



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – THIRD SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, FEBRUARY 14, 2019 AT 2.30 P.M.**

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with prayer said by the Speaker.
3. **COMMUNICATION FROM THE CHAIR ON THE PROCESSING OF THE BUDGET POLICY STATEMENT, 2019**

The Speaker conveyed the following Communication from the Chair: -

“Honourable Senators, as you may be aware, section 25 of the Public Finance Management Act requires the National Treasury to prepare and submit the Budget Policy Statement to Parliament by the 15<sup>th</sup> February each year.

In this regard Honourable Senators, by a letter Ref. No. Conf.MOF83/02TY.5/(86) dated 14<sup>th</sup> February, 2019 and received in the office of the Clerk on 14<sup>th</sup> February, 2019, the Principal Secretary for the National Treasury submitted the following documents for consideration and approval by Parliament-

- a) The Budget Policy Statement, 2019;
- b) The Medium-Term Debt Management Strategy, 2019;
- c) The Draft Division of Revenue Bill, 2019; and
- d) The Draft County Allocation of Revenue Bill, 2019.

Consequently Honourable Senators, I will allow the Chairperson of the Standing Committee on Finance, Commerce and Budget to formally table these documents.

Honourable Senators, the Budget Policy Statement is an important tool as it sets out the broad strategic priorities and policy goals that will guide the national government and county governments in preparing their budgets both for the following Financial Year and over the medium term. It contains, among other things-

- i) an assessment of the current state of the economy and the financial outlook over the medium term, including macro-economic forecasts;
- ii) the financial outlook with respect to Government revenues, expenditures and borrowing for the next financial year and over the medium term;
- iii) the proposed expenditure limits for the national government, including those of Parliament and the Judiciary and indicative transfers to county governments; and
- iv) the fiscal responsibility principles and financial objectives over the medium-term including limits on total annual debt.

In a nutshell it means that any proposal that Senators have regarding the Division of Revenue Bill and the County Allocation of Revenue Bill, including funds for conditional allocations to the counties, should be canvassed and forwarded to the National Treasury for possible factoring in the Budget Policy Statement, failure to which, it will be difficult for changes to be accommodated later on.

Honourable Senators, Section 25 (7) of the Public Finance Management Act provides as follows-

*25 (7) Parliament shall, not later than fourteen days after the Budget Policy Statement is submitted to Parliament, table and discuss a report containing its recommendations and pass a resolution to adopt it with or without amendments.*

Based on the importance of the Budget Policy Statement and the above timelines, I direct that once tabled, the Budget Policy Statement be considered by all Standing Committees each concentrating on its mandate. The Standing Committees will then forward their recommendations to the Standing Committee on Finance, Commerce and Budget for consolidation and tabling of the report, not later than Tuesday, 26<sup>th</sup> February, 2019. The Senate should then debate and conclude the report by Thursday, 28<sup>th</sup> February, 2019.

Please note that, pursuant to section 25 (8) of the Public Finance Management Act, the Cabinet Secretary of the National Treasury is expected to take into account resolutions passed by Parliament in finalizing the budget for the relevant Financial Year.

Honourable Senators, I therefore urge you all to prioritize the scrutiny of the Budget Policy Statement taking into consideration our most important function of safeguarding devolution.

I thank you.”

#### 4. **PAPERS LAID**

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

- a) Report of the Controller of Budget on the National Government Budget Implementation Review for the First Quarter of the FY 2018/2019.
- b) Report of the Controller of Budget on the County Governments Budget Implementation Review for the First Quarter of the FY 2018/2019.
- c) The Annual Report of the National Police Service Commission for the Period 2017/2018.
- d) The Annual Report of the Teachers Service Commission for the Period 2017/2018.
- e) The Annual Report of the National Gender and Equality Commission for the Period 2016/2017.
- f) Report of the Public Service Commission on the Evaluation on Public Service Compliance with the Values and Principles in Articles 10 and 232 of the Constitution for the Year 2017/2018.
- g) Report of the Auditor-General on the Financial Statements of Nyamira County Assembly Car and Mortgage Loan Fund the Year ended 30 June, 2015.
- h) Report of the Auditor-General on the Financial Statements of Nyamira County Assembly Car and Mortgage Loan Fund the Year ended 30 June, 2016.
- i) Report of the Auditor-General on the Financial Statements of Nyamira County Assembly Car and Mortgage Loan Fund the Year ended 30 June, 2017.
- j) Report of the Auditor-General on the Financial Statements of Nyamira Executive Car and Mortgage Loan Fund the Year ended 30 June, 2016.
- k) Report of the Auditor-General on the Financial Statements of Kajiado County Executive Staff Car and Mortgage Loan Fund the Year ended 30 June, 2017.
- l) Report of the Auditor-General on the Financial Statements of Kajiado County Education Bursary Fund the Year ended 30 June, 2017.
- m) Report of the Auditor-General on the Financial Statements of Kajiado County Disability Mainstreaming Fund the Year ended 30 June, 2017.
- n) Report of the Auditor-General on the Financial Statements of Kajiado County Roads Maintenance Levy Fund the Year ended 30 June, 2017.
- o) The Budget Policy Statement, 2019.
- p) The Draft Division of Revenue Bill, 2019.
- q) The Draft County Allocation of Revenue Bill, 2019.

- r) The Medium-Term Debt Management Strategy, 2019.
- s) Statement on the business of the Senate for the week commencing Tuesday, 19<sup>th</sup> February, 2019.

*(The Senate Majority Leader)*

5. **NOTICE OF MOTION** – (Chairperson, Ad-Hoc Committee on Maize)

THAT, this House adopts The Report of the of the Ad-hoc Committee on the Maize crisis in Kenya laid on the Table of the House on Tuesday, 27<sup>th</sup> November, 2018.

6. **STATEMENT PURSUANT TO STANDING ORDER NO. 52 (1)**

The Senate Majority Leader issued a statement regarding the business of the Senate for the week commencing Tuesday, 19<sup>th</sup> February, 2019.

7. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. (Prof.) Margret Kamar) – in the Chair)

**The Petroleum Bill (National Assembly Bills No. 48 of 2017)**

Resumption of debate interrupted on Wednesday, 13<sup>th</sup> February, 2019;

Clause 18 – amendment proposed.

**THAT** clause 18 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause–

- (1) Subject to section 23, the Cabinet Secretary shall negotiate, award and execute a petroleum agreement on behalf of the national government.

*(Sen. Mutula Kilonzo Jnr.)*

Clause 18 - vote deferred.

Clause 117 – amendment proposed.

**THAT** clause 117 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clauses–

- (1) Where there is a dispute between parties to a petroleum agreement arising out of or in connection with upstream operations, the dispute shall be settled through arbitration.
- (2) Unless otherwise provided for in the petroleum agreement, the parties shall appoint three arbitrators to determine the dispute as follows-
  - (a) each party shall appoint one arbitrator; and
  - (b) the arbitrators appointed under paragraph (a) shall, within thirty days of their appointment, jointly appoint an arbitrator who shall preside over the arbitration.
- (3) Where a party fails to appoint an arbitrator within thirty days of receipt of a request to do so from the other party, or where the arbitrators appointed by the parties fail to appoint an arbitrator within thirty days of their appointment, the appointment shall be made, on the request of a party, by the Registrar of the Nairobi Centre for International Arbitration and any award, order or determination of or by such arbitrators shall be final and binding on all parties.
- (4) The dispute referred to the arbitrators appointed by the Registrar under subsection (1) shall be administered in accordance with the Rules for arbitration of the Nairobi Centre for International Arbitration.

*(Sen. Mutula Kilonzo Jnr)*

Clause 117 - vote deferred.

New Clauses 13B - amendment proposed.

**THAT** the Bill be amended by inserting the following new clauses immediately after clause 13 –

Functions of  
the Authority.

**13B.** The functions of the Authority shall be to—

- (a) regulate, monitor and supervise petroleum operations in Kenya in accordance with this Act, the regulations made thereunder and the relevant petroleum agreement;
- (b) provide such information and statistics in relation to petroleum operations in Kenya to the Cabinet Secretary as may be required from time to time;
- (c) regulate the importation, refining, exportation, transportation, storage and sale of petroleum and petroleum products with

the exception of crude oil;

- (d) collect, maintain and manage petroleum data;
- (e) receive and review an application for a non-exclusive exploration and where it is satisfied that it is warranted, grant a non-exclusive exploration permit;
- (f) co-ordinate the development of petroleum infrastructure and promote capacity building in upstream petroleum operations;
- (g) enter any area, structure, vehicle, vessel, aircraft or building that has been, is being or is to be used in connection to upstream petroleum operations;
- (h) inspect and test any machinery or equipment that has been used, is used or shall be used in upstream petroleum operations;
- (i) take or remove, for analysis, testing or for use in evidence in connection with the commission of an offence under this Act, samples of petroleum or other substances from any area where any upstream petroleum operations are being carried on;
- (j) inspect, take extracts from, or make copies of any document relating to any petroleum operations;
- (k) assess field development plans and make recommendations to the Cabinet Secretary for approval, amendment or rejection of the plans;
- (l) assess tail-end production and cessation of upstream petroleum operations and oversee decommissioning by a contractor;
- (m) verify the measurements of petroleum production to allow for estimation and assessment of royalties and profits of oil and gas due to the National Government;
- (n) verify the recoverable cost of oil and gas due to the parties to a petroleum agreement;
- (o) audit contractors for cost recovery;
- (p) monitor in consultation with the Competition Authority established under the Competition

Act conditions of contractors’ operations and their trade practices to ensure that competition and fair practice is maintained;

- (q) provide information to the relevant authority for the collection of taxes and fees from upstream petroleum operations;
- (r) set, review and approve contracts, tariffs and charges for common user upstream petroleum facilities;
- (s) make proposals to the Cabinet Secretary in relation to regulations which may be necessary or expedient for the regulation of the petroleum sector or for carrying out the objects and purposes of this Act;
- (t) work with the relevant statutory authorities to formulate, enforce and review environmental, health, safety and quality standards for the petroleum sector;
- (u) develop guidelines, in consultation with other statutory authorities, in relation to the implementation of treaties, conventions or protocols affecting the upstream petroleum sector that have been ratified by Kenya;
- (v) regulate contracts on upstream petroleum operations not specifically provided for under this Act;
- (w) advice the Cabinet Secretary in the evaluation of the bids and applications made for upstream petroleum blocks; and
- (x) perform any other function that may be conferred on it under this Act.

*(Sen. Ledama Olekina)*

Clause 13B

– vote deferred.

New Clauses 13C

– amendment proposed.

Powers of the Authority.

**13C.** (1) The Authority shall have all powers necessary or expedient for the performance of its functions under this Act and in particular, the Authority shall have the power to—

- (a) ensure that contractors uphold the relevant laws, regulations and petroleum agreement

terms;

- (b) ensure optimal levels of recovery of petroleum resources;
- (c) promote well planned, executed and cost-efficient operations;
- (d) ensure optimal utilization of existing and planned facilities;
- (e) ensure the establishment of a central database of persons involved in upstream petroleum operations;
- (f) manage upstream petroleum data and provide periodic updates and publication of the status of upstream petroleum operations
- (g) take such action as is necessary to enforce the requirements in a petroleum agreement or any regulations and to protect the environment, the health and safety of workers and the public;
- (h) ensure and facilitate competition, access and utilization of facilities by third parties;
- (i) prescribe the form and manner in which any application for any authority, consent or approval under this Act shall be made;
- (j) investigate complaints or disputes arising from upstream petroleum operations;
- (k) enter, inspect and search any premises at which any undertaking is carried out or an offence under this Act is being committed or is suspected to have been committed;
- (l) issue orders either requiring acts or things to be performed or done, prohibiting acts or things from being performed or done, and may prescribe periods or dates upon, within or before which such acts or things shall be performed or done or such conditions shall be fulfilled in furtherance of its powers under this Act;
- (m) impose such sanctions and civil fines not exceeding five hundred thousand shillings per violation per day, as may be prescribed in regulations to secure compliance with orders issued under this Act;



- (n) enforce local content requirements;
- (o) issue operational permits and non-exclusive exploration permits in accordance with this Act; and
- (p) ensure enforcement and compliance with the national values and principles.

(2) The Director Public Prosecutions may, on the request of the Authority, appoint any officer of the Authority or an advocate of the High Court to be a public prosecutor for the purposes of prosecuting offences under this Act.

*(Sen. Ledama Olekina)*

Clause 13C

– vote deferred.

New Clauses 13D

– amendment proposed.

Board of Directors of the Authority.

**13D.** (1) The management of the Authority shall vest in a Board of Directors which shall consist of—

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for petroleum or his or her authorized representative;
- (c) the Principal Secretary in the National Treasury or his or her authorized representative;
- (d) three county executive committee members responsible for petroleum nominated by the Council of County Governors;
- (e) the Director-General appointed under section 23 of this Act; and
- (f) one person shall be nominated by the Kenya Private Sector Alliance appointed by the Cabinet Secretary;
- (g) one person with knowledge and experience in matters relating to petroleum and serving in an institution of higher education appointed by the Cabinet Secretary.

