process was undertaken by the County Government, and the contract awarded to the Bellin Mark Contractors at a contract sum of Kshs56,214,411.90.

THAT, the county government now claims that the market is complete and it is now whipping the traders to occupy the market despite the output of the market being a shadow of what was intended and budgeted for.

Most elements were scaled down, while others, such as solar lights, control gates, water tanks, upstairs stalls, solid wastes sorting chambers, street-mounted solid waste

bins, constructions of the market, stormwater drainage channels, channel fittings and fixtures, fixtures for the cultural high streets were all together left out. It is important to note that no corresponding review was made on the contract sum to give value for money.

THAT, the issue presented to this Petition had been raised with the relevant bodies, including the County Government of Kajiado. However, our issue has not been addressed. None of the issues raised in this Petition are pending before any court of law, constitutional or any other legal body.

THAT, consequently, the petitioners pray that the Senate investigate this matter with a view to ensuring that the value put on the market was fully utilized prior to traders being allowed to use the market and recommend a fullproof management system of municipal urban areas projects which are funded through third-party collaborations and national Government guaranteed loans or grants. This may include, but not limited to total financial accountability of municipality to county assembly as required by the Public Finance Management (PFM) Act.

(Sen. Cherarkey and Sen. Kavindu consulted the Clerk-at-the-Table)

The Speaker (Hon. Kingi): Senators, kindly, resume your seats.

(Sen. Cherarkey and Sen. Kavindu took their seats)

Hon. Senators, pursuant to Standing Order 237, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes. The Floor is now open.

Proceed, Sen. Beatrice.

Sen. Ogolla: Thank you, Mr. Speaker, Sir, for giving me the chance.

I rise to support the petition by Ann Gitau on behalf of Kajiado Municipality Clothes Market Traders concerning the refurbishment and expansion of Kajiado Municipality.

Mr. Speaker, Sir, the Urban Areas and Cities Act provided for the creation of municipalities in our counties. The municipalities as they were, are supposed to be points of growth in our counties. The scenario in Kajiado Municipality is not only peculiar to Kajiado County, but it is the same story that could be elsewhere.

A municipality or a market as it is, cannot only be the buildings, but it is about the services that are supposed to be offered to our people. There must be a provision for fresh produce area. We must have a provision for shops, restaurants, sanitation and stormwater drainage as the Senator has stated.

Mr. Speaker, Sir, if a municipality is established and these services are not provided to our people, then that is very unfair. You find that a market is established, but funds are provided for it. Whether they are county funds or World Bank funds, it is important that these funds are put to use.

Let me give the story of Homa Bay County where I come from whose story is similar to that of Kajiado County. We have a great market in Mbita Town which has recently also been upgraded to a municipality. A market was established there and funds were put, but you will find the state of the market very deplorable. Our people do not

have the provision of a drainage system in the market. When it rains, as it is now, the state of Mbita Market is deplorable.

In the same county, we have Oyugis Municipality. A market was built there at a cost of over Kshs360 million. It is pathetic that none other than the Head of State came to Homa Bay and we raised the issue of Oyugis Municipality to which a commitment was made to the leadership of Homa Bay. However, up to date, nothing has happened.

Mr. Speaker, Sir, we cannot have a situation where funds are given, markets established yet all we see are incomplete buildings and facilities dotted all over the county. This issue must be looked into.

We must get the original facilities that the Kajiado Municipality Market was supposed to give. We must get a commitment from the person that was given this work as to when he is going to complete the work. I support this petition.

The Speaker (Hon. Kingi): Proceed, Sen. Cherarkey.

Sen. Cherarkey: Mr. Speaker, Sir, I rise to support this Petition. I thank Sen. Seki, the Senator of Kajiado County. I also welcome my brother, Kevin Katisya, the Speaker of Kitui County Assembly, and his team to the Senate. Speaker Katisya is a very good friend of mine and he knows that I am one of the best champions of MCAs in the country at the moment.

Mr. Speaker, Sir, I support this petition because markets are very important. Those of us who do shop for groceries know that when you walk there, you will find dilapidated buildings and pathetic conditions in most towns.

We must agree that the dilapidated and pathetic state of markets is the cause of most of these diseases. The other day, I saw there was an outbreak of cholera. If you go to Gikomba and across many markets very early in the morning, you find women, men and young people waking up as early as 4 a.m. to use those markets.

Most of these markets are very dirty with no running water. The sad state of affairs is that most of these markets do not have the proper design where they have even alleys of evacuation in case of fire. We have seen in a number of fire outbreaks at Nairobi's Gikomba Market to be specific.

This Petition is very timely. I hope that the County Government of Kajiado and other county governments will prioritize building of markets. As you are aware, the Kenya Kwanza Government, which is led by His Excellency the President (Dr.) William Ruto, has shown an indication that at least every city, including Nairobi and Mombasa, will get a storey building market because of limited space. In fact, at Kapsabet Market, which is in my county, there is no water, toilets and electricity.

Sen. Faki: On a point of information.

The Speaker (Hon. Kingi): Sen. Cherarkey, would you wish to be informed?

Sen. Cherarkey: Is it a point of order or information?

The Speaker (Hon. Kingi): Point of information.

Sen. Cherarkey: Okay. He can inform me today only.

Sen. Faki: Mr. Speaker, Sir, I would like to inform the Senator for Nandi that Mombasa has a storey market. Kongowea Market has a storey facility. So, there is no problem in Mombasa.

The Speaker (Hon. Kingi): Sen. Cherarkey, please, proceed.

Sen. Cherarkey: Thank you, Sen. Faki, for that information.

Mr. Speaker, Sir, I was Sen. Faki's Chair and I can see he is learning quickly.

The Speaker (Hon. Kingi): Just proceed.

Sen. Cherarkey: Mr. Speaker, Sir, it was on a light note. As much as we have Kongowea Market, we can still add others because Mombasa is a city.

In conclusion, Kapsabet Market is in a pathetic condition. There is no running water and electricity and workers have no way of collecting garbage. Can you imagine the market was built during pre-colonial times?

I know most of the markets across the country, including the one mentioned by the petitioners from Kajiado, you will find hardworking women.

The sad thing is that those marketmen and women pay taxes to the counties. They pay for permits and licensing. Unfortunately, there is a lot of dereliction by most county governments. I believe the issue of markets is within the domain and purview of most county governments.

Mr. Speaker, Sir, with those few remarks, I congratulate Sen. Seki. We hope that when the report is given to the petitioners, the area Senator and the Senate, shall have a modern market in Kajiado that will serve the *mama mbogas* and the traders of that region.

I thank you.

The Speaker (Hon. Kingi): Sen. Orwoba, proceed.

Sen. Orwoba: Mr. Speaker, Sir, I rise to support the Statement on the Kajiado Municipality Clothes Market.

(Sen. Ali Roba crossed the Floor without bowing to the Chair)

Sen. Wambua: On a point of order, Mr. Speaker, Sir. Did you see what the Senator for Mandera County did? He crossed from that side to this side looking at you. When he heard me requesting for a point of order, he went to the Bar. Can you warn the Senator for Mandera to behave in a manner that suggests that he is a senior leader in this House?

The Speaker (Hon. Kingi): Sen. Ali Roba, you stand cautioned for the day. Proceed, Sen. Orwoba.

Sen. Orwoba: Mr. Speaker, Sir, I rise to support the Petition on Kajiado Municipality Clothes Market. My contribution towards this mainly is to point out that while we are striving to ensure that we have market places for our traders, there has been a common theme; that once the tender has been put out and awarded, there are always delays in execution of construction in different parts of the country.

At one point, the value adds scale down, then you end up with a structure that is not what was proposed in the budget. This is not the first time that this kind of thing has happened. It is a common habit out there that tenderpreneurs take advantage of market tenders.

There are many proposals of market places, but they do not focus on what traders are looking for. You will find a proposal to construct a market far away from the traders. Most of the time, once the building is complete, you do not have any traders wanting to be in that market.

We have had situations in Kisii County and even here in Nairobi City County, where once a market is complete, traders do not want to use it because the proximity of the clients and them is not economically viable.

Even as we ensure that we play oversight on some of these projects, it is high time we considered having public participation before we put up big proposals of markets to ensure that we meet the needs of the scalers.

In conclusion, as the Kenya Kwanza Government is striving to ensure that we give to the electorate what we promised in terms of the *mama mboga* and the small-scale traders, we adopt some of the international standards that we have on markets.

If you go to a country like Ghana, you will see that they try as much as possible to have markets that are within the reach of the clients and the traders. There is an example of a market in Accra, Ghana, called Makola Market, where traders want to invest because it meets their needs.

Mr. Speaker, Sir, as I support, I hope that we will ensure that something is done so that the market is complete.

The Speaker (Hon. Kingi): Sen. Wambua, you have the Floor.

Sen. Wambua: Thank you, Mr. Speaker, Sir, for this opportunity to also make a comment on this Petition. First, I thank the petitioners for choosing to bring this matter to the Floor of the Senate. That is in itself a manifestation of the faith and confidence that the people of Kajiado have in this Senate. They believe that this matter will be better canvassed here.

Without going into the details of this Petition, there is a matter that, as the Senate of the Republic of Kenya, we need to address ourselves to. There are issues that come before us, which in my honest and humble opinion, should be, first, canvassed by the county assemblies. I say this for a reason.

One of the roles and responsibilities of the Senate is to help build the capacity of our respective county assemblies, so that matters that county assemblies can handle are handled there. If they are not resolved, then they can come to the Senate and we deal with them.

I support the Petition and hope that the Committee, to which this Petition will be referred to, will do a good job and ensure that justice is done.

Mr. Speaker, Sir, with your indulgence, while I was away undertaking other important issues of this nation, a delegation visited this Senate from Kitui County Assembly. If you allow me a minute, I want to take this opportunity---

The Speaker (Hon. Kingi): Proceed. You have one minute.

Sen. Wambua: Mr. Speaker, Sir, I would like to take this opportunity to warmly welcome the visiting delegation from Kitui County lead by our able Speaker, Hon. Kinengo. For the information of this House, Hon. Kinengo is the youngest Speaker in the county assemblies in Kenya. He is doing a good job with his team.

I take this opportunity to warmly welcome them to the Senate to see the Floor on which their Senator excels and does good things for the County of Kitui.

Mr. Speaker, Sir, with those remarks, I welcome them and thank you.

The Speaker (Hon. Kingi): Hon. Senators, having utilised fully the 30 minutes allowable under Standing Order No.237, I will proceed to make the following directives.

Sen. (Dr.) Khalwale, Sen. Cherarkey and Sen. Wambua, kindly have your seats.

*(Sen. (Dr.) Khalwale, Sen. Cherarkey and
Sen. Wambua sat at their places)*

Hon. Senators, pursuant to Standing Order No.238(1), the Petition should be committed to the relevant Standing Committee for its consideration.

In this case, I direct that the Petition be committed to the Senate Standing Committee on Devolution and Intergovernmental Relations.

Secondly, in terms of Standing Order No.238(2), the Committee is required in not more than 60 calendar days, from the time of reading this prayer, to respond to the Petitioner by way of a report, addressed to the petitioner and laid on the Table of the Senate.

*(The Petition was committed to the Committee on
Devolution and Intergovernmental Relations)*

Before, the Clerk calls the Next Order---

(Sen. Chimera stood at the Bar)

Have your seat, Sen. Chimera.

(Sen. Chimera entered the Chamber)

The Speaker (Hon. Kingi): Hon. Senators, before the Clerks call out the next Order, pursuant to Standing Order No.45(2), I will proceed to arrange the sequence of today's business.

We will proceed with Order Nos.11 and 12 and then, we will resume the normal business as outlined in today's Order Paper.

Clerk, kindly, proceed to call that Order.

The Speaker (Hon. Kingi): Serjeant-at-Arms, kindly, ring the Division Bell for five minutes.

(Division Bell was rung)

The Speaker (Hon. Kingi): Serjeant-at-Arms, kindly, close the doors and draw that bar.

(The Bar was drawn and doors were closed)

(Loud consultation)

Order, Members! Order!

Hon. Members, kindly have your seats.

Sen. Korir and Sen. Gataya Mo Fire, you can extend your talks after the hours of the House.

(Laughter)

(The Clerk-at-the-Table consulted the Speaker)

Order! Order, Senators! We have two orders that are proceeding to Division. We are going to start with Order No. 11.

BILL

Second Reading

THE EQUALIZATION FUND APPROPRIATION BILL
(SENATE BILLS NO.3 OF 2023)

(Sen. Tabitha Mutinda on 19.4.2020)

(Resumption of debate interrupted on 2.5.2023)

(Division)

Now, Hon. Senators, we will vote electronically. Therefore, I direct that you all log out. Serjeant-at-Arms, kindly proceed to secure the cards that are still logged in.

(Serjeant-at-Arms secured the cards)

Hon. Senators, you may now log in.

(Sen. (Dr.) Murango consulted loudly)

(Laughter)

Order, Sen. Murango! You are out of order and I have cautioned you for the day. That is your first caution for the day.

Hon. Senators, I want to believe that you are now logged in. Once you are ready--
- Sen. Commissioner! Where is he?

An Hon. Senator: She is a she not he! Sen. Korir.

The Speaker (Hon. Kingi): She has no vote. So, Hon. Senators, you can now proceed to vote by either pressing yes, no or abstain. Kindly, proceed to vote.
Clerk!

(The Clerk-at-the-Table consulted the Speaker)

Hon. Senators, the technology has failed us today. Therefore, we shall proceed manually in these two divisions, but we may end up taking a while.

To save time, I will put the question for the second Division, so that when your name is called, you vote twice. First, for the Equalization Fund Appropriation Bill (Senate Bills No. 3 of 2023) and for the other Division. That way, we will be able to save time.

Hon. Senators, allow me to put the question.

(Question put)

The Speaker (Hon. Kingi): Let us proceed and appoint tellers for the ‘noes’ and ‘ayes.’ Is the teller for the noes Sen. Chimera or Sen. Kibwana? So, Sen. Kibwana is the teller for the noes and Sen. Orwoba is the teller for the ayes.

(Technical hitch)

The Speaker (Hon. Kingi): Clerk, you can proceed to call the names.

(Voting in progress)

(Technical hitch)

The Speaker (Hon. Kingi): Clerk, can you provide the wireless microphones? When I rise, I wish to see the Head of Information, Communication and Technology (ICT). This cannot be tolerated.

(Voting in progress)

The Speaker (Hon. Kingi): Hon. Senators, to save time, just say ‘I vote yes for the Bill and the Report’.

(Voting in progress)

BILL

Second Reading

THE EQUALIZATION FUND APPROPRIATION
BILL (SENATE BILLS NO. 3 OF 2023)

DIVISION

ROLL CALL VOTING

*(Question, that the Equalization Fund Appropriation Bill
(Senate Bills No.3 of 2023 be now read a Second Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheptumo, Baringo County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo-Marakwet; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. M. Kajwang’, Homa Bay County; Sen. Methu, Nyandarua County;

Sen. (Dr.) Murango, Kirinyaga County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Thang'wa, Kiambu County; Sen. (Prof.) Tom Ojienda, SC, Kisumu County; Sen. Wafula, Bungoma County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

Teller of the Ayes: Sen. Orwoba.

NOES: Sen. Munyi Mundigi, Embu County and Sen. Mwaruma, Taita-Taveta County.

Teller of the Noes: Sen. Kibwana.

The Speaker (Hon. Kingi): Hon. Senators, the voting is now complete and the results are as follows:

Ayes: 32

NOES: 2

ABSTENTIONS: Nil

The "Ayes" have it

(Question carried by 32 votes to two)

The Bill was accordingly read the Second Time and committed to a Committee of the Whole tomorrow)

MOTION

ADOPTION OF THE REPORT ON THE STATUTORY
INSTRUMENTS (EXEMPTION FROM EXPIRY)
REGULATIONS, 2022

(Sen. Mungatana, MGH on 2.5.2023)

(Resumption of debate interrupted on 2.5.2023)

DIVISION

ROLL CALL VOTING

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheptumo, Baringo County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo-Marakwet; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. M. Kajwang', Homa Bay County; Sen. Methu, Nyandarua County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County;

Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Thang'wa, Kiambu County; Sen. (Prof.) Tom Ojienda, SC, Kisumu County; Sen. Wafula, Bungoma County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

Teller of the Ayes: Sen. Orwoba.

NOES: Sen. Munyi Mundigi, Embu County.

Teller of the Noes: Sen. Kibwana.

The Speaker (Hon. Kingi): The results on the Division are as follows:

AYES: 33

NOES: 1

ABSTENTION: Nil

The "Ayes" have it

(Question carried by 33 votes to one)

Serjeant-at-Arms, you may now undraw the Bar and open the doors.

(The Bar was undrawn and doors opened)

Clerk, let us resume the sequence that we had prior to re-arranging the Order Paper and proceed to call the next Order.

PAPERS LAID

REPORTS ON THE FINANCIAL STATEMENTS OF VARIOUS ENTITIES

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, 4th May, 2023-

Report on the Auditor General on the Financial Statement of the Kiambu County Education Bursary Fund for the year ended 30th June, 2022

Report of the Auditor General of the Financial Statements of the Limuru Water and Sewerage Company Limited for the year ended 30th June, 2022

(Sen. (Dr.) Lelegwe Ltumbesi laid the documents on the Table)

The Speaker (Hon. Kingi): The Chairperson Standing Committee on Trade, Industrialization and Tourism, kindly proceed to lay your Paper

REPORT ON START-UP BILL (SENATE BILLS NO. 14 OF 2022)

Sen. Seki: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today 4th May, 2023:

Report of the Standing Committee on Trade, Industrialization and Tourism concerning its consideration of the Start-Up Bill (Senate Bills No.14 of 2022).

(Sen. Seki laid the document on the Table)

The Speaker (Hon. Kingi): Next Order!

QUESTIONS AND STATEMENTS

Statements Pursuant to Standing Order 52(1), Sen. Mumma, you may have the Floor.

Senators, you can log in again - the system is back - so that I can pick your name from the dashboard.

Proceed, Senator.

NEGLECTED TROPICAL DISEASES PREVALENCE IN TROPICAL AND SUB-TROPICAL REGIONS

Sen. Mumma: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 52(1) to make a Statement on a matter of general topical concern, namely; Neglected Tropical Diseases (NTDs) that affect over one billion people globally and are responsible for significant morbidity and mortality.

The Constitution of Kenya under Article 43 (1)(a) and Section 5 of the Health Act provide for the right to the highest attainable standard of health that shall include progressive access to promotive, preventive, curative, palliative and rehabilitative services.

Mr. Speaker, Sir, Sections 4 and 15 of the Health Act obligate the State, specifically the national Government's Ministry responsible for health to observe, respect, protect, promote and fulfil the right to the highest attainable standard of health by developing policies, laws and other measures necessary to protect, promote, improve and maintain the health and wellbeing of every person.