(2) A person shall be qualified for appointment as a chairperson under subsection (1)(a) or a member under subsection (1)(f) and (g) if that person—

- (a) is a citizen of Kenya;

- (b) holds a degree from a university recognized in Kenya in any of the following fields—
  - (i) engineering;
  - (ii) physical sciences;
  - (iii) law;
  - (iv) finance;
  - (v) economics; or
  - (vi) energy;
  - (vii) any other relevant degree.
- (c) has had at least seven years relevant professional and managerial experience;
- (d) is a member in good standing of the relevant professional association; and
- (e) meets the requirements set out in Chapter Six of the Constitution.

*(Sen. Ledama Olekina)*

Clause 13D

– vote deferred.

New Clauses 13E

– amendment proposed.

Terms of office of the chairperson and members of the Board.

**13E.** (1) The chairperson of the Board of the Authority shall be appointed for a term of four years and shall be eligible for re-appointment for one further term.

(1) A member of the Board appointed under section 13D(1)(f) and (g) shall hold office for a period of three years and shall be eligible for re-appointment for one further term.

(3) The chairperson and members of the Board shall be appointed at different times so that the respective expiry dates of their terms of office shall fall at different times.

(4) The chairperson and the members appointed in accordance with section 13D(1)(f) and (g) who shall be appointed immediately upon the coming into force of this Act shall be appointed for such shorter terms than prescribed in subsection (1) or subsection (2) so their tenures do not end on the same date.

*(Sen. Ledama Olekina)*

Clause 13E

– vote deferred.

New Clauses 13F

– amendment proposed.

Gender,

**13F.** In the composition of the Board of

regional and Directors, no more than two-thirds of the members  
ethnic shall be of one gender and the Board shall also  
balance. reflect the regional and ethnic diversity of Kenya.

*(Sen. Ledama Olekina)*

Clause 13F - vote deferred.

New Clauses 13G - amendment proposed.

Conduct of **13G.** (1) The conduct and regulation of the  
business of business of the Board shall be as provided in the  
the Board. First Schedule of this Act.

(2) Subject to the provisions of the First  
Schedule, the Board shall regulate its own  
procedure.

*(Sen. Ledama Olekina)*

Clause 13G - vote deferred.

New Clauses 13H - amendment proposed.

Vacancies in **13H.** (1) The office of the chairperson or a  
the Board. member of the Board of Directors, as the case may  
be, shall become vacant if the holder—

- (a) dies;
- (b) by notice in writing addressed to the  
President or the Cabinet Secretary, as the  
case may be, resigns from office; or
- (c) is removed from office under any of the  
circumstances contemplated in section 13I.

(2) The President or the Cabinet Secretary, as  
the case may be, shall notify every resignation,  
vacancy or termination in the Gazette within  
fourteen days.

*(Sen. Ledama Olekina)*

Clause 13H - vote deferred

New Clauses 13I - amendment proposed.

Removal of **13I.** A chairperson or a member appointed  
chairperson under section 13D(1)(f) and (g) may be removed from  
or a member office for—  
of the Board.

- (a) any violation of the Constitution or any other  
law;
- (b) gross misconduct, whether in the

performance of the chairperson’s or member’s, as the case may be, functions or otherwise;

- (c) physical or mental incapacity to perform the functions of the office;
- (d) being absent from three consecutive meetings of Board without reasonable cause;
- (e) a failure to disclose to the Board of Directors any interest in any contract or matter before the Board;
- (f) being convicted of a criminal offence;
- (g) incompetence; or
- (h) bankruptcy.

*(Sen. Ledama Olekina)*

Clause 13I

– vote deferred

New Clauses 13J

– amendment proposed.

Director-General.

**13J.** (1) The Cabinet Secretary shall, on the recommendation of the Board of Directors, appoint a Director-General who shall be the chief executive of the Authority and shall, subject to the directions of the Board, be responsible for the day to day management of the Authority.

(2) The Cabinet Secretary shall appoint the Director General from a list of three names of persons submitted by the Board of Directors after a competitive selection process.

(3) A person shall be qualified for appointment as the Director-General if such person—

- (a) is a citizen of Kenya;
  - (b) holds a degree from a university recognized in Kenya in the fields of—
    - (i) petroleum geosciences;
    - (ii) petroleum engineering;
    - (iii) petroleum economics;
    - (iv) finance; or
    - (v) petroleum law.
  - (c) has at least seven years relevant professional experience;
  - (d) is a member in good standing of the relevant professional association: and
  - (e) meets the requirements set out in Chapter Six of the Constitution.
- (4) The Director-General shall hold office for a

term of three years and shall be eligible for re-appointment for one further term of three years.

(5) The Director-General shall be the secretary to the Board of Directors but shall have no right to vote at any meetings of the Board of Directors.

*(Sen. Ledama Olekina)*

Clause 13J - vote deferred

New Clauses 13K - amendment proposed.

Removal from office of Director-General. **13K.** (1) The Cabinet Secretary may remove the Director-General from office in accordance with the terms and conditions of service only for—

- (a) inability to perform the functions of office due to physical or mental incapacity;
- (b) gross misconduct or misbehaviour;
- (c) incompetence or neglect of duty;
- (d) violation of the Constitution or any other law;
- (e) bankruptcy; or
- (f) any other ground that would justify removal from office under the terms and conditions of service.

(2) Before the Cabinet Secretary removes the Director General from office, the Director-General shall be given—

- (a) sufficient notice of the allegations made against him or her to the Authority; and
- (b) an opportunity to present his defence against the allegations.

*(Sen. Ledama Olekina)*

Clause 13K - vote deferred

New Clauses 13L - amendment proposed.

Staff of the Authority. **13L.** The Authority may, in consultation with the Public Service Commission, appoint such staff as it may require for the proper discharge of the functions of the Authority under this Act, and on such terms and conditions of service as the Board, on the recommendation of the Salaries and Remuneration Commission, may determine.

*(Sen. Ledama Olekina)*

Clause 13L - vote deferred

New Clauses 13M - amendment proposed.

Remuneration of the members of the Board. **13M.** The Authority shall pay its members such remuneration, fees or allowances for expenses as may be determined by the Salaries and Remuneration Commission.

*(Sen. Ledama Olekina)*

Clause 13M - vote deferred

New Clauses 13N - amendment proposed.

Protection from personal liability. **13N.** (1) Any matter or thing done by a member of the Board or any officer, employee or agent of the Authority shall not, if the matter or thing is done bona fide for executing the functions, powers or duties of the Authority, render the member, officer, employee, agent or any other person acting on those directions personally liable to any action, claim or demand whatsoever.

(2) The provisions of subsection (1) shall not relieve the Authority of the liability to pay compensation or damages to any person for an injury to that person, that person's property or any of the persons' interests caused by the exercise of the powers conferred on the Board by this Act or by any other written law or by the failure, whether wholly or partially, of any works.

*(Sen. Ledama Olekina)*

Clause 13N - vote deferred

New Clauses 13O - amendment proposed.

Funds of the Authority. **13O.** (1) The funds of the Authority shall consist of—

- (a) such moneys as may, from time to time, be appropriated by the National Assembly for that purpose;
- (b) levies, not exceeding one half of a percent on the sales of petroleum products;
- (c) such other moneys or assets as may accrue to or vest in the Authority in the exercise of its powers or the performance of its functions

under the Act;

- (d) any revenues generated from any proprietary interest held by the Authority whether movable or immovable;
  - (e) interest from bank deposits; and
  - (f) any revenue from other sources including loans, grants, gifts, or donations approved by the Cabinet Secretary.
- (2) All revenues generated by the Authority including levies shall be paid into the Consolidated Fund.
  - (3) Any funds retained by the Authority shall make part of the funds of the Authority by way of appropriation.
  - (4) Penalties are excluded from the funds of the Authority.
  - (5) The Cabinet Secretary responsible for matters relating to petroleum may make Regulations to provide for a levy prescribing—
    - (a) the amount in Kenya Shillings payable per cubic metre of crude oil;
    - (b) the amount of Kenya Shillings payable per one thousand cubic metre of marketable natural gas;
    - (c) when the relevant levy may be applied; and any other requirements for implementation of the levy.
  - (6) There shall be paid out of the funds of the Authority, all expenditure incurred by the Authority in the exercise of its powers or the performance of its functions under this Act.

*(Sen. Ledama Olekina)*

Clause 130

– vote deferred

New Clauses 13P

– amendment proposed.

Investment of funds of the Authority.

- 13P.** (1) The Authority may invest its funds in any securities which for the time being trustees may by law invest in trust funds, or in any other securities which the Cabinet Secretary may, from time to time, approve for that purpose.
- (2) The Authority may place on deposit with such a bank as it may determine, any moneys

not immediately required for the purposes of the Authority.

*(Sen. Ledama Olekina)*

Clause 13P  
New Clauses 13Q

- vote deferred  
- amendment proposed.

Financial year.

**13Q.** The financial year of the Authority shall be the period of twelve months ending on the thirtieth June in each year.

*(Sen. Ledama Olekina)*

Clause 13Q

- vote deferred

New Clauses 13R

- amendment proposed.

Annual estimates.

**13R. (1)** At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Authority for that year.

(3) The annual estimates shall make provision for all estimated expenditure of the Authority for the financial year concerned.

(4) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval.

*(Sen. Ledama Olekina)*

Clause 13R

- vote deferred

New Clauses 13S

- amendment proposed.

Annual report.

**13S.** The Board shall, within a period of three months after the end of each financial year, submit -

(a) to the Auditor-General, the accounts of the Authority in respect of that year together with —

(i) a statement of the income and expenditure of the Authority during



that year; and

(ii) a statement of the assets and liabilities of the Authority on the last day of that financial year; and

(b) to the Cabinet Secretary, an annual report in respect of that year containing-

(i) the accounts of the Authority and statements referred to under paragraph (a);

(ii) the Authority's performance indicators and any other related information;

(iii) a report on the operations of the Authority during that year; and

(iv) such other information as the Cabinet Secretary may request.

*(Sen. Ledama Olekina)*

Clause 13S

- vote deferred

New Clauses 13T

- amendment proposed.

Accounts and audit.

**13T.** (1) The Authority shall keep or cause to be kept proper books of account in which shall be recorded all the income and liabilities, expenditure, assets, undertakings, funds, activities, contracts, transactions and any other business of the Authority.

(2) The Authority shall ensure that all moneys received are properly brought to account, all payments out of its funds are properly made and authorized and that adequate control is maintained over its assets and liabilities in accordance with this Act and any other written law.

(3) Within a period of three months after the end of each financial year, the Authority shall prepare annual financial statements in accordance with the provisions of section 81 of

No.18 of 2012.

the Public Finance Management Act, and submit them to the Auditor-General or to an auditor appointed under subsection (4), for audit.

(5) Within a period of six months after the end of the financial year, the Auditor-General shall report on the examination and audit of the accounts of the Authority, to the Authority and to the Cabinet Secretary, and in the case of an auditor appointed in accordance with section 81 of the Public Finance Management Act, the auditor shall submit a copy of the report to the Auditor-General and the Auditor-General shall submit the report to the Authority and Cabinet Secretary.

(6) Notwithstanding anything in this Act, the Auditor-General may submit to the Cabinet Secretary a special report on any matter incidental to his powers under this Act, and the provisions of the Public Finance Management Act, on the same issue shall apply with the necessary modifications to any report made under this section.

(7) The fee for an auditor, other than the Auditor-General, appointed under section 81 of the Public Finance Management Act, not being a public officer, shall be determined and paid by the Authority.

(8) The Authority shall prepare the financial statements in a form that complies with the Public Finance Management Act.

*(Sen. Ledama Olekina)*

Clause 13T

– vote deferred

New Clauses 13U

– amendment proposed.

Delegation of powers or functions to committees or agents.

**13U.** (1) The Authority may, by resolution  
(2) A committee, officer, employee or agent of the Authority shall be appointed in writing and the instrument of appointment shall set out the term of the appointment, the duties of the appointee, the appointee’s reporting requirements, functions, authority and powers conferred on the appointee.

(3) Any instrument issued by the Authority

under subsection (2) may be varied or revoked by the Authority at any time.

- (5) The Authority shall pay such allowances and fees to the members of such committees or such officers, employees or agents as the Salaries and Remuneration Commission may recommend.

*(Sen. Ledama Olekina)*

Clause 13U

– vote deferred

New Clauses 13V

– amendment proposed.

Powers of committees or agents.

**13V.** (1) A committee, member, officer, employee or agent appointed under section 13U may, upon production of evidence of appointment to any person reasonably requiring it, for the purposes of this Act—

- (a) enter upon any premises at which any undertaking is carried out in relation to upstream petroleum operations or an offence under this Act is or is suspected to have been committed;
- (b) inspect and test any process, installation, works or other operation in relation to upstream petroleum operations which is or appears likely to be carried out in those premises;
- (c) be accompanied by a police officer if there is a reason to believe that any serious obstruction may occur in relation to an inspection or inquiry under this section;
- (d) require from any person the production of any book, notice, record, list or other document which appears to the committee, officer, employee or agent to have relevance to the inspection or inquiry, which is in the possession or custody or under the control of that person or of any other person on that committee’s or agent’s behalf;
- (e) examine and copy any part of any book, notice, record, list or other document which appears to have relevance to the inspections or inquiry, and require any person to give an explanation of any entry therein,

and take possession of any such book, notice, record, list or other document as he believes may afford evidence of an offence under this Act;

- (f) require information relevant to the committee, officer, employee or agents' inspection or inquiry from any person whom the committee, officer, employee or agent has reasonable grounds to believe is or has been employed at any such premises or to have in that person's possession or custody or under the person's control any article referred to in this subsection; or
- (g) exercise such other powers as may be necessary in connection with the inspection or inquiry and other powers of his appointment under section 13U.