Neglected Tropical Diseases (NTDs) are a diverse group of diseases prevalent in tropical and subtropical regions and their focality characterizes them, hence, mortality and morbidity vary substantially from one place to another because of diverse local factors, such as prevention measures in place, access to health services, economic status and socio-cultural aspects of the affected communities.

Mr. Speaker, Sir, approximately 25 million Kenyans suffer from at least one NTD (mostly the poor and vulnerable), Kenya has yet to eliminate NTDs because 17 of the 20 conditions presently categorized as NTDs are still endemic in the country. I wish to request the Senate to note that the national and county governments need to invest in mapping some of the NTDs and provide resources for the prevention, management, control, and eradication of some of the NTDs based on the national and global targets.

Mr. Speaker Sir, there is evidence that control of these diseases can contribute directly to achieving several Sustainable Development Goals (SDGs) particularly in Universal Health Coverage (UHC).

Mr. Speaker, Sir, the country was certified by the World Health Organization (WHO) as Guinea Worm free in February 2018 and the Ministry of Health is developing elimination dossiers for lymphatic filariasis, onchocerciasis, trachoma, and Human African Trypanosomiasis. The control and elimination of NTDs, as outlined in the Kenya

Breaking Transmission Strategy for Preventive Chemotherapy NTDs 2019-2023, relies on four key actions: extensive community treatment; water sanitation and hygiene (WASH); behaviour change communication (BCC); and vector control (for some of the conditions).

Mr. Speaker, Sir, I, therefore, call upon the Senate Committee on Health to seek audience with the Cabinet Secretary (CS) in the Ministry of Health, the Division of Vector Borne and NTDs (DVBNTDs) and develop a definite program to ensure that the country focuses on eliminating NTDs. This will entail continued and further research on NTDs to ensure the status of interventions, the funding situations, plans for inclusion of NTDs in UHC agenda, investments for WASH in NTD endemic areas. Investment in 'leave no one behind' and the commitment by the National Ministry to launch and support the implementation of the NTD Master Plan for 2023-2027.

Mr. Speaker, Sir, they need to ensure that they take the necessary measures to guarantee NTDs eradication and control, nationally. They also need to take the necessary measures to implement the WHO roadmap for NTDs 2021-2030, which sets the global targets to which we have signed.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): The next Statement is pursuant to Standing Order 53(1).

Sen. Okenyuri, you have the Floor.

DELAYED PAYMENT FOR INVIGILATORS
AND EXAMINERS FOR 2022 KCPE AND KCSE EXAMINATIONS

Sen. Okenyuri: Mr. Speaker, Sir, I rise pursuant to Standing Order 53(1), to seek a Statement from the Standing Committee on Education regarding payment of teachers who invigilated and marked the 2022 KCPE and KCSE examinations.

In the Statement, the Committee should –

(1) Explain why the Kenya National Examination Council (KNEC) has not paid the teachers who supervised, invigilated and marked the 2022 KCPE and KCSE exams despite concluding the exercise more than four months ago.

(2) State the steps KNEC intends to take to have the teachers paid without any further delays.

(3) Recommend long-term redress measures to ensure that KNEC makes timely payments to the teachers whom it contracts for supervision, invigilation and marking of national examinations.

Thank you.

The Speaker (Hon. Kingi): Sen. Onyonka had requested to speak, but he is not in the Chamber.

Why do Senators log in and walk out?

Sen. Wafula, proceed.

Sen. Wafula: Asante, Bw. Spika, kwa nafasi hii. Ningependa kuchangia Taarifa ya Sen. Okenyuri kwamba walimu wa nchi wanachekwa na jamii.

Ukiangalia jinsi taasisi inayohusika na maswala ya walimu huharakisha na walimu hawapati nafasi kufanya kazi zao za ziada ili kuongeza kipato. Ukiangalia jinsi

walimu hawa wamekuwa wakisahihisha mitihani hii na mchakato mzima, inastahili Serikali iwe imetenga fedha za kuwalipa walimu hawa baada ya kazi zao.

Baadhi ya walimu hawa wana mikopo kwenye benki na mashirika mengine. Ni jambo la busara Serikali kuwalipa walimu kwa kazi waliyoifanya. Kando na kulipa kwa kusahihisha, ni walimu hao ndio hufunza wanafunzi ambao hubobea na kupata matokeo ambayo huwafurahisha wengi.

Mimi kama mwalimu, najiunga na Seneta mwenzangu hapa, kurai Wizara ya Elimu na taasisi husika ya mitihani kwamba iwapo wataandaa mitihani, lazima watenge pesa ziwe tayari kuwalipa walimu pindi wanapomaliza shughuli ya kusahihisha mitihani.

Jambo hili linaendelea kudhihirika katika idara ama tume ya kusimamia mipaka na kura. Wale ambao walisimamia kura za useneta wa Bungoma na maeneo mengi hapa nchini, vile vile wanaendelea kupiga miayo na kupanguza machozi ilhali sisi kama viongozi na Serikali hatutilii manani kilio chao kama Wakenya ambao wanastahili kulipwa kwa jasho lao.

Naomba Serikali na taasisi husika kulipa walimu na waliohusika katika uchaguzi ili mfumo wa chini-juu uweze kudhihirika Kenya nzima jinsi tunavyotekeleza majukumu yetu.

Asante sana, mhe. Spika.

Sen. Ogola: Thank you, Mr. Speaker, Sir. I rise to support the Statement by Sen. Okenyuri.

Some of us have been teachers so we know the role teachers play in the invigilation and marking of exams. It is unfortunate that the results are already celebrated nationally and a number of people are excited by the results they got.

However, failure to pay these invigilators shows lack of gratitude to the teachers through the process of marking. All of us know that teachers make a lot of sacrifice when they go for the marking of these exams. It is a national duty. Once this work is done and the results are out, it is only important and human that the teachers are paid in time.

It looks like the education fraternity has a lot of problems. I keep on saying that the junior secondary school is in problems.

Mr. Speaker, Sir, teachers who teach our students of the new curriculum have not been adequately prepared. Teachers in Junior Secondary Schools are not adequately prepared. The facilities are also inadequate. Therefore, the country and the Government must pay attention to the education sector.

Mr. Speaker, Sir, we already know the goings-on in the university education. If you follow what is happening, universities are laying their lecturers off. What does this portend for our country?

Mr. Speaker, Sir, I support that teachers who have done their work as invigilators must be paid in time because the output is already there.

I thank you.

Sen. Mundigi: Bw. Spika, naunga mkono Sen. Okenyuri kwa kuangazia mambo ya walimu. Mtu anayefaa kuheshimika Kenya hii ni mwalimu, kwa sababu anafanya kazi yote. Walimu vile vile hufunza kuanzia madarasa ya chekechea hadi shule za upili. Shule zinapofungwa, walimu husimamia na kusahihisha mitihani angalau wapate marupurupu. Vile vile, husimamia uchaguzi.

Ni jambo la kushtusha kwamba Serikali ya Kenya haijwalipa. Tunaomba iwalipe kwa sababu wamekuwa wakinyanyaswa kwa kupelekwa shule za mbali. Wakati shule

zinapofungwa, wao huwacha watoto wao ili kuenda kusahihisha mitihani lakini bado hawapati hela zao ambazo ni kidogo.

Bw. Spika, naunga mkono uchunguzi ufanywe kujua kwa nini hawalipwa.

Asante.

Sen. Olekina: Mr. Speaker, Sir, there is a saying that goes; ‘what is good for the goose, is good for the gander.’ When any Government institution is owed money, they rush into charging penalties and interests. That situation should be the same when it comes to the issue of paying teachers who take their time to go through papers and mark them. In this case, it is even tougher because students pay to do the examinations. So, the money is there.

This is an issue that the Kenya National Examination Council (KNEC) is notorious on because it has always delayed the payments. I request that the Senator who sought this Statement should sponsor a Motion, so that this House can pronounce itself on this matter, considering this House only pronounces itself through Motions and Bills.

Sometimes, when we look at Statements, we may invite the Cabinet Secretary for Education and ask him why the KNEC is dilly-dallying when it comes to paying teachers who have worked. In order to have finality on this issue, the most logical way is to peg this with the amount of money that is paid by the candidates for them to do those examinations. However, candidates do not sit examinations for free.

In other jurisdictions, if you lease an apartment, you pay a deposit, which is put in an escrow account. You only get the money back the day you will be leaving.

We need to be a bit creative and say that part of the money paid by candidates in order to take examinations should be earmarked or budgeted, so that it is used to pay teachers. It should be put in a special account and further devolved.

You will be surprised. Sometimes those are primary school teachers. We are already paying them peanuts. We pay them peanuts and do not give a hoot in hell about their welfare, yet that little amount of money where they put their time and use their brains to make ends meet in order to sponsor one of their relatives to go to school is delayed.

Mr. Speaker, Sir, I would like us to put ourselves in the shoes of those teachers. When we sit in this House and our sitting allowance is delayed, all of us will complain and we will not do anything.

I request the Senator who requested for this Statement to consider bringing a Motion, so that we have that issue dealt with finality. That Motion should not only be passed here; we should look for a brother or sister in the “Lower House,” so that we have these Motions concurrently and this House pronounces itself on issues of remuneration.

Mr. Speaker, Sir, I support and thank the Senator for bringing this matter to the attention of the Senate.

The Speaker (Hon. Kingi): Let us move to the next Statement by Sen. Kathuri.

HARASSMENT AND MISTREATMENT OF PASSENGERS CARRYING MIRAA USING SGR

Sen. Kathuri: Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on

concerns over reports of harassment and mistreatment of passengers carrying *miraa* while travelling on the Standard Gauge Railway (SGR).

In the Statement, the Committee should—

(1) State the justification for the harassment and mistreatment of passengers carrying *miraa* on the SGR and not consuming it thereon, given that *miraa* is recognized as a cash crop under the Crops Act of 2013, and is not listed as a prohibited item in the Madaraka Express passenger service conditions of carriage.

(2) Indicate the measures in place by the management of SGR to improve professionalism in their client services, in light of reported incidents of passengers being mistreated.

(3) State the steps the management of SGR is taking to ensure that its services remain attractive and competitive.

Sen. Cherarkey: Mr. Speaker, Sir, I support Sen. Kathuri for this wonderful Statement. The issue of *miraa* is critical because it is one of the cash crops grown by the Meru Community.

It is unfortunate because of the harassment when people use the SGR to take goods and services in order to offset the loan that was taken through Exim Bank and China, famously known as the ‘Road to Shanghai’.

We have had cases of those who run the SGR, including the foreign nationals who are popularly known as expatriates--- I have always wondered what type of expatriates come and collect fare, like we have to import everything from China. This is not only about *miraa* farmers and traders; it is also about the Kenyans who have been harassed.

There were cases where a number of workers who used to work on the SGR were harassed until they were replaced by Chinese nationals. *Miraa* is a critical cash crop. It is a blood lifeline of the people from Mt. Kenya, specifically Meru County.

I usually see them coming to Nairobi. I am told they do not have breaks, but I want to believe they do, especially when they carry their *miraa* to Nairobi using Double-Cabin Hilux Pick-ups. They do it at supersonic speeds and that has a positive impact on the tax.

There was an agreement between Kenya and Somaliland to export *miraa*, which is an important consumable there. I request the Cabinet Secretary (CS) for Agriculture, Livestock Development and Fisheries, Hon. Mithika Linturi, a former Senator, who fortunately comes from Meru County, and the CS in charge of the National Treasury, to look into this matter because we are talking about Kshs3.6 trillion.

We have a budget deficit of around Kshs800 billion. If we harass *miraa* farmers and business people who use the SGR, we may not raise the necessary revenue, and that worries me. At one time, the President of Tanzania, Her Excellency Hon. Samia Suluhu Hassan said:

‘If you close a business which you are collecting tax from, how will you collect the same tax next time?’

It is like killing a cow that you are milking for your children. Where will you get milk next time? I condemn the harassment of the *Miraa* traders.

Mr. Speaker, Sir, as we proceed on recess, I request you to direct the Committee to give us a progress report even if it means that the Standing Committee on Agriculture, Livestock and Fisheries and Committee on Tourism, Trade and Industrialisation jointly

visit and ascertain these allegations of harassment. This Government came through a guaranteed minimum return. That included Miraa farmers.

I support our Senate Deputy Speaker. I look forward to the *Miraa* issue being solved once and for all. Our empathies to the many traders who have been harassed, yet they want to do clean business and bring revenue to our country.

I thank you.

The Speaker (Hon. Kingi): We move to the next Statement by Sen. Munyi Mundigi.

LACK OF A BRIDGE CONNECTING EMBU AND
KITUI COUNTIES ON THE RIVER TANA

Sen. Mundigi: Mr. Speaker, Sir, I rise pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the construction of a bridge on Tana River at Kiromboko-crossing in Kiambeere Ward, Embu County, connecting to Kitui County.

In the Statement, the Committee should: -

(1) Apprise the Senate on the current state of road infrastructure connecting Embu County and Kitui County on the southern-most boundary of Embu County along River Tana.

(2) State whether there is any feasibility study that has been done by relevant Government agencies on the socio-economic benefits of constructing a bridge linking Embu and Kitui counties via Kiromboko, Crossing through Kamuguongo-Mwingi Town Road.

[The Speaker (Hon. Kingi) left the Chair]

[The Deputy Speaker (Sen. Kathuri) in the Chair]

(3) State when the Government will provide funds to construct this motorable bridge at Kiromboko Crossing to prevent further loss of lives.

(4) Spell out interim measures put in place to improve transportation and connectivity between Embu and Kitui counties on the Tana River in order for the residents to continue with their livelihoods without endangering their lives.

The Deputy Speaker (Sen. Kathuri): The next Statement is by Sen. Gataya Mo Fire.

CONNECTION OF ELECTRICITY IN THARAKA NITHI COUNTY

Sen. Gataya Mo Fire: Thank you, Mr. Deputy Speaker, Sir. I rise to request a Statement on the state of electricity and connectivity in Tharaka-Nithi County.

I rise, pursuant to Standing Order 53 (1), to seek a Statement from the Standing Committee on Energy regarding the connectivity of electricity in Tharaka Nithi County.

In the Statement, the Committee should-

(1) State the steps the Ministry of Energy and Petroleum and the Kenya Power are taking to address the long restoration times following power blackouts and difficult access to electricity lines by residents in Tharaka-Nithi County.

(2) Report on connectivity levels of the Last Mile Connectivity project in the county, proposing long-term solutions to improve the reliability of power supply in the county.

(3) Explain plans to improve electricity connectivity in rural areas of the county by the Rural Electrification and Renewable Energy Corporation (REREC), the Ministry of Energy and Petroleum and Kenya Power, stating ongoing works.

(4) Apprise the Senate of plans in place to set up a substation at Kathwana and Nguruki areas and completion of upgrade works at the Marima substation, to improve power supply quality, giving timelines and contingency plans to minimize downtimes during the upgrade.

(5) State measures, if any, to address frequent power interruptions and damage to the power lines occasioned by heavy vegetation along the high and low voltage power lines.

I thank you.

The Deputy Speaker (Sen. Kathuri): The next Statement is by Sen. Kibwana.

STATUS OF THE MES LEASED TO COUNTIES

Sen. Kibwana: Thank you, Mr. Deputy Speaker, Sir. I rise, pursuant to Standing Order 53(1), to seek a Statement from the Standing Committee on Health regarding the status of the multibillion-shilling Medical Equipment Services (MES) leased to the counties.

In the Statement, the Committee should-

(1) provide an update on the status of the multibillion-shilling Medical Equipment Services (MES) leased to counties, detailing the terms of the contract the government signed on behalf of counties, stating the amount that was agreed upon and the amount paid since project inception;

(2) disclose whether the project was tendered, stating who bid and who won the bid, the cost of the award and further disclose the contracts each county signed;

(3) state the number of equipment delivered and installed in each of the counties;

(4) shed light on alleged reports of a Government's decision to abandon the project, stating the implications of this decision on the provision of specialised healthcare services, providing the criteria used in arriving at the said decision;

(5) disclose the state of Kshs5.8 billion that had been allocated for the project, detailing how the funds will now be utilised in light of the reports to abandon the project;

(6) disclose the particulars overpayment of Kshs3.6 billion disbursed between July and August 2022, disclosing the company it was paid to and for which equipment per county;

(7) disclose the anticipated cost of leasing the equipment per county per month, since the initial value was decided based on a group of counties, giving the criteria for the basis; and,

(8) ascertain the viability of counties to engage with the contractors individually, stating whether this engagement threatens the continuity of the project.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Kibwana, I thought you had two Statements. There is another one that I saw here. Is it the same one?

(The Clerk-at-the-Table consulted the Chair)

No, it is the same Statement. Let us get at least two comments on those close figures you have quoted missing.

Proceed, Sen. Olekina.

Sen. Olekina: Mr. Deputy Speaker, Sir, the reason I am smiling is because this is one of the most controversial programmes in the history of healthcare in this country. In the last Senate, we delved into this matter. We set up an *Ad-Hoc* Committee, I believe to investigate on the MES scheme.

Mr. Deputy Speaker, Sir, we travelled to different parts of this country. We were not travelling using the Standard Gauge Railway (SGR). People who travel via SGR are denied an opportunity to carry *miraa* or alcohol. This is a serious matter, which I wanted to comment on. I wish we review those policies because SGR is being paid for by taxpayers' money.

Earlier on, I commended and thanked you for bringing that Statement on behalf of the people who are being curtailed and refused to live their life in public transportation. As I comment on this Statement, I really hope – and I say this with a lot of humility – that we must deal with this.

The Medical Equipment Scheme (MES) is controlled by a cabal or cartel. They are people who have invested billions of shillings in this industry. They have used their brains to go to countries abroad and sign deals with the manufactures.

I thank Sen. Kibwana for bringing up this matter again. However, I invite my dear sister to go to the research office here and collect the bundles of reports that we went through when investigating MES. This is a crazy scandal. Maybe now that we have a change of guard, things might be dealt with differently. There was a lot of interest in that matter.

What annoys and makes my heart bleed is the fact that during the Division of Revenue, we set aside money to promote healthcare in our hospitals. However, people's health is used as a means to enrich a few individuals. That is really saddening.

In Isiolo and the Archers Post in Samburu County, the medical equipment is stashed somewhere because the healthcare facilities do not have electricity. Some of these equipment requires three-phase power and there is no electricity.

As we pump this money to the leasing of the equipment, ultimately, at the end of the seven-year period, the equipment goes back to the manufacturers. You then ask yourself whether it was justifiable to spend billions of shillings to lease equipment which you do not use. Not all hospitals use them. The only company I saw to have tried as much, is the company that was dealing with dialysis. We travelled to hospitals and found them with a dialysis machine. In this case, the county would be dealing with the purchasing of all the reagents.