(2) A member of a committee of the Authority, officer, employee or agent entering upon any premises under this section may be accompanied by such persons and may enter with such equipment as may be necessary.

(3) Where—

- (a) the premises to which this section relates are unoccupied;
- (b) the owner, occupier or person in charge thereof is temporarily absent; or
- (c) entry thereon is refused or obstructed, the member of the committee, officer, employee or agent may use such force as is reasonably necessary to effect entry:

Provided that in the case of an entry under paragraph (a) or (b)—

- (i) reasonable steps shall be taken prior to entry by the member of the committee, officer, employee or agent to find the owner, occupier or person in charge of the premises to be entered; and
- (ii) the premises shall be left by the member of the committee, officer, employee or agent as effectively secured against trespassers as they were found.

(4) Where it is suspected that an undertaking is being carried contrary to any licence, permit or regulations issued under this Act, an officer or

agent of the Authority may, in the course of his or her duty, lock up, seal, mark or otherwise secure—

- (a) any building, room, place, receptacle or item of plant;
- (b) any goods or materials in a factory; and
- (c) aircraft, vessels, vehicles or containers.

(5) A person who, unless authorized by the Authority or any other competent authority, opens, breaks, alters or in any way interferes with a lock, seal, mark or other fastening placed by a member of a committee, officer, employee or agent in accordance with this section on any building, room, place, receptacle, item of plant, goods, or materials, commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both .

(6) A person who resists, hinders or obstructs any committee, officer, employee or agent acting in the course of the committee's or agent's duty under this section or who wilfully fails to comply with any requirements lawfully made thereunder commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings for each day or part thereof that the obstruction occurs.

*(Sen. Ledama Olekina)*

Clause 13V

– vote deferred

New Clauses 13W

– amendment proposed.

How Authority shall exercise its powers and functions.

**13W.** The Authority shall, in the exercise of its powers and performance of its functions—

- (a) promote efficiency, economy and safety in the conduct of upstream petroleum operations;
- (b) ensure that contractors carry out the upstream petroleum operations for which they are licensed to perform;
- (c) promote competition in upstream petroleum operations to ensure the optimal performance of industry players;
- (d) advocate and ensure transparency between upstream petroleum industry and the Authority;

(e) ensure fair balance in the interests of the National Government and other stakeholders in the upstream petroleum industry; and ensure full compliance of the petroleum agreement by all parties to the agreement.

*(Sen. Ledama Olekina)*

Clause 13W

– vote deferred

New Clauses 13X

– amendment proposed.

Co-operation with others.

**13X.** The Authority shall, to the greatest extent possible and in accordance with this Act, consult and co-operate with other ministries, departments and agencies of the National Government in promoting effective upstream petroleum operations.

*(Sen. Ledama Olekina)*

Clause 13X

– vote deferred

New Clauses 13Y

– amendment proposed.

National Data Centre.

**13Y.** The Authority shall establish a national data centre which shall be used for the storage, analysis, interpretation, and management of petroleum data and information from sedimentary basins and field operations.

*(Sen. Ledama Olekina)*

Clause 13Y

– vote deferred

New Clauses 13Z

– amendment proposed.

Decisions of the Authority.

**13Z.** (1) Where the Authority is required to make a decision under this Act, the Authority shall make that decision within sixty days of obtaining all the documents or information required under this Act or hearing all parties, where necessary, in relation to the decision.  
(2) Where the Authority fails to make a decision within the period provided under this section (1), an affected party may apply to the Tribunal for

the matter to be considered and determined by the Tribunal.

(3) The decision of the Authority shall be in writing and shall include the reasons for the decision.

(4) A decision of the Authority shall be served upon all relevant parties within seven days of making the decision and may be published in the Gazette as may be prescribed by Regulations.

(6) Where a decision of the Authority requires a party to do or refrain from doing something, that party shall comply with the decision of the Authority within the time prescribed in the decision.

*(Sen. Ledama Olekina)*

Clause 13Z – vote deferred

Clause 13AA – amendment proposed.

Appeal against decision of the Authority.

**13AA.** A party aggrieved by a decision of the Authority may appeal to the Tribunal within sixty days of receipt of the decision:

Provided that the Tribunal may hear an appeal out of time if it is satisfied that there is sufficient cause.

*(Sen. Ledama Olekina)*

Clause 13AA – vote deferred

Clause 13BB – amendment proposed.

The common seal of the Authority.

**13BB.** (1) The common seal of the Authority shall be kept in such custody as the Authority may direct and shall not be used except on the direction of the Board.

(7) The common seal of the Authority when affixed on a document and duly authenticated shall be judicially and officially noticed unless and until the contrary is proved, and any necessary order or authorization by the Authority under this section shall be

presumed to have been duly given.

(3) The Chairperson and Director-General shall authenticate the affixing of the common seal of the Authority by the signature of the Chairperson and the Director-General:

Provided that the Authority shall, in the absence of the Chairperson, nominate one member to authenticate the seal on behalf of the Chairperson.

(4) The Chairperson and Director-General may

authenticate, by their signatures—

- (a) any document not required by law to be made under seal and
- (b) all decisions of the Board.

*(Sen. Ledama Olekina)*

Clause 13BB – vote deferred

The Schedule – amendment proposed.

**THAT** the Schedule be amended by deleting paragraph 53 and substituting therefor the following new paragraph –

**53. Dispute resolution**

(1) Where there is a dispute between parties to a petroleum agreement arising out of or in connection with upstream operations, the dispute shall be settled through arbitration.

(2) Unless otherwise provided for in the petroleum agreement, the parties shall appoint three arbitrators to determine the dispute as follows-

(c) each party shall appoint one arbitrator; and

(d) the arbitrators appointed under paragraph (a) shall, within thirty days of their appointment, jointly appoint an arbitrator who shall preside over the arbitration.

(3) Where a party fails to appoint an arbitrator within thirty days of receipt of a request to do so from the other party, or where the arbitrators appointed by the parties fail to appoint an arbitrator within thirty days of their appointment, the appointment shall be



made, on the request of a party, by the Registrar of the Nairobi Centre for International Arbitration and any award, order or determination of or by such arbitrators shall be final and binding on all parties.

- (4) The dispute referred to the arbitrators appointed by the Registrar under subsection (1) shall be administered in accordance with the Rules for arbitration of the Nairobi Centre for International Arbitration.
- (5) In the arbitration proceedings,
- (a) the place of arbitration proceedings shall be Nairobi, Kenya;
  - (b) the language used for the proceedings shall be English language;
  - (c) the applicable laws shall be the laws of the Republic of Kenya, and the provisions of this contract shall be interpreted in, accordance with those laws;
  - (d) each party shall bear its own legal fees but the costs of the arbitral tribunal shall be borne by the parties in such manner as the arbitral tribunal shall determine;
  - (e) the costs of the sole expert shall be borne equally by both parties;
  - (f) the costs incurred in arbitration shall be recoverable costs and shall be borne by the parties in such manner as the arbitral tribunal shall determine or in accordance with the applicable arbitral rules; and
  - (g) the parties shall continue to perform their, respective obligations under the contract during any sole expert or arbitration proceedings.
- (6) The right to, arbitrate differences or disputes arising out of this contract shall survive the termination of this contract.

*(Sen. Mutula Kilonzo Junior)*

The Schedule – vote deferred

New Schedule – amendment proposed.

**THAT** the Bill be amended by inserting the following new Schedule immediately before the Schedule –

**FIRST SCHEDULE      (s. 13F)**  
**CONDUCT OF MEETINGS OF THE BOARD**

1. (1) The Board shall meet as often as necessary for the transaction of business but shall meet not less than four times every financial year and not more than four months shall elapse between the date of one meeting and the next.  
  
(2) The Chairperson shall preside at every meeting of the Board at which the chairperson is present but in the absence of the chairperson, the members of the Board present shall appoint a member from among their number to preside at that meeting.  
  
(3) The Chairperson or, in the absence of the chairperson a member of the Board appointed by the Board to act in the place of the chairperson, may at any time call a special meeting upon a written request by a majority of the members.
2. Unless five members otherwise agree, at least seven days' written notice of every meeting of the Board shall be given to every member of the Board.
3. Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of votes of the members of the Board present and in the case of an equality of votes, the chairperson or member presiding shall have a casting vote.
4. Any member of the Board present at a meeting of the Board or a Committee thereof, shall have the right to require his opinion to be recorded in the minutes if the Board or the Committee, as the case may be, passes a resolution, which in the opinion of that member is contrary to his advice or to law.
5. (1) A member of the Board who has a direct or indirect interest in a matter being considered or to be considered by the Board shall, as soon as possible after the relevant facts concerning the matter have come to his knowledge, disclose the nature of his interest to the Board and shall not be present during any deliberations on the matter.  
  
(2) A disclosure of interest made by a member of the Board under sub-section (1) shall be recorded in the minutes of the meeting of the Board and the member shall in respect of that matter—
  - (a) remove himself or herself during any deliberations on the matter;
  - (b) not participate in any decision taken by the Board on the matter; and
  - (c) refrain from attempting to influence or coerce any other member to decide in his favour.
6. The Board shall cause the minutes of all proceedings of its meetings to be recorded and kept, and the minutes of each meeting shall be confirmed by the Board at the next meeting of the Board and signed by the Chairperson or the member presiding at the meeting.

7. (1) Subject to subsection (2), five members of the Board shall constitute a quorum for the conduct of business at any meeting of the Board.

(2) When there is no quorum at or for the continuation of a meeting of the Board only because of the exclusion of a member of the Board under section 26, the other members present may, if they deem it expedient so to do—

(a) postpone the consideration of that matter until there is a quorum; or

(b) proceed to consider and decide the matter as if there was quorum.

New Schedule – vote deferred

Clause 2 – amendment proposed.

**THAT** clause 2 of the Bill be amended by inserting the following new definition immediately after the definition of the term “Ministry” –

“Nairobi Centre for International Arbitration” means the National Centre for International Arbitration established under section 4 of the the Nairobi Centre for International Arbitration Act.

*(Sen. Mutula Kilonzo Jnr.)*

Clause 2 – vote deferred

The Title and Clause 1

Motion made and Question proposed;

**That**, the Title and Clause 1 be part of the Bill.

The Title and Clause 1 – vote deferred.

**Progress report:**

Motion made;

**THAT**, the Committee of the Whole do report progress on its consideration of the Petroleum Bill (National Assembly Bills No. 48 of 2017) and seek leave to sit again tomorrow.

*(Senate Majority Leader)*

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Steve Lelegwe) ruled that the Question did not affect counties;

Question put and **agreed to.**

8. **HOUSE RESUMED** – The Temporary Speaker (Sen. Steve Lelegwe) - in the Chair

9. **THE PETROLEUM BILL (NATIONAL ASSEMBLY BILLS NO. 48 OF 2017)**

(The Senate Majority Leader)

Progress Reported.

Motion made and Question proposed-

**THAT**, the House do agree with the Committee in the said report.

*(Sen. Ledama Olekina)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Steve Lelegwe) ruled that the question did not affect counties;

Question put and **agreed to**.

10. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(Acting Chairperson of Committees (Sen. (Prof.) Margaret Kamar) – in the Chair)

**THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2017)**

Clause 3 – Amendment Proposed

**THAT** clause 3 of the Bill be amended by—

- 1) inserting the words “with respect to land use planning” immediately after the words “for dispute resolution” in paragraph (e); and
- 2) inserting the following new paragraphs immediately after paragraph (g) —
  - (h) a robust, comprehensive and responsive system of land use planning and regulation; and
  - (i) provide a framework to ensure that investments in property benefit local communities and their economies.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors

be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow– voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo -Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kiburu Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation

- 21) Sen. Mbiti Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. Olekina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 3 (as amended) – agreed to

Clause 4 – Amendment Proposed

**THAT** clause 4 of the Bill be amended by deleting the marginal note and substituting therefor the following new marginal note—

Values and principles.