We should be diligent and care about the welfare and health of our people, to whom we are given an opportunity to represent. However, we forget why God favoured us and put us here to fight for their rights. When we come here, it becomes about the Benjamins and not the interest of the people.

If this Senate would care this year and pursue--- In fact, this should not be a mere Statement. We should go back into the archives, get all the reports and diligently pursue the process of getting an *Ad hoc* Committee. I sit in the Committee on Health and we will

not get any far dealing with this matter. I have confidence in the Chairperson, the distinguished Senator for Uasin Gishu County. He was a Governor and I am sure he has a lot to tell us about the MES.

Nonetheless, thinking that setting up another *Ad hoc* Committee would help and we put men and women who cannot be approached because this is a project worth billions. The fifth prayer in the Statement says: “Disclose the state of the Kshs5.8 billion that have been allocated for the project detailing how the funds will be utilised, in light of the reports to abandon the project.”

The first question you ask is whether the project has been abandoned. Is the money being set aside and will it be availed? Will those people sue the Government to be paid? Whose responsibility is it, if the equipment as supplied to a hospital and they are not utilised because the hospital does not have electricity?

Investigating this matter will require us to have a wider scope, so that we know whether the equipment is working or whether they have been abandoned. Also, whether we have the capacity to absorb and utilise this equipment.

I support.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, if I give you a chance, kindly use two minutes.

Sen. Kisang, do you want to comment on this Statement?

Sen. Kisang: Thank you, Mr. Deputy Speaker, Sir, I wish to comment on this Statement and the one on connectivity.

It is sad that close to seven years now, we have been budgeting for and putting money under this project, for it to go into the drain in the pretext of leasing medical equipment. I do not think any feasibility study was done before the leasing of these equipment. The Ministry of Health is notorious. You remember the ambulance scandal before we came to Parliament with you. Then we had the Kenya Medical Supplies Authority (KEMSA) billionaires during the COVID-19 pandemic. Now, we have MES.

People are suffering. The money should have been used to buy equipment, not for all the counties, but for regional blocs. Every year, we are appropriating money to manage the equipment. We do not know the cartels or people we are paying. After seven years of lease, the equipment is supposed to go back. It should not be a lease. We should have bought the equipment over time, so that within the period of 10 years, the counties own the equipment.

If you remember, governors were up in arms those days. They were not interested because they were not involved. There are some senior civil servants who sat, planned and went outside to negotiate with manufacturers or contractors. They then exposed the taxpayer to continue paying year-in, year-out, and we do not see the benefits. It is close to the ambulances for the *Linda Mama* Project. Some of them stalled and did not work, and the counties never requested for them.

This is serious and, as Members have said, we do not need just a Statement. We need an *Ad hoc* Committee to do a forensic audit, so that those who are culpable are brought to book, taken to court and put behind bars.

Finally, on connectivity, the Ministry of Energy and Petroleum should tell us the number of schemes they had proposed to do. One is the Last Mile Connectivity Programme (LMCP). Some schemes across the country were terminated and we want to know the actual status.

I will draft a question so that when the CS for Energy and Petroleum comes to the House, he gives us a report on connectivity across the country. On counties that are below 10 per cent in terms of electricity connectivity, are given affirmative action like the Equalization Fund. That way, everyone will benefit. Power has become important because of the Competency Based Curriculum (CBC).

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, proceed.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. I wish to laud Sen. Kibwana for this important Statement. Maybe this is the time for us to act.

This is the time for us to ask beyond what the Senator has said. What happened in the 'handshake' Government? We had the mobile clinic scandal, the Covid-19/Kenya Medical Supplies Authority (KEMSA) and the specialized medical equipment scandal. Billions of shillings were lost.

Mr. Deputy Speaker, Sir, as we look forward to the answer, we hope that the Statement will include findings on the role---

Sen. Mumma: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Just a minute, Sen. (Dr.) Khalwale. What is your point of order, Sen. Mumma?

Sen. Mumma: Mr. Deputy Speaker, Sir, I rise to challenge Hon---

The Deputy Speaker (Sen. Kathuri): Quote the Standing Order and then proceed.

Sen. Mumma: I did not check, but Sen. (Dr.) Khalwale is misinforming the House with regards to the MES scandal. It was not during 'the handshake.' That scandal happened during 2013-2017 period.

The Deputy Speaker (Sen. Kathuri): Maybe, you could have said that you are on a point of information instead.

Sen. (Dr.) Khalwale, please, proceed.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, if her intention was to inform me, then allow me to inform her that in the library of this Parliament, I was one of the pioneer Senators who opposed the specialized medical equipment in the 11th Parliament. So, she is quite right. Probably, we need to put these things together because so much money has gone down the drain.

Maybe the Statement will tell us if action is being taken against senior officers at the Ministry of Health (MoH). We have seen some of the properties that have been developed that border on scandalous opulence of residences owned by people, who were driving this Ministry at that time.

Due to the robust law on asset recovery that exists, we would like the Statement to tell us whether the Ethics and Anti-Corruption Commission (EACC) is on this matter.

As I said, there is room for us to expand. It is on record that one of the 'handshake' brothers promised the country that in 21 days, they were going to give a full report on who the culprits were. It came to pass that some of the culprits were their relatives. This country deserves an answer.

Mr. Deputy Speaker, Sir, finally, it is not enough to just wish away this equipment. Could the Statement tell us whether the Government is organizing itself, so that, at least, we have regional specialized centres that can receive this equipment, where we post the necessary specialists, who can run this equipment because our patients need them? The mistake was that we took them to county hospitals. Probably, if we took them to regional hospitals like Embu, Kakamega---

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, kindly proceed and conclude your point.

Sen. (Dr.) Khalwale: I am concluding. Are they going to take this equipment to regional health headquarters in this country, for example, Embu, Machakos, Mombasa, Kakamega, Kisii, Kisumu and Nairobi Counties, so that they can take advantage of this?

The Deputy Speaker (Sen. Kathuri): Sen. Tabitha Mutinda, two minutes.

Sen. Tabitha Mutinda: Mr. Deputy Speaker, Sir, I rise to support Sen. Kibwana's Statement with regard to the special equipment. Health is a devolved function in the counties. The key benefit would be when these machines add value to the counties. Money is being spent on the lease, but the value is not being felt because the machines are non-functional.

Therefore, I am happy that the Senator sits in the same Committee. As she inquires, I would like if she could offer her leadership, so that this matter is not just dealt with by the Committee on Health alone, but also conjoined with another Committee, so that much more deliberation can be dealt with and more focused and futuristic feedback is put on the table. This is so that these machines can have value.

They have been leased according to agreements for a certain duration. There will be no value when the lease will come to an end. Therefore, the money that has been spent will not be felt.

As a Member of the Committee on Finance and Budget, I note that in our deliberations during the Division of Revenue Bill, we had suggested that this money be added to counties. This is because there is no value in paying a lease for these machines.

Let me take a second to also address your Statement as far as the issue of *Miraa* is concerned and the logistical challenges that are being faced at Standard Gauge Railway (SGR). *Miraa* is a cash crop in Meru County. It adds revenue not only to the county, but also nationally.

It is sad as you have stated on the Floor of this House, that there are logistical challenges through SGR, a mode of transport, which is more valuable to our entrepreneurs of *miraa* in terms of the lead-time factor.

If this matter has been causing challenges to the *Miraa* business people, then I support that it should be dealt with urgently, so that we can get to the bottom of it. As much as we are narrowing some of these Statements to specific Committees, they should be looked at in a broader perspective, so as to get long-term solutions.

Lastly, allow me to comment on the Statement by Sen. Munyi Mundigi on the Embu-Kitui bridge. I was a student in Embu County. I come from Kitui County and I used that route when I was doing my O levels.

It is 2023 and we are still having infrastructural issues. Therefore, I support Sen. Munyi Mundigi. The Committee that will be delegated the Statement should speed up the matter for the benefit of the people of Embu and Kitui counties.

The Deputy Speaker (Sen. Kathuri): Let us get the next Statement by Sen. Cherarkey.

We have several Statements. Therefore, I will be very mean in giving comments.

FUEL SUBSIDY PROGRAMME

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I rise, pursuant to Standing Order No.53 (1), to seek a Statement from the Standing Committee on Energy regarding the fuel subsidy programme by the national Government.

In the Statement, the Committee should-

(1) state the criteria that was used in selecting the oil corporations and companies that were authorized to import fuel under the Government fuel subsidy programme that was in place from October 2021 until September 2022;

(2) provide a list of the oil companies and corporations that benefited from the fuel subsidy programme, indicating the total amount of money that each company received during the said period of October 2021 to September 2022;

(3) disclose the total pending payments as a subsidy to each of the companies and corporations that imported fuel under the program; and finally; and,

(4) explain the measures that were put in place by the Energy and Petroleum Regulatory Authority (EPRA) to ensure that consumers were cushioned against the high cost of fuel and oil products, noting that the products remain relatively high at that time of October, 2021 and September, 2022.

I thank you.

The Deputy Speaker (Sen Kathuri): Thank you, Sen. Cherarkey.
Senator of Kajiado County, Sen. Seki, please, proceed.

IMPACT OF THE RECENT DROUGHT ON THE
LIVESTOCK INDUSTRY IN KENYA

Sen. Seki: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53 (1) to seek a statement from the Senate Standing Committee on Agriculture, Livestock and Fisheries regarding the impact of recent drought on the livestock industry in Kenya.

In the Statement, the Committee should-

(1) report on the impact of the recent drought on the livestock industry, stating its effect on local and national economies;

(2) explain interventions in place to mitigate the effects of drought on the livestock sector in both the short and long term, spelling out immediate and sustainable interventions deployed to support the recovery of the sector from the effects of drought;

(3) state measures in place by the Ministry of Agriculture and Livestock and Fisheries and sector players to urgently facilitate affected families to restock cattle in order to minimize the negative effects of the drought and stabilize the beef supply chain; and,

(4) explore the possibility of affordable access to credit by livestock owners and an emergency fund to be advanced by the Government to livestock owners to aid in mitigating current and future effects of drought in the livestock sector.

I thank you.

MEDICAL STAFF WORKING IN
MORE THAN ONE HOSPITAL IN NAIROBI CITY COUNTY

Sen. Kibwana: Thank you, Mr. Deputy Speaker, Sir. I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Health regarding medical staff working in more than one hospital in Nairobi County.

In the Statement, the Committee should:

(1) provide a list of medical staff working in public and private hospitals segregating this list into those on permanent, on contract and those working on locums in Nairobi City County;

(2) table existing guidelines on working hours or shift patterns for the medical staff;

(3) clarify reports of medical staff working in multiple hospitals in Nairobi County, stating whether this is in line with existing government policies referring to the policy on human resources for health;

(4) assess the impact of medical staff working in multiple hospitals and the overall efficiency and effectiveness of the healthcare system in Nairobi, stating measures to curb burnout; and,

(5) outline the measures in place, if any, to ensure that public health facilities are adequately staffed and resourced to prevent the need for medical staff to work in multiple hospitals.

I thank you.

The Deputy Speaker (Sen. Kathuri): The next Statement is by Sen. Ogola.

FAULTY TRANSFORMERS IN HOMA BAY COUNTY

Sen. Ogola: Thank you. Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Energy regarding the large number of faulty transformers in Homa Bay County.

In the Statement, the Committee should:

(1) list the number and location of all faulty transformers in Homa Bay County by sub county;

(2) provide timelines within which the faulty transformers will be restored or replaced;

(3) state the measures put in place by the national Government to ensure that public facilities in the county are connected to the national power grid giving timelines within which this shall be done; and,

(4) visit the county to see for themselves the mess that the county is in, in terms of the transformers that were procured. These transformers are there physically, but a number of them are not active.

I thank you.

STATUS OF THE MEDICAL INSURANCE SCHEME FOR
WORKERS IN THE KIAMBU COUNTY GOVERNMENT

Sen. Thang'wa: Thank you very much, Mr. Deputy Speaker, Sir. I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Health regarding the status of the medical insurance scheme for workers in the County Government of Kiambu, specifically, those working in the county executive.

In the Statement, the Committee should:

(1) apprise the Senate on the current status of the medical insurance cover for the workers in the County Government of Kiambu, County Executive; specifically addressing the transfer of the medical cover from the NHIF enhanced cover to a private insurance cover known as Motor Underwriting Agency (MUA);

(2) clarify the reasons behind the sudden termination of the contract with the NHIF for providing medical insurance cover to the county government workers and explain whether the abrupt change affected the workers' access to medical care;

(3) disclose the procurement process that led to the awarding of the contract to MUA Insurance Company, clearly indicating the allocated budget for the insurance costs in the current financial year, the procurement method employed, the dates of advertisement, if any, the contract sum and the dates of entering into the contract;

(4) provide a justification for the change of the medical insurance cover while explaining any budgetary differences between the previous contracts with NHIF and the new contracts with MUA. Additionally, outline any discrepancies in the services provided by NHIF and MUA Insurance Company to the county government workers as well as any supplementary benefits, if any; gained by the workers through the change of insurance cover.

(5) Specify whether any consultation or public participation involving the county government workers as the user department, took place to ascertain their satisfaction or dissatisfaction with the services provided by the NHIF scheme and whether this informed the decision to change the insurance cover.

I thank you.

The Deputy Speaker (Sen. Kathuri) Thank you, Sen. Thang'wa.

There is also a Statement from the Chairperson of the Standing Committee on Roads, Transportation and Housing under Standing Order No.56(1). Do you have a Statement concerning legislative business before your Committee?

STATUS OF LEGISLATIVE BUSINESS BEFORE
THE COMMITTEE ON ROADS, TRANSPORTATION AND HOUSING

Sen. Thangw'a: Thank you, Mr. Deputy Speaker, Sir. As the Chairperson of the Standing Committee on Roads, Transportation and Housing, I wish to make the following Statement under Standing Order. No. (56) (1) on the Status of the consideration of three Statements.

Standing Order No.56(1) (a) provides that the Chairperson of a Committee may make a Statement relating to the legislative business before the Committee.

Pursuant to the above Standing Order, I wish to issue a status report on the consideration of the following three Statements by the Standing Committee on Roads, Transportation and Housing.

(1) Statement by Sen. (Dr) Murango regarding speeding by drivers transporting *miraa* in parts of Kirinyaga County.

(2) Statement by Sen. (Dr) Lelegwe Ltumbesi regarding the status of implementation of the Lamu Port-South Sudan- Ethiopia Transport Corridor (LAPSET) project in Samburu County.

(3) Statement by Sen. Ogolla regarding the death of *boda boda* riders and their passengers caused by sugarcane trailers of a local sugar miller, Sukari Industry in Ndhiwa Constituency.

At the Sitting of the Senate held on Wednesday, 16th November 2022, Sen. (Dr.) Murango requested for a Statement from the Standing Committee on Roads, Transportation and Housing, regarding speeding by drivers transporting *miraa* in parts of Kirinyaga County.

In the Statement, the Committee was requested to:

(a) Apprise the Senate on the extent of compliance to provisions stipulated in the Traffic Act by drivers transporting *miraa*;

(b) state the measures put in place, if any, to curb accidents caused by the drivers who continue to create havoc on Ndiroko-Gathigiriri Prison Road and Thiba Red Soil-Murubara and Ngurubani areas in the county; and,

(c) enumerate the action being taken by the Government to ensure peaceful coexistence among road users including motorists, cyclists and pedestrians and dealing strictly with traffic offenders to curb cases of traffic offences and accidents.

In response to the request by Sen. (Dr) Murango, the Committee sought and received a response to the Statement from the Cabinet Secretary (CS) of Roads, Transportation and Public Works.

At its sitting held on 20th April 2023, the Committee considered the response to the Statement which proposed interventions to be undertaken by the Ministry of Roads, Transportation and Housing to improve road safety.

The Committee observed that there was lack of strict enforcement of the Traffic Act by the National Transport and Safety Authority (NTSA) and the National Police Service on *miraa* transport drivers who flouted the traffic rules.

The Committee made the following resolutions:

(a) That NTSA should strictly enforce the Traffic Act, especially on motor vehicles, *miraa* transport drivers who contravene the Act.

(b) That the Ministry of Roads, Transport and Public Works should engage *miraa* transporters through their SACCOS and Associations and develop a sensitization programme for compliance with the Traffic Act by the *miraa* drivers.

(c) That the Ministry of Roads, Transport and Public Works is to submit a report to the Committee on the implementation of proposed interventions to improve road safety as stated in the response to the Statement by 7th July 2023.

Mr. Deputy Speaker, Sir, the Committee considered the Statement to have been concluded but with a follow-up on the supplementary and emerging issues within its mandate.

Let me now turn to the Statement by Sen. (Dr) Lelegwe Ltumbesi regarding the status of the LAPPSET project in Samburu County. At the sitting of the Senate held on Wednesday 30th November 2022, Sen. (Dr) Lelegwe Ltumbesi requested that Statement.

In the Statement, the Committee was requested to –

(a) establish whether public participation was undertaken in the host counties where the project would traverse making the specific focus on the communities in Samburu County;

(b) give reasons why the LAPPSET Corridor Development Authority does not have a regional office in Samburu County despite the County being the second longest host of the corridor project with 280 kilometers;

(c) state the criteria used to onboard workers in the LAPPSET Project stating the numbers of workers employed by the host county including those deployed in field offices outlining the skill set and type of work the workers were engaged in;

(d) Give reasons why host counties where the project traverse through are not represented in the Board of the LAPPSET Corridor Development Authority;

(e) state the number of the nature of Corporate Social Responsibilities (CSR) activities being implemented by the Authority in Samburu County and explain why CSR activities such as the Presidential Scholarship Programme in Lamu County are not being replicated in other corridor counties hosting the project;

(f) state plans, if any, to ensure Samburu County benefits from land leasing arrangements between the LAPPSET Corridor Development Authority and various investors including the Lokichar for Lamu crude oil export pipeline project.

Mr. Deputy Speaker, Sir, in response to the request by Sen. (Dr) Lelegwe Ltumbesi, the Committee sought and received a response to the Statement from the CS Ministry of Roads, Transport and Public Works.

At a sitting held on 27th April 2023, the Committee considered the response to the Statement. It observed that the response was unsatisfactory and resolved to seek supplementary information.

The Committee also observed that there was an unequal distribution of project benefits along the LAPPSET Projects Corridor. It resolved to invite the CS for Roads, Transport and Public Works, to a meeting of the Committee during the Questions and Statements time to give an assurance of the implementation of the LAPPSET Project; also to ensure that benefits to be accrued from the projects are equitably distributed among the counties along the LAPPSET Project Corridor.

The Committee will therefore pursue the supplementary issues raised in the Statement to their conclusion.

Lastly, Mr. Deputy Speaker, Sir, is the Statement by Sen. Ogolla regarding the death of bodaboda riders and their passengers by sugar cane trailers of a local sugar miller, Sukari Industry, in Ndhiwa Constituency.