## **PART II**

THAT the title to PART II of the Bill be amended by deleting the word “**PHYSICAL**” and substituting therefor the words “**LAND USE**”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their

votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow– voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo –Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a

- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 4 (as amended) – agreed to

Clause 5 – Amendment proposed

**THAT** clause 5 of the Bill be amended —

- (a) by deleting the word “Physical” appearing immediately after the words “established the National” in subclause (1) and substituting therefor the words “Land Use”;
- (b) in subclause (2) by—
  - (i) deleting the word “physical” appearing immediately after the words “matters related to” in paragraph (a) and substituting therefor the words “land use”
  - (ii) deleting paragraph (b) and substituting therefor the following new paragraph—
    - (b) the Director General of land use planning;
  - (iii) deleting paragraph (c) and substituting therefor the following new paragraph—
    - (c) three Governors appointed by the Council of Governors or their respective designated representatives;
  - (iv) deleting paragraph (e);
  - (v) inserting the words “or a designated member of the Commission” immediately after the words “National Land Commission” in paragraph (d);



- (vi) inserting the words “or a designated principal secretary” immediately after the words “to economic planning” in paragraph (f);
  - (vii) inserting the words “or a designated principal secretary” immediately after the words “to the environment” in paragraph (g);
  - (viii) inserting the words “or a designated principal secretary” immediately after the words “roads and infrastructure” in paragraph (h);
  - (ix) inserting the words “or a designated principal secretary” immediately after the words “and community development” in paragraph (i);
  - (x) inserting the words “or a designated principal secretary” immediately after the words “related to culture” in paragraph (j);
  - (xi) inserting the words “or a designated principal secretary” immediately after the words “related to defence” in paragraph (k);
  - (xii) deleting paragraph (o) and substituting therefor the following new paragraph—
    - (o) a person nominated by a registered association representing the largest number of entities in the private sector in Kenya; and
  - (xiii) deleting paragraph (p) and substituting therefor the following new paragraph—
    - (p) a person nominated by a registered national association representing the largest number of residents in Kenya;
- (c) by deleting subclause (3) and substituting therefor the following new subclause—
- (3) The Cabinet Secretary shall appoint members nominated under subsection (2)(l), (m), (n), (o), (p) and (q) by notice in the *Gazette*.
- (d) by deleting the word “Physical” appearing immediately after the word “National” in the marginal note and substituting therefor the words “Land Use”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “Yes”-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow– voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo –Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kiburu Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation

- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 5 (as amended) - agreed to

Clause 6 - Amendment proposed

**THAT** clause 6 of the Bill be amended by—

- (a) by deleting the word “Physical” appearing immediately after the words “of the National” in the introductory clause and substituting therefor the words “Land Use”;
- (b) deleting the word “physical” appearing immediately after the words “on the national” in paragraph (a) and substituting therefor the words “land use”;
- (c) deleting the word “physical” appearing immediately after the words “and integration of” in paragraph (b) and substituting therefor the words “land use”;
- (d) deleting the word “physical” appearing immediately after the words “and implementation of” in paragraph (c) and substituting therefor the words “land use”; and
- (e) deleting the word “Physical” appearing immediately after the words “of the National” in the marginal note and substituting therefor the words “Land Use”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
- 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
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- 5) Sen. Waqo Naomi Jilo -Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu - voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru

- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 6 (as amended) – agreed to

Clause 7 – Amendment proposed

**THAT** clause 7 of the Bill be amended—

- (a) in subclause (1) by deleting the word “Physical” appearing immediately after the words “The National” and substituting therefor the words “Land Use”;
- (b) in subclause (2) by deleting the word “Physical” appearing immediately after the words “Act, the National” and substituting therefor the words “Land Use”;
- (c) in subclause (3) by deleting the word “Physical” appearing immediately after the words “The National” and substituting therefor the words “Land Use”; and
- (d) by deleting the word “Physical” appearing immediately after the word “National” in the marginal note and substituting therefor the words “Land

Use”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow– voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo –Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
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- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi

- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 7 (as amended) – agreed to

Clause 8 – Amendment proposed

**THAT** clause 8 of the Bill be amended in paragraph (c) by deleting the word “physical” appearing immediately after the words “parameters relating to” and substituting therefor the words “land use”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew



- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 8 (as amended) – agreed to

Clause 9 – Amendment proposed

**THAT** clause 9 of the Bill be amended—

- (a) in paragraph (a) by deleting the word “physical” appearing immediately after the words “national policy on” and substituting therefor the words “land use”;
- (b) in paragraph (b) by deleting the word “physical” appearing immediately after the words “specific aspects of” and substituting therefor the words “land use”;

(c) by deleting paragraph (c) and substituting therefor the following new paragraph—

(c) approval and oversight over the preparation of national land use development plans;

(d) by deleting paragraph (d); and

(e) in paragraph (e) by inserting the words “land use” immediately after the words “county levels of”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

1) Sen. Adan Fatuma Dullo

2) Sen. Boy Issa Juma

3) Sen. Cheruiyot Aaron Kipkirui

4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation

5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation

6) Sen. Kajwang’ Moses Otieno

7) Sen. Kamar Margaret Jepkoech

8) Sen. Kang’ata Irungu – voted verbally

9) Sen. Khaniri George

- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 9 (as amended) – agreed to

Clause 10 – Amendment proposed

**THAT** clause 10 of the Bill be amended—

- (a) in subclause (1) by deleting the words “National Director of Physical” appearing immediately after the words “office of the” and substituting therefor the words “Director General of Land Use”;
- (b) in subclause (2) by deleting the words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Land Use”;
- (c) in subclause (3) by deleting words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Land Use”; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note —

Director General of Land Use Planning.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba

- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 10 (as amended) - agreed to

Clause 11 - Amendment proposed

**THAT** Clause 11 of the Bill be amended—

- (a) in the introductory clause by deleting the words “National Director of Physical” appearing immediately after the words “appointment as the” and substituting therefor the words “Director General of Land Use”;
- (b) in paragraph (b) by deleting word “bachelor’s” appearing immediately after the words “holds a” and substituting therefor the word “master’s”;
- (c) by deleting paragraph (c) and substituting therefor the following new paragraph—
  - (c) is registered as a professional planner and is in good standing with the relevant professional body;
- (d) by deleting paragraph (d) and substituting therefor the following new paragraph—
  - (d) has the relevant post-qualification professional experience in land use planning; and
- (e) by deleting the marginal note and substituting therefor the following new marginal note —

Qualifications of the Director General of Land Use Planning.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
- 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi

- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 11 (as amended) – agreed to

Clause 12 – Amendment proposed

**THAT** clause 12 of the Bill be amended —

- (a) in the introductory clause by deleting the words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Land Use”;
- (b) in paragraph (a) by —
  - (i) deleting the word “physical” appearing immediately after the words “government on strategic” and substituting therefor the words “land use”; and



- (ii) deleting the word “on” appearing immediately after the words “matters that impact”;
- (c) in paragraph (b) by deleting the word “physical” appearing immediately after the words “formulating national” and substituting therefor the words “land use”;
- (d) in paragraph (c) by deleting the word “physical” appearing immediately after the words “preparation of national” and substituting therefor the words “land use”;
- (e) in paragraph (d) by deleting the word “physical” appearing immediately after the words “preparation of inter-county” and substituting therefor the words “land use”;
- (f) by inserting the following new paragraphs immediately after paragraph (e) —
  - (f) undertaking research related to land use planning and development and making appropriate recommendations to relevant bodies; and
  - (g) the preparation of development plans for strategic national installations and projects; and
- (g) by deleting the marginal note and substituting therefor the following new marginal note —

Responsibilities of the Director General of Land Use Planning.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba

- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 12 (as amended) - agreed to

Clause 13 - Amendment proposed

**THAT** clause 13 of the Bill be amended—

- (a) in the introductory clause by deleting the words “responsible for physical planning” appearing immediately after the words “executive committee member”;
- (b) in paragraph (a) by deleting the word “physical” appearing immediately after the words “county policy on” and substituting therefor the words “land use”;
- (c) by deleting paragraph (b);
- (d) in paragraph (c) by deleting the word “physical” appearing immediately after the words “integration of county” and substituting therefor the words “land use”;
- (e) by deleting the marginal note and substituting therefor the following new marginal note —

Responsibilities of the County Executive Committee Member.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
- 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their

votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a

- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 13 (as amended) – agreed to

Clause 14 – Amendment proposed

**THAT** clause 14 of the Bill be amended—

- (a) in subclause (1) by deleting the word “Physical” appearing immediately after the words “County Director of” and substituting therefor the words “Land Use”;
- (b) by deleting subclause (2) and substituting therefor the following new subclause—
  - (2) The County Director of Land Use Planning shall advise and be responsible to the county executive committee member.
- (c) by deleting the marginal note and substituting therefor the following new marginal note—

County Director of Land Use Planning.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru

- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 14 (as amended) – agreed to

Clause 15 – Amendment proposed

**THAT** clause 15 of the Bill be amended—

- (a) in the introductory clause by deleting the word “Physical” appearing immediately after the words “County Director of” and substituting therefor the words “Land Use”;
- (b) by deleting paragraph (c) and substituting therefor the following new paragraph—
  - (c) is registered as a professional planner and is in good standing with the relevant professional body;
- (c) by deleting paragraph (d) and substituting therefor the following new paragraph—
  - (d) has the relevant post-qualification professional experience in land use

planning; and

(d) by deleting the marginal note and substituting therefor the following new marginal note—

Qualifications of a County Director of Land Use Planning.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

1) Sen. Adan Fatuma Dullo

2) Sen. Boy Issa Juma

3) Sen. Cheruiyot Aaron Kipkirui

4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation

5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation

6) Sen. Kajwang’ Moses Otieno

7) Sen. Kamar Margaret Jepkoech

8) Sen. Kang’ata Irungu – voted verbally

9) Sen. Khaniri George

10) Sen. Kibiru Charles Reubenson

11) Sen. Kihika Susan Wakarura



- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 15 (as amended) – agreed to

Clause 16 – Amendment proposed

**THAT** clause 16 of the Bill be amended—

- (a) in the introductory clause by deleting the word “Physical” appearing immediately after the words “County Director of” and substituting therefor the words “Land Use”;
- (b) by deleting paragraph (a) and substituting therefor the following new paragraph—
  - (a) advising the county government on land use planning matters that impact the county;deleting the word “physical” appearing immediately after the words “county government on” and substituting therefor the words “land use”; and deleting the words “on the whole country” appearing immediately after the words “matters that impact” and substituting therefor the words “the county”;
- (c) in paragraph (b) by deleting the word “physical” appearing immediately after the words “formulating county” and substituting therefor the words “land use”;
- (d) in paragraph (c) by deleting the word “physical” appearing immediately after the words “preparation of county” and substituting therefor the words “land use”;
- (e) in paragraph (d) by deleting the word “physical” appearing immediately after the words “preparation of local” and substituting therefor the words “land use”;
- (f) in paragraph (e) by deleting the word “physical” appearing immediately after the words “preparation of inter-county” and substituting therefor the words “land use”;
- (g) in paragraph (f) by deleting the word “physical” appearing immediately after the words “matters relating to” and substituting therefor the words “land use”;
- (h) by inserting the following new paragraphs immediately after paragraph (g) —
  - (h) maintaining a land information system to guide land use planning;
  - (i) communicating decisions of the county government on development applications; and
  - (j) issuance of development permission and other development control instruments under this Act with the approval of the county executive committee member responsible for land use planning;
- (i) by deleting the marginal note and substituting therefor the following new marginal note —

Responsibilities of a County Director of Land Use Planning.

**PART III**

**THAT** the title to PART III of the Bill be amended by deleting the words “**TYPES OF PHYSICAL**” and substituting therefor the words “**LAND USE**”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior

- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 16 (as amended) – agreed to

Clause 17 – Amendment proposed

**THAT** clause 17 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new

subclause—

- (1) The Cabinet Secretary shall cause the National Land Use Development Plan to be prepared for approval and publication in accordance with this Part;
- (b) in subclause (2) by deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”; and
- (c) by deleting the marginal note and substituting therefor the following new marginal note —

The National Land Use Development Plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

<b><u>AYES</u> – 34</b>	<b><u>NOES</u> – 0</b>	<b><u>ABSTENTIONS</u> – 0</b>
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**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech

- 8) Sen. Kang'ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kiburu Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur

34) Sen. Wario Golich Juma

Clause 17 (as amended) – agreed to

Clause 18 – Amendment proposed

**THAT** clause 18 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

(1) The National Land Use Development Plan shall define strategic policies for the determination of the general direction and trends of land use development and sectoral development in Kenya and provide a framework for the use and development of land.

(b) in subclause (2) by—

(i) deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”;

(ii) deleting the word “physical” appearing immediately after the words “formulation of national” in paragraph (e) and substituting therefor the words “land use”; and

(c) by deleting the marginal note and substituting therefor the following new marginal note—

Purpose and objects of the National Land Use Development Plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation



- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 18 (as amended) - agreed to

Clause 19 - Amendment proposed

**THAT** clause 19 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the in the introductory clause and substituting therefor the following new introductory clause—

(1) In preparing a National Land Use Development Plan, the Director General of Land Use Planning shall—;

- (ii) deleting the words “National Director of Physical” appearing immediately after the words “Development Plan the” in the introductory clause and substituting therefor the words “Director General of Land Use”;

- (iii) deleting paragraph (d) and substituting therefor the following new paragraph—

(d) consult the National Land Use Planning Consultative Forum prior to the initiation of the National Land Use Development Plan and submit the proposed plan to the National Land Use Planning Consultative Forum for consideration and input before its final approval;

(b) in subclause (2) by—

- (i) deleting the word “Physical” appearing immediately after the words “consult the National” and substituting therefor the words “Land Use”;

- (ii) deleting the word “Physical” appearing immediately after the words “prepare a National” and substituting therefor the words “Land Use”; and
- (c) by deleting subclause (3) and substituting therefor the following new subclause—

(3) A notice published in accordance with this section shall state the objectives of National Land Use Development Plan, the purpose of the National Land Use Development Plan, the information to be set out in the plan, and the places where members of the public may provide written comments on the National Land Use Development Plan;

- (d) by deleting the marginal note and substituting therefor the following new marginal note—

Procedure for preparation of the National Land Use Development Plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34                      NOES – 0                      ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation

- 6) Sen. Kajwang' Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang'ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeri Samson Kegengo

- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 19 (as amended) – agreed to

Clause 20 – Amendment proposed

**THAT** clause 20 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the word “Physical” appearing immediately after the words “a National” in the introductory clause and substituting therefor the words “Land Use”;
- (ii) deleting the word “Physical” appearing immediately after the words “the state of” in paragraph (b)(i) and substituting therefor the words “land use”;
- (iii) deleting the word “physical” appearing immediately after the words “and reports concerning” in paragraph (b)(ii) and substituting therefor the words “land use”;
- (iii) deleting the word “physical” appearing immediately after the words “challenges relating to” in paragraph (c) and substituting therefor the words “land use”;

(b) in subclause (2) by deleting the words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Land Use”;

(c) in subclause (3) by deleting the word “Physical” appearing immediately after the words “of the National” and substituting therefor the words “Land Use”;

(d) in subclause (4) by deleting the word “Physical” appearing immediately after the words “which a National” and substituting therefor the words “Land Use”; and

(e) by deleting the marginal note and substituting therefor the following new marginal note—

Content of National Land Use Development Plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors

be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kiburu Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru

- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 20 (as amended) – agreed to

Clause 21 – Amendment proposed

**THAT** clause 21 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

(1) Within thirty days of the preparation of the National Land Use Development Plan, the Cabinet Secretary shall publish a notice in the *Gazette*, in at least two newspapers of national circulation and through electronic media informing the public that the draft National Land Use Development Plan is available at the place and time specified in the notice for inspection and that any interested person may, within fourteen days, comment on the content of the draft National Land Use Development Plan.