In the Statement, the Committee was requested to:

(a) Explain why the Cane trailers belonging to a local miller in Ndhiwa Sukari Industry transport sugar cane at night when visibility is pure leading to frequent cases of accidents specifically involving *bodaboda*, their passengers and other pedestrians, noting that local access roads are very narrow and the trailer loads of cane are abnormally big;

(b) state whether recent cases of accidents involving cane trailers of the said Company, *bodaboda* riders and other road users where approximately twenty people have lost their lives and dozens injured have been investigated and culprits brought to book;

(c) cause the sugar miller to clear cane trailer breakdowns along the local roads promptly noting inordinate delays in clearing broken-down cane trailers from the roads continue to pose danger to road users;

(d) explain whether the sugar miller has compensated the families of persons who have lost their lives or sustained injuries arising from the accident involving cane trailers and *bodabodas*, where investigations have found the millers culpable; and,

(e) outline plans, if any, by the Kenya National Highways Authority (KeNHA), Kenya Rural Roads Authority (KeRRA), as well as the County Government of Homa Bay, to expand local access roads and repair dilapidated sections, as well as clearly mark the road with appropriate signage.

Mr. Deputy Speaker, Sir, in response to the request by Sen. Ogolla, the Committee sought and received a response owed to the Statement from the Cabinet Secretary. At the sitting held on 27th April, 2023, the Committee considered the response to the Statement and found the response to be unsatisfactory because it was not specific on the actions being taken to curb the accidents caused by sugarcane trailers and it was deficient on accidents and fatality data.

The Committee observed that there was a lack of strict enforcement of road safety and traffic rules by the National Transport and Safety Authority (NTSA) and the National Police Service (NPS) along the stated roads. The Committee resolved to seek supplementary information and invite the Cabinet Secretary in the Ministry of Roads, Transportation and Public Works, to respond to the measures that the NTSA and NPS would take, to ensure the strict enforcement of Traffic Act in order to curb road accidents.

Mr. Deputy Speaker, Sir, the Committee will therefore pursue the supplementary issues raised in the Statements to their conclusion.

Thank you very much.

(Sen. Thang'wa laid the documents on the Table)

The Deputy Speaker (Sen. Kathuri): Thank you, Chairperson Committee on Roads, Transportation and Housing.

Let us now go to the other Statement pursuant to Standing Order No.57(1) by the Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 23RD MAY 2023

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. Pursuant to Standing Order No. 57(1), I hereby present the business of the Senate, for the week commencing Tuesday, 23rd May, 2023.

As hon. Senators will recall, the Senate Standing Orders were amended to provide for the appearance of Cabinet Secretaries at Plenary to respond to Questions filed by Senators. So far, we have had two sittings on Questions. Given the experience from the

two sittings, I urge Senators to refrain from introducing new questions, in the guise of supplementary question, in order to manage the limited time that is available on Questions.

Mr. Deputy Speaker, Sir, several Questions have been filed and approved by the Speaker. At its meeting held on Tuesday, 2nd May, 2023, the Senate Business Committee approved the third set of Questions to be scheduled in the Order Paper for Wednesday, 24th May, 2023 during the morning sitting. The summary of the Questions and the Cabinet Secretaries to appear on that day are as follows-

(1) Question by Sen. Chute, to the Cabinet Secretary for the East African Community (EAC), the ASALs and Regional Development, to respond on the state of tendering of relief food in the country.

(2) Question by Sen. Chute, to the Cabinet Secretary for Investments Trade and Industry, to respond on the prequalification of the companies to import commodities by the Kenya National Trading Corporation (KNTC).

(3) Question by Sen. Lomenen to the Cabinet Secretary for Energy and Petroleum, to respond on the delay in the disbursement of funds for sale of crude oil, to the Turkana County Government and the local community.

Mr. Deputy Speaker, Sir, at the meeting of the Senate Business Committee held on 2nd May, 2023, it was noted with concern that there have been several cases where Senators are not in the Chamber to prosecute their business.

The Speaker issued a Communication during the sitting of the Senate on the same day indicating that Standing Order No.64 (3) would be applied to Movers of business who are not available in the Chamber to prosecute their business, as scheduled on the Order Paper. In view of the above, a total of 22 Motions are yet to be prosecuted by respective Movers. I therefore urge Movers to these Motions to avail themselves in the Chamber whenever these Motions are scheduled in the Order Paper to prosecute the same.

Hon. Senators, it is our constitutional mandate to represent our constituents with the various mechanisms provided for by the Standing Orders. It is therefore important that we dedicate ourselves to attending to the Chamber to prosecute business as listed in the Order Paper and contribute to debates, which will build to proposals that will better the lives of the people we have been called upon to serve.

Mr. Deputy Speaker, Sir, in accordance with the Senate Calendar, at the rise of the Senate today, the Senate will proceed on a two-week recess. Regular Sittings of the Senate will resume on Tuesday, 23rd May, 2023. In terms of legislative business, a number of committees are yet to table reports on Bills, Petitions and Statements in accordance with the Standing Orders. Specifically, ten reports on Bills before the Senate are due for tabling by the respective Standing Committees and five Petitions are also due for reporting by the respective Standing Committees to which they were committed in the first place.

I, therefore, urge the Standing Committees to utilize the recess period to expedite consideration of the business pending before them and table reports pursuant to the Standing Orders.

To individual Senators and Members of Committees, I also urge you to utilize the recess time to spread the good news arising from the announcement by the President yesterday. There will be an increase of Kshs30.6 billion, that will be available for

educating our students at the university, with a well thought out programme of affirmative action for children from poor families.

Mr. Deputy Speaker, Sir, Statements are increasingly being sought pursuant to Standing Order 53 and others issued pursuant to Standing Order 52. I take this opportunity to laud all Committees for the timely presentation of Statements on the activities of the Committees pursuant to Standing Order No. 56 (1) (b). I encourage that we continue with this spirit and utilize Standing Order No.56 (1) (a) to present Statements on matters for which the committees are responsible to apprise the House from time to time.

Finally, on Tuesday, 23rd May, 2023, the Senate Business Committee will consider and approve the business of the day. This will contain business that will not be concluded from today's Order Paper, and any other business scheduled by the Senate Business Committee.

The Order Paper for Wednesday, 24th May, 2023 and for Thursday, 25th May, 2023, will contain business that will be scheduled by the Senate Business Committee, as well as those not concluded from Tuesday and on Wednesday Order Papers. The Senate Business Committee will also schedule any other business pursuant to the Standing Orders.

Mr. Deputy Speaker, Sir, on behalf of the Senate Majority Leader, Sen. Cheruiyot, I thank you and hereby lay the statement on the Table of the Senate.

(Sen. (Dr.) Khalwale laid the document on the Table)

The Deputy Speaker (Sen. Kathuri): Thank you, Senate Majority Whip. Let us go to the next Order.

BILLS

First Readings

THE AGRICULTURE AND FOOD SECURITY (AMENDMENT) BILL
(SENATE BILLS NO.13 OF 2023)

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

THE CONSTITUTION OF KENYA (AMENDMENT) BILL
(SENATE BILLS NO.15 OF 2023)

*(Orders for the First Readings read – Read the First Time
and ordered to be referred to the relevant Senate Committees)*

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we concluded business under Order Nos. 11 and 12. Let us now go to Order Nos.13.

MOTION**THE DOPING MENACE THREATENING KENYA'S
IMPECCABLE GLOBAL REPUTATION IN ATHLETICS**

AWARE THAT in 2018 Kenya was placed under Category A by the world Anti-Doping Agency and since then forty Kenyan athletes have been banned by either the Athletics Integrity Unit (AIU) or the Anti-Doping Agency of Kenya (ADAK) and has led to a situation whereby the Kenyan athletes have to undergo intense testing before participating in major events and has immensely affected the reputation of the Kenyan athletes and the standing of Kenya in the international Sports arena where it currently ranks at number five;

CONCERNED THAT, despite the high number of alleged doping cases Kenya has only one World Anti-Doping Agency (WADA) approved blood testing laboratory forcing it to send urine tests to Qatar and South Africa for analysis and that the Anti-Doping Agency of Kenya (ADAK) is taking too long to address the doping menace which is likely to affect the state of preparedness for the athletes in the upcoming 2024 Olympic Games in Paris;

NOW THEREFORE, the Senate resolves that the Ministry of Youth, Sports and Arts:

- a. Come up with modalities that can help achieve increased testing, intelligence gathering on athletes and doping awareness programmes.
- b. In collaboration with Athletics Kenya (AK) and National Olympic Committee of Kenya (NOCK) to vet all training camps, coaches, trainers and other athlete handlers.
- c. Initiate investigations at Anti-Doping Agency Kenya (ADAK) to identify and sanction all responsible officers liable for the menace of doping.
- d. In collaboration with the Directorate of Criminal Investigations and the Ethics and Anti-Corruption Commission finalize pending investigations and recommend prosecution of individuals involved in giving this banned substance to athletes.
- e. In collaboration with the Ministry of Health to identify and revoke licenses for medics, pharmacies and hospitals responsible for the prescription of the commonly abused drugs by the athletes.

(Sen. Cherarkey on 9.3.2023)

(Resumption of debate interrupted on 3.5.2023)

The Deputy Speaker (Sen. Kathuri): Hon. Members, according to my record, this Motion was concluded. Therefore, I will put the question.

(Question put and agreed to)

Hon. Senators, I defer Order Nos. 14, 15, 16, 17, 18, 19, 20 and 21.

BILL

Second Reading

THE LEARNERS WITH DISABILITIES BILL
(SENATE BILLS NO.4 OF 2023)

(Bill deferred)

MOTION

ADOPTION OF REPORT ON RELOCATION OF NATIONAL GOVERNMENT
ADMINISTRATIVE SERVICES FROM CHUKA TOWN

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on a Statement sought on the relocation of National Government administrative services from Chuka Town to Kathwana county headquarters, Tharaka Nithi County, laid on the Table of the Senate, on Wednesday 19th April, 2023.

(Motion deferred)

MOTION

COMPENSATION TO KENYAN VICTIMS OF THE 1998 BOMBING
OF THE UNITED STATES EMBASSY IN NAIROBI

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 that the Ministry of Foreign Affairs:

- (i) Advances friendship and co-operation between the United States 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; and
- (ii) Partners with the Ministry of Health to explore subsidized medical treatment for the surviving victims of the bomb blast.

(Motion deferred)

MOTION

REVIEW OF THE MINIMUM WAGE NECESSITATED BY HIGH COST OF LIVING

AWARE THAT minimum wages in Kenya are specified as part of a national wage policy and guided by the Regulation of Wages and Conditions of Employment Act (CAP 229) aimed at reducing poverty as well as protecting and promoting the living standards of workers;

CONCERNED THAT, despite the increase in Kenya's minimum wage in May 2022 by 12 per cent to help workers cope with the surge in consumer prices, the current inflation rates have had a knock-on effect on the cost of living and doing business in the country with the prices of goods, household energy bills, and transport remaining stubbornly high;

NOW THEREFORE, the Senate resolves that the Cabinet Secretary for Labour and Social Protection engages all stakeholders including the General Wages Advisory Board (GWAB) and the Agricultural Wages Advisory Board (AWAB) with a view of raising the minimum wage by at least 50 per cent as from 1st May, 2023.

(Motion deferred)

MOTION

REPOSSESSION OF MOVABLE ASSETS BY LENDING INSTITUTIONS DUE TO NON-PERFORMING LOANS

AWARE THAT the high unemployment rate in Kenya has pushed many Kenyans to seek loans from Saccos, Microfinance Institutions and Banks to start Small and Medium Enterprises (SMEs) to sustain their livelihoods.

NOTING THAT the youth in particular have invested in movable assets, including vehicles and motorcycles, to start business in the transport industry and most of them have signed up to the ride hailing apps including but not limited to Uber, Taxify, Bolt and Little cab.

COGNIZANT THAT the Banking Act 2015 CAP 488 does not provide for renegotiation on the loan repayment agreement whenever the business environment becomes unfavourable as a result of the high cost of living, lowered earnings from the App providers and high interest rates.

NOW THEREFORE, the Senate urges the National Treasury and Economic Planning to come up with a policy framework to review the Banking Act in order to renegotiate the repayment terms of the loans and provide cushion for Kenyans with non-performing loans and prevent the loss of their movable assets.

(Motion deferred)

MOTION

ACCELERATING THE IMPLEMENTATION OF SUSTAINABLE DEVELOPMENT GOALS

AWARE THAT, the 2030 agenda for Sustainable Development adopted by all United Nations Member States in 2015 provides a shared global blue print aimed at ending poverty, protecting the earth's environment and climate and ensuring that people everywhere enjoy peace and prosperity;

APPRECIATING THAT, the implementation of the 2030 agenda for Sustainable Development in Kenya started by the official launch of the Sustainable Development Goals (SDGs) in Kenya in 2016 followed by the development of the Country SDGs roadmap to guide the transition from Millennium Development Goals to SDGs and the mainstreaming of the SDGs at both the National and County Governments;

CONCERNED THAT, the implementation of the 2030 agenda for sustainable Development in Kenya has been affected negatively by shocks such as continued drought since 2019 in Kenya and around the world, serious invasion by desert locusts, the COVID-19 pandemic and other public health calamities and the current strained state of the Kenyan economy;

NOW THEREFORE, the Senate resolves that the State Department for Economic Planning in consultation with the Council of Governors comes up with reviewed implementation roadmaps for the two levels of Government taking into account the shocks that have impeded or any other that are likely to impede the implementation of the 2030 agenda for Sustainable Development.

(Motion deferred)

MOTION**INTEGRATION OF ETHNIC MINORITIES AND
MARGINALIZED COMMUNITIES IN KENYA**

AWARE THAT, Kenya is a multi-ethnic country with a rich diversity of cultures, languages and traditions.

FURTHER AWARE THAT, ethnic minorities and marginalized communities face significant social, economic and political challenges including discrimination, marginalization and exclusion.

ACKNOWLEDGING THAT Articles 10 (2)b, 21(3), 27, 56, 91(1)(e), 100,174(e), 177(1) (c),204(3)(b),216(4) and the Fifth Schedule to the Constitution of Kenya obligate the state to promote and protect the welfare of ethnic minorities and marginalized communities.

APPRECIATING THAT, the Government has put in place policies, legal and institutional frameworks including affirmative action programs to address the needs of other special interest groups namely children, persons with disabilities (PWDS), youth, women and the elderly

CONCERNED THAT, ethnic minorities and marginalized communities remain largely unaddressed through similar interventions due to lack of an existing national policy and legislative framework;

NOW THEREFORE the Senate resolves that the Ministry of Public Service, Gender and Affirmative Action, the National Gender and Equality Commission and any other relevant state departments in collaboration with the Council of Governors –

- (i) initiate measures to identify and address the specific needs and challenges faced by ethnic minorities and marginalized communities in Kenya; and,
- (ii) develop and implement national policy and legislative framework for the integration of ethnic minorities and marginalized communities in Kenya as envisaged in the Constitution of Kenya.

(Motion deferred)

MOTION**DESIGNATION OF A MONTHLY CAR FREE DAY
AND COUNTY CAR FREE ZONES**

THAT AWARE THAT, Kenyans have a right to a clean and healthy environment pursuant to Article 42 of the Constitution.

NOTING THAT the National Climate Change Action Plan identifies transportation as the fourth largest contributor to greenhouse gas emissions which if uncontrolled, will result to negative impact of climate change that will adversely affect millions of Kenyans.

CONCERNED THAT the number of private vehicles has significantly grown leading to increased road accidents, carbon emission and vehicle congestion costs which are in excess of Kshs. 100 billion in GDP per year;

NOW THEREFORE the Senate urges the Ministry of Roads and Transport, in collaboration with the Council of Governors, and the National Climate Change Council to:

- i.) identify, publicize and execute suitable monthly car-free days and county car-free zones in urban areas;
- ii.) provide affordable, safe and efficient public transport including but not limited to development of Bus Rapid Transport (BRT) in the urban areas;
- iii.) encourage the use of electric hybrid buses and provide appropriate incentives for their use;
- iv.) design an infrastructure that can support non – motorized transport facilities such as pedestrian and bicycle access within urban centers; and,
- v.) ensure inter-model connectivity among the various transport modes.

(Motion deferred)

The Deputy Speaker (Sen. Kathuri): Let us go to Order No.22. Sen. Kibwana, kindly move the Motion.

STATE OF MENTAL HEALTH OF POLICE OFFICERS

Sen. Kibwana: Mr. Deputy Speaker, Sir, I beg to move the following Motion-

AWARE THAT, police officers are usually first responders and are often exposed to traumatic scenes and chronic stressors such as, dangerous situations, injuries and violence coupled with the need to report and testify about psychologically stressful scenes;

COGNIZANT OF, a survey done by the National Police Service Commission in 2022 which indicated that at least 12 to 13 per cent of the 110,000 police officers have mental health challenges stemming from work related issues;

CONCERNED THAT, there has been a recent spike of incidents involving police officers, including murder and suicide, which have been linked to the state of mental wellbeing;

NOW THEREFORE, the Senate urges the National Government and the National Police Service through the Ministry of Interior and National Administration to –

1. declare the current mental health situation within the police service a national emergency;
2. urgently establish a specialized facility to cater for police officers with mental illness;

3. develop and implement policies to reduce the stigma surrounding mental health issues within law enforcement agencies and encourage officers to seek help when needed; and,
4. prioritise mental health as a priority health and socio-economic agenda within the Police Service and that in cases of deployment and transfers the service considers the health of the affected officers.

The Deputy Speaker (Sen. Kathuri): May we get a seconder?

Sen. Kibwana: I request Sen. (Dr.) Khalwale to second the Motion.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. I would second any Motion that speaks to matters of health, any time in this House. I would like to second this Motion as moved and congratulate the originator of the Motion Sen. Kibwana for being mindful of mental health matters.

This is a very serious issue. I am persuaded professionally that the tragedy---

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, there is an intervention from Sen. Ogola that I am interpreting as a point of order.

Sen. (Dr.) Khalwale: Yes, Sen. Ogola.

QUORUM

Sen. Ogola: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order 41. From my observation, we are only five Members. Therefore, I propose that we move for adjournment.

The Deputy Speaker (Sen. Kathuri): The Chair has no eyes. I was not aware that you were only five. I thought you were full House.

Kindly ring the Quorum Bell for five minutes.

(Quorum Bell was rung for five minutes)

Ring the Quorum Bell for another five minutes.

(Quorum Bell was rung)

The Deputy Speaker (Sen. Kathuri): Order Senators. Sen. (Dr.) Khalwale, you have 19 minutes to continue seconding the Motion under Order No.22.

ADJOURNMENT

The Deputy Speaker (Sen. Kathuri): Hon. Senators, pursuant to Standing Order No.41, there being no quorum, the Senate stands adjourned until Tuesday, 23rd May, 2023, at 2.30 p.m.

The Senate rose at 5.42 p.m.