(b) by deleting subclause (2) and substituting therefor the following new

subclause—

(2) The Cabinet Secretary shall, within twenty one days of the expiry of the period for making comments under subsection (1), consider the comments made on the National Land Use Development Plan and may incorporate the comments in the plan.

(c) by inserting the following new subclause immediately after subclause (2)—

(2A) Within seven days of making a decision under subsection (2), the Cabinet Secretary shall publish a notice in the Gazette, in at least two newspapers of national circulation and through electronic media informing the public that a decision on the comments received by the Cabinet Secretary has been made and that the reviewed draft National Land Use Development Plan is available at the places and times designated in the notice for perusal.

(d) by inserting the words “within fourteen days of the publication of the notice under subsection (2A)” immediately after the words “Cabinet Secretary may” in subclause (3); and

(e) by deleting the marginal note and substituting therefor the following new marginal note—

Notice of preparation of National Land Use Development Plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi



- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 21 (as amended) - agreed to

Clause 22 - Amendment proposed

**THAT** clause 22 of the Bill be amended—

- (a) in subclause (1) by deleting the words “Physical Development Plan to the National Physical” appearing immediately after the words “the draft National” and substituting therefor the words “Land Use Development Plan to the National Land Use”;
- (b) in subclause (2) by deleting the word “Physical” appearing immediately after the word “The National” and substituting therefor the words “Land Use”;
- (c) in subclause (3) deleting the word “Physical” appearing immediately after the words “by the National” and substituting therefor the words “Land Use”; and
- (d) in subclause (5) deleting the word “Physical” appearing immediately after the words “of the National” and substituting therefor the words “Land Use”;
- (e) deleting the marginal note and substituting therefor the following new marginal note—

Approval of the National Land Use Development Plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim

- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 22 (as amended) – agreed to

Clause 23 – Amendment proposed

**THAT** clause 23 of the Bill be amended by—

- (a) deleting subclause (1) and substituting therefor the following new subclause—
  - (1) Planning authorities shall base the preparation of inter-county land use development plans, integrated county land use development plans, city land use development plans, urban area land use development plans and sectoral plans on the National Land Use Development Plan.
- (b) deleting subclause (2) and substituting therefor the following new subclause—
  - (2) Notwithstanding the lack of a National Land Use Development Plan, planning authorities at the county level shall prepare County and Local Land Use Development Plans.
- (c) deleting the marginal note and substituting therefor the following new

marginal note—

Implementation of a National Land Use Development Plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kiburu Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior

- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 23 (as amended) – agreed to

Clause 24 – Amendment proposed

**THAT** clause 24 of the Bill be amended—

- (a) in subclause (1) by deleting subclause (1) and substituting therefor the following new subclause—

- (1) At least three months before the end of the financial year, each public institution of a government that is responsible for the application or the implementation of a National Land Use Development Plan shall prepare and submit a status report on the implementation of the National Land Use Development Plan to the Cabinet Secretary or the county executive committee member and the Commission for their purposes.

(b) in subclause (2) by inserting the word “be” immediately after the words “this section shall”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally

- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 24 (as amended) - agreed to

Clause 25 - Amendment proposed

**THAT** the Bill be amended by deleting clause 25 and substituting therefor the following new clause—

Establishment of Inter-County Joint Land Use Planning Development Committees.

25. (1) Two or more counties may, by mutual agreement or out of compelling necessity, formulate an inter-county land use development plan.

(3) In the preparation of a inter-county land use development plan, the counties shall form an inter-county land use planning joint committee.

(3)The inter-county land use planning joint committee shall consist of—

- (a) the county executive committee member of the respective counties;
- (b) two other relevant county executive committee members from the respective counties nominated by the relevant county governor; and
- (c) the Director General of Land Use Planning who shall be an *ex-officio* member of the Committee;.

(4) The inter-county joint land use planning joint committee may co-opt such other persons as may be necessary to assist it in performance of its duties.

(5) The members of the inter-county joint land use planning joint committee appointed under subsection (3)(a) and (b) shall, during the first meeting of the Committee, elect from amongst themselves a chairperson and a vice chairperson provided that the chairperson and the vice chairperson shall not be county executive committee members from the same county.

(6) The Director General of Land Use Planning shall, in consultation with other members of the Committee, convene the first meeting.

(7) The Director General of Land Use Planning shall co-ordinate meetings of the inter-county joint land use planning joint committee and provide it with



secretariat services.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi

- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 25 (as amended) – agreed to

Clause 26 – Amendment proposed

**THAT** clause 26 of the Bill be amended—

- (a) in the introductory clause by deleting the word “Physical” appearing immediately after the words “An Inter-County” and substituting therefor the words “Land Use”; and

(b) by deleting the marginal note and substituting therefor the following new marginal note—

Scope of the Inter-County Land Use Development Plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George

- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 26 (as amended) – agreed to

Clause 27 – Amendment proposed

**THAT** clause 27 of the Bill be amended—

- (a) in subclause (1) by deleting the words “Physical Planning Joint Committee preparing an Inter-County Physical” appearing immediately after the words “The Inter-County” and substituting therefor the words “Land Use Planning Joint Committee preparing an Inter-County Land Use”; and
- (b) in subclause (2) by deleting the word “Physical” appearing immediately after the words “of the Inter-County” and substituting therefor the words “Land Use”;
- (c) in subclause (3) by deleting the word “Physical” appearing immediately after the words “complete the Inter-County” and substituting therefor the words “Land Use”;
- (d) in subclause (4) by deleting the word “Physical” appearing immediately after the words “of the Inter-County” and substituting therefor the words “Land Use”; and
- (e) by deleting the marginal note and substituting therefor the following new marginal note—

Commencement of Inter-County Land Use Planning Process.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

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The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”, “No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba

- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 27 (as amended) - agreed to

Clause 28 - Amendment proposed

**THAT** clause 28 of the Bill be amended by—

(a) deleting subclause (1) and substituting therefor the following new subclause—

(1) Within thirty days of the completion of an Inter-County Physical Development Plan, the Inter-County Physical Planning Joint Committee shall publish a notice in the *Gazette* and in at least two newspapers of national circulation informing the public that the plan is available at the place and time specified in the notice for inspection and that any interested person may, within fourteen days, comment on the content of the plan.

(b) deleting subclause (1) and substituting therefor the following new subclause—

(2) The Inter-County Land Use Planning Joint Committee shall, within twenty one days of the expiry of the period for making comments under subsection (1), consider the comments made about the plan and may or may not incorporate the comments in the plan.

(c) inserting the following new subclause immediately after subclause (2)—

(2A) Within seven days of making a decision under subclause (2), the Inter-County Physical Planning Joint Committee shall publish a notice in the *Gazette* and in at least two newspapers of national circulation informing the public that a decision on the comments received by the joint committee has been made and that the reviewed draft Inter-County Physical Development Plan is available for perusal at the place and time specified in the notice.

- (d) deleting subclause (3);
- (e) deleting subclause (4); and
- (f) deleting the marginal note and substituting therefor the following new marginal note—

Notice of and objections to an Inter-County Land Use Development Plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson



- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 28 (as amended) – agreed to

Clause 29 – Amendment proposed

**THAT** clause 29 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the word “physical” appearing immediately after the words “in the Inter-County” and substituting therefor the words “land use”; and
- (ii) deleting the words “and thereafter submit the same to the National Director of Physical Planning for processing and certification” appearing immediately after the words “Assemblies for approval”;

(b) by deleting subclause (2) and substituting therefor the following new subclause—

- (2) Within thirty days of the completion of an Inter-County Land Use Development Plan or if comments on the plan have been heard and determined, the Inter-County Physical Planning Joint Committee shall publish a notice in the *Gazette* and in at least two newspapers of national circulation informing the public that the Inter-County Physical Development Plan is available for perusal at the place and time specified in the notice.

(c) in subclause (3) by—

- (i) deleting the word “Physical” appearing immediately after the words “Before the Inter-County” and substituting therefor the words “Land Use”; and
- (ii) deleting the word “Physical” appearing immediately after the words “by the Inter-County” and substituting therefor the words “Land Use”;

(d) by deleting subclause (4) and substituting therefor the following new subclause—

- (4) The approved Inter-County Land Use Development Plan shall be deposited with the relevant County Director of Land Use Planning who shall submit certified copies of the plan to the Director General of Land Use Planning and the National Land Commission.

(e) by deleting the marginal note and substituting therefor the following new marginal note—

Approval of an Inter-County Land Use Development Plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors

be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru

- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 29 (as amended) – agreed to

Clause 30 – Amendment proposed

**THAT** the Bill be amended by deleting clause 30 and substituting therefor the following new clause—

Implementation of the Inter-County Land Use Development Plan.

**30.** (1) In addition to the National Land Use Development Plan, the Inter-County Land Use Development Plan shall inform the preparation of a county land use development plan, a local land use development plan or an urban area land use development plan for the county governments within the planning area covered by the Inter-County Land Use Development Plan.

(2) Where a National Land Use Development Plan and an Inter-County Land Use Development Plan have

not been prepared or approved, a county government may prepare other land use development plans which will be incorporated into the National Land Use Development Plan or the relevant Inter-County Land Use Development Plan after they have been prepared and approved in accordance with this Act.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson

- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 30 (as amended) – agreed to

Clause 31 – Amendment proposed

**THAT** the Bill be amended by deleting clause 31 and substituting therefor the following new clause—

Status Reports on an Inter-County Land Use Development Plan.

**31.** At least three months before the end of each financial year, every county executive committee member in a county covered by an Inter-County Land Use Development Plan shall submit a report on the implementation of the respective Inter-County Land Use Development Plan to the Commission and the Cabinet Secretary for their purposes.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally

- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma



Clause 31 (as amended) – agreed to

Clause 32 – Amendment proposed

**THAT** clause 32 of the Bill be amended—

(a) in subclause (1) by deleting the word “physical” appearing immediately after the words “ten years a” and substituting therefor the words “land use”;

(b) by deleting subclause (2) and substituting therefor the following new subclause—

(2) Each county land use development plan shall be in conformity with the National Land Use Development Plan and any relevant Inter-County Land Use Development Plan.

(c) in subclause (3) by—

(i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and

(ii) deleting the word “physical” appearing immediately after the words “ensure the county” and substituting therefor the words “land use”;

(d) by deleting subclause (4); and

(e) by deleting the marginal note and substituting therefor the following new marginal note—

County Land Use Development Plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation

- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 32 (as amended) – agreed to

Clause 33 – Amendment proposed

**THAT** clause 33 of the Bill be amended—

- (i) in the introductory clause by deleting the word “physical” appearing immediately after the words “of a county” and substituting therefor the words “land use”;
- (ii) in paragraph (a) by deleting the word “physical” appearing immediately after the words “provide an overall” and substituting therefor the words “land use”; and
- (iii) by deleting the marginal note and substituting therefor the following new marginal note—

Purpose and objects of a county land use development plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County

Delegation

- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 33 (as amended) – agreed to

Clause 34 – Amendment proposed

**THAT** clause 34 of the Bill be amended—

- (a) by deleting subclause (2) and substituting therefor the following new subclause—
  - (1) At least twenty-one days before commencing the preparation of a county land use development plan, the county executive committee member shall publish a notice in the Gazette and the notice shall include the intention to prepare a county land use development plan, the objects of the plan and the matters to be considered in the plan and the address to which any views on the plan may be sent.
- (b) in subclause (3) by deleting the word “physical” appearing immediately after the words “of the county” and substituting therefor the words “land use”;
- (c) by deleting the marginal note and substituting therefor the following new marginal note—

Notice of intention to prepare a county land use development plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi

- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 34 (as amended) – agreed to

Clause 35 – Amendment proposed

**THAT** clause 35 of the Bill be amended—

- (i) in the introductory clause by deleting the word “physical” appearing immediately after the words “A county” and substituting therefor the words “land use”;

- (ii) by deleting the marginal note and substituting therefor the following new marginal note—

Contents of a county land use development plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior



- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 35 (as amended) – agreed to

Clause 36 – Amendment proposed

**THAT** clause 36 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the word “physical” appearing immediately after the words “of a county” and substituting therefor the words “land use”; and
  - (ii) deleting the word “physical” appearing immediately after the words “the draft county” and substituting therefor the words “land use”;
- (b) in subclause (2) by deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”;
- (c) in subclause (3) by—
- (i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and
  - (ii) deleting the word “physical” appearing immediately after the words “the draft county” and substituting therefor the words “land use”;
- (d) in subclause (4) by—
- (i) deleting the word “physical” appearing immediately after the words “concerning the county” and substituting therefor the words “land use”; and
  - (ii) deleting the word “physical” appearing immediately after the words “to the county” and substituting therefor the words “land use”;
- (e) in subclause (5) by deleting the word “physical” appearing immediately after the words “(4) the county” and substituting therefor the words “land use”;
- (f) in subclause (6) by deleting the word “physical” appearing immediately after the words “by the county” and substituting therefor the words “land use”;
- (g) in subclause (7) by deleting the word “Physical” appearing immediately after the words “of the County” and substituting therefor the words “Land Use”; and
- (h) by deleting the marginal note and substituting therefor the following new marginal note—

Public participation in the preparation of a county land use development plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors

be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru

- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 36 (as amended) – agreed to

Clause 37 – Amendment proposed

**THAT** the Bill be amended by deleting clause 37 and substituting therefor the following new clause—

Completion and approval of a county land use development plan.

**37.** (1) If there are no applications for the review of a county land use development plan or if all applications for review have been heard and determined, the county executive committee member shall submit the draft county land use development plan to the County Land Use Planning Consultative Forum for comments.

(2) The County Land Use Planning Consultative Forum shall consider the plan and may propose changes which shall be incorporated in the plan.

(3) Upon incorporation of the proposed changes

by the County Land Use Planning Consultative Forum, the county executive committee member shall submit the completed county land use development plan to the county governor who shall cause it to be placed before the county assembly for approval.

(4) On the approval of the county land use development plan by the respective county assembly, the county executive committee member shall publish the approved plan in the *Gazette* and in at least two newspapers with a national circulation within fourteen days of the approval and no development shall take place on any land unless it is in conformity with the approved plan

(5) A county land use development plan shall be the basis for the preparation of sectoral programmes and projects in the county and sub-county levels.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

1) Sen. Adan Fatuma Dullo

2) Sen. Boy Issa Juma

3) Sen. Cheruiyot Aaron Kipkirui

4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation

- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama

31) Sen. Ongeru Samson Kegengo

32) Sen. Orengo James

33) Sen. Sakaja Johnson Arthur

34) Sen. Wario Golich Juma

Clause 37 (as amended) - agreed to

Clause 38 - Amendment proposed

**THAT** clause 38 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the words “in charge of spatial planning” appearing immediately after the words “executive committee member” in the introductory clause;
- (ii) deleting the word “physical” appearing immediately after the words “of a county” in the introductory clause and substituting therefor the words “land use”;
- (iii) deleting the word “physical” appearing immediately after the words “of that county” in paragraph (a) and substituting therefor the words “land use”; and
- (iv) deleting the word “physical” appearing immediately after the words “since the county” in paragraph (b) and substituting therefor the words “land use”;

(b) in subclause (2) by—

- (i) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member”; and
- (ii) deleting the word “physical” appearing immediately after the words “to the county” and substituting therefor the words “land use”;

(c) in subclause (3) by—

- (i) deleting the word “physical” appearing immediately after the words “amending a county” in the introductory clause and substituting therefor the words “land use”; and
- (ii) deleting paragraph (c) and substituting therefor the following new paragraph—

(c) be in conformity with the National Land Use Development Plan and all relevant Inter-County Land Use Development Plans;

(d) by deleting subclause (4) and substituting therefor the following new

subclause—

- (4) Where a county executive committee member determines that a proposed amendment to the county land use development plan shall affect other counties, the county executive committee member shall consult the county executive committee members in the counties that are likely to be affected and shall take into account their comments before incorporating the amendment to the county land use development plan.
- (e) in subclause (5) by deleting the word “physical” appearing immediately after the words “amending a county” and substituting therefor the words “land use”;
- (f) in subclause (6) by deleting the word “physical” appearing immediately after the words “The amended county” and substituting therefor the words “land use”;
- (g) in subclause (7) by deleting the word “physical” appearing immediately after the words “to the County” and substituting therefor the words “Land Use”; and
- (h) by deleting the marginal note and substituting therefor the following new marginal note—

Modification of a County Land Use Development Plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**



**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi

- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 38 (as amended) - agreed to

Clause 39 - Amendment proposed

**THAT** clause 39 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and
- (ii) deleting the word “physical” appearing immediately after the words “revising a county” and substituting therefor the words “land use”;

(b) in subclause (2) by deleting the word “physical” appearing immediately after the words “of a county” and substituting therefor the words “land use”; and

(c) by deleting the marginal note and substituting therefor the following new marginal note—

Revision of a county land use development plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their

votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County

Delegation

- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 39 (as amended) – agreed to

Clause 40 – Amendment proposed

**THAT** clause 40 of the Bill be amended by—

- (a) deleting the word “Physical” appearing immediately after the words “and the County” and substituting therefor the words “Land Use”; and
- (b) deleting the marginal note and substituting therefor the following new marginal note—

Contents of the National, Inter-County and County Land Use Development Plans.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to

Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi

- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 40 (as amended) – agreed to

Clause 41 – Amendment proposed

**THAT** clause 41 of the Bill be amended—

- (a) in subclause (1) by deleting the word “physical” appearing immediately after the words “prepare a local” and substituting therefor the words “land use”;
- (b) in subclause (2) by deleting the words “physical development plan may be for long-term physical development, short-term physical” appearing immediately after the words “A local” and substituting therefor the words “land use physical development plan may be for long-term land use development, short-term land use”.

(c) by deleting subclause (3) and substituting therefor the following new subclause—

(3) A local land use development plan shall be consistent with an Integrated City or Urban Development Plan formulated under Part V of the Urban Areas and Cities Act.

(i) deleting the words “physical development plan shall be consistent with” appearing immediately after the words “A local” in the introductory phrase and substituting therefor the words “land use development plan shall not cover an area covered by”; and

(ii) deleting the words “as contemplated” appearing immediately after the words “Urban Development Plan” and substituting therefor the word “formulated”; and

(d) by deleting the marginal note and substituting therefor the following new marginal note—

Local Land Use Development Plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

1) Sen. Adan Fatuma Dullo

2) Sen. Boy Issa Juma

3) Sen. Cheruiyot Aaron Kipkirui

- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru



- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 41 (as amended) - agreed to

Clause 42 - Amendment proposed

**THAT** clause 42 of the Bill be amended—

- (i) in the introductory clause by deleting the word “physical” appearing immediately after the words “prepare a local” and substituting therefor the words “land use”;
- (ii) by deleting paragraph (e); and
- (iii) by deleting the marginal note and substituting therefor the following new marginal note—

Purpose of a Local Land Use Development Plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba

- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 42 (as amended) – agreed to

Clause 43 – Amendment proposed

**THAT** clause 43 of the Bill be amended by—

- (i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and
- (ii) deleting the marginal note and substituting therefor the following new marginal note—

Initiation and preparation of a local land use development plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbiti Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation

- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 43 (as amended) – agreed to

Clause 44 – Amendment proposed

**THAT** clause 44 of the Bill be amended—

- (a) in subclause (1) by deleting the word “physical” appearing immediately after the words “A local” and substituting therefor the words “land use”;
- (b) in subclause (2) by deleting the word “physical” appearing immediately after the words “in a local” and substituting therefor the words “land use”; and
- (c) by deleting the marginal note and substituting therefor the following new marginal note—

Contents of a Local Land Use Development Plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record

their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a

- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 44 (as amended) – agreed to

Clause 45 – Amendment proposed

**THAT** clause 45 of the Bill be amended—

- (a) in subclause (1) by deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”;
- (b) in subclause (2) by—
  - (i) deleting the word “physical” appearing immediately after the words “to the county” and substituting therefor the words “land use”; and
  - (ii) deleting the word “physical” appearing immediately after the words “committee concerning county” and substituting therefor the words “land use”;
- (c) in subclause (3) by—
  - (i) deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”; and
  - (ii) deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”; and
- (d) by deleting the marginal note and substituting therefor the following new

marginal note—

Local Land Use Development Plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior



- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 45 (as amended) – agreed to

Clause 46 – Amendment proposed

**THAT** clause 46 of the Bill be amended by—

- (a) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”;

- (b) deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”; and
- (c) deleting the marginal note and substituting therefor the following new marginal note—

Approval of local land use development plans.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson

- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 46 (as amended)

– agreed to

Clause 47

– Amendment proposed

**THAT** clause 47 of the Bill be amended—

(a) in subclause (1) by deleting the introductory clause and substituting therefor the following new introductory clause—

(1) A county executive committee member may amend or revise a local land use development plan where—

(b) in subclause (2) by—

(i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and

(ii) deleting the word “physical” appearing immediately after the words “revise a local” and substituting therefor the words “land use”;

(c) in subclause (3) by—

(i) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member”; and

(ii) deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”; and

(d) by deleting the marginal note and substituting therefor the following new marginal note—

Amendment or revision of a local land use development plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba

- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 47 (as amended) – agreed to

Clause 48 – Amendment proposed

**THAT** clause 48 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the word “Physical” appearing immediately after the words “or the National” in the introductory clause and substituting therefor the words “Land Use”; and
- (ii) deleting the word “and” appearing immediately after the words “has unique development” and substituting therefor the words “natural resource or”;

(b) in subclause (2) by deleting the word “physical” appearing immediately after the words “area until a” and substituting therefor the words “land use”;

(c) in subclause (6) by deleting the word “physical” appearing immediately after the word “A” and substituting therefor the words “land use”; and

(d) by deleting the marginal note and substituting therefor the following new marginal note—

Local Land Use Development Plan.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru

- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 48 (as amended) – agreed to

Clause 49

Motion made and Question proposed;

**THAT**, Clause 49 be part of the Bill.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors



be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu
- 2) Sen. John Kinyua Nderitu
- 3) Sen. Ochilo Ayacko

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar

- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko – voted verbally
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua – voted verbally
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 49 – agreed to

Clause 50 – Amendment proposed

**THAT** clause 50 of the Bill be amended in subclause (1) by—

- (a) deleting the word “physical development” appearing immediately after the words “to ensure orderly” in paragraph (a) and substituting therefor the words “development of land”;
- (b) deleting the word “physical” appearing immediately after the words “implementation of approved” in paragraph (c) and substituting therefor the words “land use”; and
- (c) deleting the word “physical” appearing immediately after the words “public participation in” in paragraph (f) and substituting therefor the words “land use”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina

- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 50 (as amended) – agreed to

Clause 51 – Amendment proposed

**THAT** clause 51 of the Bill be amended by—

- (a) deleting the words “the planning authorities” appearing immediately after the words “Governments Act 2012” in the introductory clause and substituting therefor the words “county governments”;
- (b) deleting the word “physical” appearing immediately after the words

“implementation of approved” in paragraph (d) and substituting therefor the words “land use”; and

(c) deleting the word “physical” appearing immediately after the words “with the approved” in paragraph (f) and substituting therefor the words “land use”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

1) Sen. Adan Fatuma Dullo

2) Sen. Boy Issa Juma

3) Sen. Cheruiyot Aaron Kipkirui

4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation

5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation

6) Sen. Kajwang’ Moses Otieno

7) Sen. Kamar Margaret Jepkoech

8) Sen. Kang’ata Irungu – voted verbally

9) Sen. Khaniri George

10) Sen. Kibiru Charles Reubenson

11) Sen. Kihika Susan Wakarura

- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 51 (as amended)

– agreed to

Clause 52

– Amendment proposed

**THAT** clause 52 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

(1) A person shall not carry out development within a county without a development permission granted by the respective county executive committee member.

(b) in subclause (3) by deleting the words “The planning authority” appearing in the introductory phrase and substituting therefor the words “A county executive committee member”;

(c) in subclause (4) by—

(i) deleting the words “planning authority” appearing immediately after the words “sub-section (3) the” and substituting therefor the words “relevant county executive committee member”; and

(ii) deleting the word “may” appearing immediately after the words “as required and” and substituting therefor the word “shall”; and

(d) in subclause (5) by deleting the words “The planning authority” appearing in the introductory phrase and substituting therefor the words “A county executive committee member”; and

(e) in subclause (6) by deleting the words “The planning authority” appearing in the introductory phrase and substituting therefor the words “A county executive committee member”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba



- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 52 (as amended) – agreed to

Clause 53 – Amendment proposed

**THAT** clause 53 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the words “a planning authority” appearing immediately after the words “development permission from” and substituting therefor the words “the respective county executive committee member”; and
- (ii) deleting the words “planning authority” appearing immediately after the words “permission from that” and substituting therefor the words “county executive committee member”;

(b) in subclause (2) by deleting the words “planning authority” appearing immediately after the words “required by the” and substituting therefor the words “respective county executive committee member”;

(c) in subclause (4) by deleting the words “planning authority” appearing immediately after the words “consent to the” and substituting therefor the words “respective county executive committee member”;

(d) in subclause (5) by deleting the words “planning authorities” appearing immediately after the words “permission granted by” and substituting therefor the words “a county executive committee member”;

(e) in subclause (8) by deleting the words “planning authorities” appearing immediately after the words “to the relevant” and substituting therefor the words “county executive committee member”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi

- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 53 (as amended) – agreed to

Clause 54 – Amendment proposed

**THAT** clause 54 of the Bill be amended—

- (a) by deleting the words “planning authority” appearing immediately after the words “provided to the” in subclause (1) and substituting therefor the words “respective county executive committee member”;
- (b) in subclause (2) by—
  - (i) deleting the words “the planning authority” appearing immediately after the words “do so by” and substituting therefor the words “a county executive committee member”; and

- (ii) deleting the words “planning authority” appearing immediately after the words “provided to the” and substituting therefor the words “county executive committee member”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kiburu Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior

- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 54 (as amended) – agreed to

Clause 55 – Amendment proposed

**THAT** clause 55 of the Bill be amended—

(a) in subclause (1) by—

(i) deleting the words “a county government” appearing immediately after

the words “for development permission,” and substituting therefor the words “the county executive committee member”; and

(ii) inserting the following new paragraph immediately after paragraph (f)—

(fa) urban development;

(b) by deleting subclause (2) and substituting therefor the following new subclause—

(2) Within fourteen days of receiving the copy of the application for development permission from a county executive committee member, the relevant authorities or agencies shall submit their comments to the respective county executive committee member within twenty one days.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

1) Sen. Adan Fatuma Dullo

2) Sen. Boy Issa Juma

3) Sen. Cheruiyot Aaron Kipkirui

4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation

5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation

- 6) Sen. Kajwang' Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang'ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbitto Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo

32) Sen. Orengo James

33) Sen. Sakaja Johnson Arthur

34) Sen. Wario Golich Juma

Clause 55 (as amended) - agreed to

Clause 56 - Amendment proposed

**THAT** clause 56 of the Bill be amended—

(a) in subclause (1) by—

(i) deleting the words “planning authority” appearing immediately after the words “development permission a” in the introductory clause and substituting therefor the words “county executive committee member”; and

(ii) deleting the word “physical development plan” appearing immediately after the words “the relevant approved” in paragraph (a) and substituting therefor the words “national, county, local, city, urban, town and special area plans”;

(b) in subclause (2) by deleting the words “planning authority” appearing immediately after the words “for development permission” and substituting therefor the words “county executive committee member”;

(c) in subclause (3) by—

(i) deleting the words “the planning authority” appearing immediately after the words “the decision of” and substituting therefor the words “a county executive committee member”; and

(ii) deleting the word “authority” appearing immediately after the words “decision by the” and substituting therefor the word “county executive committee member”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record



their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a

- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 56 (as amended) – agreed to

Clause 57 – Amendment proposed

**THAT** clause 57 of the Bill be amended—

- (a) by deleting the words “A planning authority” appearing in the introductory phrase in subclause (1) and substituting therefor the words “Each county executive committee member”;
- (b) by deleting the words “A planning authority” appearing in the introductory phrase in subclause (2) and substituting therefor the words “Each county executive committee member”;
- (c) in subclause (3) by—
  - (i) deleting the words “the planning authority” appearing immediately after the words “register maintained by” and substituting therefor the words “a county executive committee member”; and
  - (ii) deleting the words “planning authority” appearing immediately after the words “scrutiny and the” and substituting therefor the words “Cabinet Secretary”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew

- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 57 (as amended) – agreed to

Clause 58 – Amendment proposed

**THAT** clause 58 of the Bill be amended—

- (a) by deleting the words “planning authority” appearing immediately after the word “A” in the introductory phrase in subclause (1) and substituting therefor the words “county executive committee member”; and
- (b) by deleting the words “the planning authority” appearing immediately after the words “for development permission” in subclause (3) and substituting therefor the words “a county executive committee member”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina

- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 58 (as amended) – agreed to

Clause 59 – Amendment proposed

**THAT** clause 59 of the Bill be amended—

(a) in subclause (2) by—

- (i) deleting the words “the planning authority” appearing immediately after the words “despite sub-section (1)” and substituting therefor the words “a county executive committee member”; and
- (ii) deleting the words “planning authority” appearing immediately after

the words “year if the” and substituting therefor the words “county executive committee member”;

- (b) in subclause (3) by deleting the words “the planning authority” appearing immediately after the word “Where” and substituting therefor the words “a county executive committee member”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson

- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbitto Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 59 (as amended) – agreed to

Clause 60 – Amendment proposed



**THAT** clause 60 of the Bill be amended by deleting the words “The planning authority” appearing at the beginning of the clause and substituting therefor the words “A county executive committee member”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kiburu Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior

- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 60 (as amended) – agreed to

Clause 61 – Amendment proposed

**THAT** clause 61 of the Bill be amended by deleting the words “planning authority” appearing immediately after the words “by the relevant” and substituting therefor the words “county executive committee member”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina

- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 61 (as amended) – agreed to

Clause 62 – Amendment proposed

**THAT** clause 62 of the Bill be amended in subclause (1) by—

- (i) deleting the words “planning authority” appearing immediately after the words “imposed by a” in paragraph (a) and substituting therefor the words “county executive committee member”;
- (ii) deleting the words “planning authority” appearing immediately after the words “approved by the” in paragraph (b)(iii) and substituting

therefor the words “county executive committee member”;

- (iii) deleting the words “planning authority” appearing immediately after the words “apply to the” in paragraph (c) and substituting therefor the words “county executive committee member”; and
- (iv) inserting the following new subclauses immediately after subclause (1)

—

(1A) A county government may require a person who commences, undertakes or carries out a development in contravention of this section to restore the land on which the development is taking place to its original condition or as near to its original condition as is possible and that such restoration shall take place within ninety days.

(1B) Where a person who is required to do so fails to comply with the provisions of paragraph (d), the relevant county government may undertake to restore the land as required and shall recover the cost of the restoration from the person required to undertake the restoration.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

**Further Amendment proposed**

**THAT** clause 62 of the Bill be amended –

(a) in sub-clause (1) by inserting the following new paragraph immediately after paragraph (b) –

(c) being a public officer, grants development permission or comments on an application for development permission contrary to this Act or any other law.

(b) deleting sub-clause (2) and substituting therefor the following new sub-clause –

(2) A person who commits an offence under this section is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding five years or to both.

*(Sen. Mary Seneta – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru

- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 62 (as amended) – agreed to

Clause 63 – Amendment proposed

**THAT** clause 63 of the Bill be amended—

(a) in subclause (1)—

(i) by deleting the words “planning authority” appearing immediately after the word “A” in the introductory phrase and substituting therefor the words “county executive committee member”; and

(ii) by deleting the word “physical” appearing immediately after the words “by the relevant” and substituting therefor the words “land use”; and

(b) in subclause (2) by deleting the words “planning authority” appearing immediately after the words “obtained by a” and substituting therefor the words “county executive committee member”.

*(The Chairperson, Standing Committee on Land, Environment and Natural*

*Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew



- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 63 (as amended) – agreed to

Clause 64 – Amendment proposed

**THAT** clause 64 of the Bill be amended in subclause (2) by deleting the word “physical” appearing immediately after the words “Any inter-county” and substituting therefor the words “land use”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi

- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 64 (as amended) – agreed to

Clause 65

Motion made and Question proposed;

**THAT**, Clause 65 be part of the Bill.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to

Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 4) Sen. Kang’ata Irungu
- 5) Sen. John Kinyua Nderitu
- 6) Sen. Ochilo Ayacko

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 35) Sen. Adan Fatuma Dullo
- 36) Sen. Boy Issa Juma
- 37) Sen. Cheruiyot Aaron Kipkirui
- 38) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 39) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 40) Sen. Kajwang’ Moses Otieno
- 41) Sen. Kamar Margaret Jepkoech
- 42) Sen. Kang’ata Irungu – voted verbally
- 43) Sen. Khaniri George
- 44) Sen. Kibiru Charles Reubenson
- 45) Sen. Kihika Susan Wakarura

- 46) Sen. Kilonzo Mutula Junior
- 47) Sen. Kimani Wamatangi
- 48) Sen. Kirinyaga Ephraim Mwangi Maina
- 49) Sen. Lang'at Christopher Andrew
- 50) Sen. Lelegwe Steve Ltumbesi
- 51) Sen. Loitiptip Anuar
- 52) Sen. Madzayo Stewart Mwachiru
- 53) Sen. Mahamud Mohamed Maalim
- 54) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 55) Sen. Mbito Michael Maling'a
- 56) Sen. Mbogo George Ochillo Ayacko – voted verbally
- 57) Sen. Mogeni Erick Okong'o
- 58) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 59) Sen. Murkomen Onesimus Kipchumba
- 60) Sen. Mwangi Paul Githiomi
- 61) Sen. Mwinyi Haji Mohamed Faki
- 62) Sen. Nderitu John Kinyua – voted verbally
- 63) Sen. Ndwiga Peter Njeru
- 64) Sen. OleKina Ledama
- 65) Sen. Ongeru Samson Kegengo
- 66) Sen. Orengo James
- 67) Sen. Sakaja Johnson Arthur
- 68) Sen. Wario Golich Juma

Clause 65 - agreed to

Clause 66 - Amendment proposed

Clause 67 - Amendment Proposed

**THAT** clause 67 of the Bill be amended—

(a) in subclause (1) by—

(i) deleting the introductory clause and substituting therefor the following new introductory clause—

(1) A county executive committee member shall serve the owner, occupier, agent or developer of property or land with an enforcement notice if it comes to the notice of that county executive committee member that—

(ii) deleting the words “without development permission” appearing immediately after the words “on any land” in paragraph (a);

(b) in subclause (3) by deleting the word “Physical” appearing immediately after the words “the relevant County” and substituting therefor the words “Land Use”; and

(c) in subclause (4) by deleting the word “physical” appearing immediately after the words “of the county” and substituting therefor the words “land use”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES - 34**                      **NOES - 0**                      **ABSTENTIONS - 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma

- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua

- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 67 (as amended) - agreed to

Clause 68 - Amendment proposed

**THAT** clause 68 of the Bill be amended by—

- (a) deleting the word “Physical” appearing immediately after the words “established the National” and substituting therefor the words “Land Use”; and
- (b) deleting the marginal note and substituting therefor the following new marginal note—  
Establishment of the National Land Use Planning Liaison Committee.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**



**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi

- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 68 (as amended) - agreed to

Clause 69 - Amendment proposed

**THAT** clause 69 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”;
- (ii) inserting the following new paragraph immediately after paragraph (f)—
  - (fa) the National Director of Urban Development;
- (iii) deleting the words “a representative” appearing in paragraph (g) and substituting therefor the words “two representatives”;
- (iv) deleting paragraph (h) and substituting therefore the following new paragraph—
  - (h) a person nominated by a registered association representing the largest number of entities in the private sector in Kenya and appointed by the Cabinet Secretary;
- (v) deleting the words “an association of architects in” appearing immediately after the words “architect nominated by” in paragraph (i) and substituting therefor the words “the Architectural Association of”; and
- (vi) deleting the word “physical” appearing immediately after the words “a registered” in paragraph (j);

(b) in subclause (3) by deleting the word “Physical” appearing immediately after the words “of the National” and substituting therefor the words “Land Use”;

(c) in subclause (5) by deleting the word “Physical” appearing immediately after the words “The National” and substituting therefor the words “Land Use”;

(d) in subclause (6) by—

(i) deleting the word “Physical” appearing immediately after the words “members of the National” and substituting therefor the words “Land Use”; and

(ii) deleting the word “Physical” appearing immediately after the words “quorum of the National” and substituting therefor the words “Land Use”; and

(e) by deleting the marginal note and substituting therefor the following new marginal note—

Composition of National Land Use Planning Liaison Committee.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

1) Sen. Adan Fatuma Dullo

2) Sen. Boy Issa Juma

3) Sen. Cheruiyot Aaron Kipkirui

4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation

- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama

- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 69 (as amended) - agreed to

Clause 70 - Amendment proposed

**THAT** clause 70 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”; and
- (ii) deleting the word “physical” appearing immediately after the words “Secretary on broad” in paragraph (a) and substituting therefor the words “land use”;

(b) in subclause (2) by—

- (i) deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”; and
- (ii) deleting the word “physical” appearing immediately after the words “national or inter-county” in paragraph (c) and substituting therefor the words “land use”; and

(c) deleting the marginal note and substituting therefor the following new marginal note—

Functions of the National Land Use Planning Liaison Committee.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation

- 21) Sen. Mbitio Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 70 (as amended) – agreed to

Clause 71 – Amendment proposed

**THAT** clause 71 of the Bill be amended by—

- (i) deleting the word “Physical” appearing immediately after the words “established a County” and substituting therefor the words “Land Use”; and
- (ii) deleting the marginal note and substituting therefor the following new marginal note—

Establishment of County Land Use Planning Liaison Committees.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim



- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 71 (as amended) – agreed to

Clause 72 – Amendment proposed

**THAT** clause 72 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the word “Physical” appearing immediately after the words “The County” in the introductory clause and substituting therefor the words “Land Use”;
- (ii) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member” in paragraph (a);
- (iii) inserting the following new paragraph immediately after paragraph (b)—
  - (ba) a representative of the National Construction Authority;
- (iv) deleting the words “in charge of physical planning” appearing

- immediately after the words “Executive Committee member” in paragraph (b);
- (v) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member” in paragraph (ac);
  - (vi) deleting paragraph (d) and substituting therefore the following new paragraph—
    - (d) a registered architect with seven years’ post-qualification experience nominated by the Architectural Association of Kenya and appointed by the County Executive Committee member;
  - (vii) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member” in paragraph (e); and
  - (viii) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member” in paragraph (f);
- (b) in subclause (2) by deleting the word “physical” appearing immediately after the words “The county” and substituting therefor the words “land use”;
- (c) in subclause (3) by deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member”;
- (d) in subclause (4) by deleting the word “Physical” appearing immediately after the words “of the County” and substituting therefor the words “Land Use”; and
- (e) by deleting the marginal note and substituting therefor the following new marginal note—

Composition of the County Land Use Planning Liaison Committee.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record

their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “Yes”-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a

- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 72 (as amended) – agreed to

Clause 73 – Amendment proposed

**THAT** clause 73 of the Bill be amended by—

- (i) deleting the word “Physical” appearing immediately after the words “of the County” in the introductory clause and substituting therefor the words “Land Use”;
- (ii) by deleting the word “physical” appearing immediately after the words “with respect to” in paragraph (b) and substituting therefor the words “land use”; and
- (iii) by deleting the word “physical” appearing immediately after the words “member on broad” in paragraph (c) and substituting therefor the words “land use”; and
- (iv) deleting the marginal note and substituting therefor the following new marginal note—

Functions of the County Land Use Planning Liaison Committee.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew

- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 73 (as amended) – agreed to

Clause 74 – Amendment proposed

**THAT** clause 74 of the Bill be amended—

- (a) in subclause (1) by deleting the word “Physical” appearing immediately after the words “The County” and substituting therefor the words “Land Use”;
- (b) in subclause (2) by deleting the words “Physical” appearing immediately after the words “of the County” and substituting therefor the words “Land Use”;
- (c) in subclause (3) by deleting the words “Physical” appearing immediately after

- the words “of the County” and substituting therefor the words “Land Use”;
- (d) in subclause (4) by deleting the words “Physical” appearing immediately after the words “of a County” and substituting therefor the words “Land Use”;
  - (e) in subclause (5) by deleting the word “Physical” appearing immediately after the words “of a County” and substituting therefor the words “Land Use”;
  - (f) in subclause (6) by deleting the words “Physical” appearing immediately after the words “A County” and substituting therefor the words “Land Use”; and
  - (g) by deleting the marginal note and substituting therefor the following new marginal note—

Procedure of the County Land Use Planning Liaison Committees.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno

- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang'ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeri Samson Kegengo
- 32) Sen. Orenge James



33) Sen. Sakaja Johnson Arthur

34) Sen. Wario Golich Juma

Clause 74 (as amended) - agreed to

Clause 75 - Amendment proposed

**THAT** clause 75 of the Bill be amended by—

- (a) deleting the words “County Physical” appearing immediately after the words “who appeals to” in subclause (1) and substituting therefor the words “a County Land Use”;
- (b) deleting the word “Physical” appearing immediately after the words “A County” in the introductory phrase in subclause (2) and substituting therefor the words “Land Use”;
- (c) deleting the word “Physical” appearing immediately after the words “of a County” in subclause (3) and substituting therefor the words “Land Use”; and
- (d) deleting the marginal note and substituting therefor the following new marginal note—

Appeal to a County Land Use Planning Liaison Committee.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi

- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 75 (as amended) - agreed to

Clause 76 - Amendment proposed

**THAT** clause 76 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the word “Physical” appearing immediately after the words “before a County” and substituting therefor the words “Land Use”; and
- (ii) deleting the word “or” appearing immediately after the words “Planning Liaison Committee”; and

(b) by deleting the marginal note and substituting therefor the following new marginal note—

Duty to appear before a County Land Use Planning Liaison Committee.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record

their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “Yes”-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a

- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 76 (as amended) – agreed to

Clause 77 – Amendment proposed

**THAT** clause 77 of the Bill be amended by deleting the word “Physical” appearing immediately after the words “by a County” and substituting therefor the words “Land Use”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “Yes”-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko

- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 77 (as amended) – agreed to

Clause 78 – Amendment proposed

**THAT** clause 78 of the Bill be amended—

- (a) in subclause (1) by deleting the word “Physical” appearing immediately after the words “before a County” and substituting therefor the words “Land Use”;
- (b) in subclause (2) by deleting the word “Physical” appearing immediately after the words “The County” and substituting therefor the words “Land Use”;
- (c) in subclause (3) by deleting the word “Physical” appearing immediately after the words “Where a County” and substituting therefor the words “Land Use”;
- (d) in subclause (4) by deleting the word “Physical” appearing immediately after the words “The County” and substituting therefor the words “Land Use”; and
- (e) in subclause (5) by deleting the word “Physical” appearing immediately after the words “Every County” and substituting therefor the words “Land Use”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru



- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 78 (as amended) – agreed to

Clause 79 – Amendment proposed

**THAT** clause 79 of the Bill be amended by—

- (i) deleting the word “Physical” appearing immediately after the words “to the National” and substituting therefor the words “Land Use”; and
- (ii) deleting the marginal note and substituting therefor the following new marginal note—

Appeals to National Land Use Planning Liaison Committee.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to

Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar

- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 79 (as amended) – agreed to

Clause 80 – Amendment proposed

**THAT** clause 80 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the word “Physical” appearing immediately after the words “of the National” and substituting therefor the words “Land Use”; and
- (ii) deleting the word “Physical” appearing immediately after the words “or a County” and substituting therefor the words “Land Use”;

(b) in subclause (2) by deleting the word “Physical” appearing immediately after the words “member of a” and substituting therefor the words “Land Use”; and

(c) in subclause (3) by deleting the word “physical” appearing immediately after the words “member of a” and substituting therefor the words “land use”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

1) Sen. Adan Fatuma Dullo

2) Sen. Boy Issa Juma

3) Sen. Cheruiyot Aaron Kipkirui

4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation

5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation

6) Sen. Kajwang’ Moses Otieno

7) Sen. Kamar Margaret Jepkoech

8) Sen. Kang’ata Irungu – voted verbally

9) Sen. Khaniri George

10) Sen. Kibiru Charles Reubenson

11) Sen. Kihika Susan Wakarura

12) Sen. Kilonzo Mutula Junior

- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 80 (as amended) – agreed to

Clause 81 – Amendment proposed

**THAT** clause 81 of the Bill be amended—

- (a) in subclause (1) by deleting the introductory clause and substituting therefor

the following new introductory clause—

(1) A person shall not disclose, without the consent of the National Land Use Planning Liaison Committee or a County Land Use Planning Liaison Committee, as the case may be—

(b) in subclause (3) by deleting the words “Physical Planning Liaison Committee or a County Physical” appearing immediately after the words “on the National” and substituting therefor the words “Land Use Planning Liaison Committee or a County Land Use”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”, “No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

1) Sen. Adan Fatuma Dullo

2) Sen. Boy Issa Juma

3) Sen. Cheruiyot Aaron Kipkirui

4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation

5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation

6) Sen. Kajwang’ Moses Otieno

7) Sen. Kamar Margaret Jepkoech

8) Sen. Kang’ata Irungu – voted verbally

- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 81 (as amended) - agreed to

Clause 82 - Amendment proposed

**THAT** clause 82 of the Bill be amended—

- (a) subclause (1) by deleting the word “Physical” appearing immediately after the word “Each” in the introductory phrase in and substituting therefor the words “Land Use”;
- (b) in subclause (2) by deleting the word “Physical” appearing immediately after the words “register maintained by” and substituting therefor the words “Land Use”;
- (c) in subclause (3) by deleting the word “Physical” appearing immediately after the words “apply to a” and substituting therefor the words “Land Use”; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note—

Land Use Planning Liaison Committees to keep registers.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
- 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”, “No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui



- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru

- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 82 (as amended) – agreed to

Clause 83 – Amendment proposed

**THAT** clause 83 of the Bill be amended by deleting the word “Physical” appearing immediately after the words “members of the” and substituting therefor the words “Land Use”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34                      NOES – 0                      ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno

- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang'ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kiburu Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 84

Motion made and Question proposed;

**THAT**, Clause 84 be part of the Bill.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu
- 2) Sen. John Kinyua Nderitu
- 3) Sen. Ochilo Ayacko

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior

- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko – voted verbally
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua – voted verbally
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 84 – agreed to

Clause 85 – Amendment proposed

**THAT** clause 85 of the Bill be amended in subclause (2) by—

- (i) deleting the word “physical” appearing immediately after the words “for delivery of” in paragraph (b) and substituting therefor the words “land use”;
- (ii) deleting the word “Physical” appearing immediately after the words “operations of Inter-County” in paragraph (c) and substituting therefor

the words “Land Use”; and

- (iii) deleting the word “Physical” appearing immediately after the words “the conduct of” in paragraph (d) and substituting therefor the words “Land Use”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura

- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 85 (as amended)

– agreed to

Clauses 86 and 87

Motion made and Question proposed;

**THAT**, Clauses 86 and 87 be part of the Bill.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu
- 2) Sen. John Kinyua Nderitu
- 3) Sen. Ochilo Ayacko

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kiburu Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior



- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko – voted verbally
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua – voted verbally
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clauses 86 and 87 – agreed to

Clause 88 – Amendment proposed

**THAT** clause 88 of the Bill be amended by—

- (i) deleting the word “physical” appearing immediately after the words “disputes relating to” and substituting therefor the words “land use”;

and

- (ii) deleting the word “physical” appearing immediately after the words “national and county” and substituting therefor the words “land use”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kiburu Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior

- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 88 (as amended) – agreed to

New Clause 4A – Amendment proposed

Motion made and Question proposed;

**THAT** the Bill be amended by inserting the following new clause immediately after

clause 4—

Principles and norms of land use planning. **4A.** Every person engaged in land use planning and regulation shall adhere to the following principles and norms of land use planning—

- (a) land use planning shall promote sustainable land use and liveable communities which integrates human needs in any locality.
- (b) development activities shall be planned in a manner that integrates economic, social and environmental needs of present and future generations;
- (c) land use planning shall be comprehensive, sustainable and integrated at all levels of government, taking into consideration the interests of all parties concerned;
- (d) land use planning shall take into consideration long-term optimum utilization of land and conservation of scarce land resource including preservation of land with important functions;
- (e) land use planning shall be inclusive and must take into consideration culture and heritage of people concerned; and
- (f) land use planning should take into account new approaches such as transit-oriented development, mixed land-uses, planning for public transport and non-motorized transport among others to achieve sustainable development and more efficient use of natural resources.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed two (2) Senators to

record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “Yes”-

- 1) Sen. Wario Golich
- 2) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kiburu Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a

- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma – voted verbally

New Clause 4A (as amended) – agreed to

New Clause 12A – Amendment proposed

**THAT** the Bill be amended by inserting the following new clauses immediately after clause 12—

- |  |  |
|--|--|
| County Land Use Planning Consultative Forum. | <p><b>12A.</b> (1) There is established a County Land Use Planning Consultative Forum in each county.</p> <p>(2) Each County Land Use Planning Consultative Forum shall comprise of—</p> <ul style="list-style-type: none"> <li>(a) the respective County Executive Committee Member responsible for matters related to land use, who shall be the chairperson and shall provide the secretariat;</li> <li>(b) the County Director of land use Planning;</li> <li>(c) the Chairperson of the committee responsible for matters related to land use in the respective county assembly;</li> <li>(d) the County Executive Committee Member responsible for matters related to economic planning;</li> <li>(e) the County Executive Committee Member responsible for matters related to the environment;</li> </ul> |
|--|--|

- (f) the County Executive Committee Member responsible for matters related to roads and infrastructure;
  - (g) the County Executive Committee Member responsible for matters related to social and community development;
  - (h) a person nominated by the Commission;
  - (i) a person nominated by the Director General of Land Use Planning;
  - (j) a person residing and working or conducting business in the respective county nominated by the Kenya Institute of Planners;
  - (k) a person residing and working or conducting business in the respective county nominated by the Institution of Surveyors of Kenya;
  - (l) a person residing and working or conducting business in the respective county nominated by the Architectural Association of Kenya;
  - (m) a person residing and working or conducting business in the respective county nominated by a registered association representing the largest number of entities in the private sector in Kenya;
  - (n) a person residing and working or conducting business in the respective county nominated by a registered national association representing the largest number of residents in Kenya;
  - (o) a person residing and working or conducting business in the respective county nominated by the National Council for Persons with Disability; and
  - (p) any person co-opted by the County Land Use Planning Consultative Forum for that person's special skills, interest and knowledge.
- (3) The respective County Executive Committee Member responsible for matters related to land use shall appoint members nominated under subsection (2)(i), (k), (l), (m), (n), (o), (p) and (q) by notice in the *Gazette*.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken

pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Wario Golich
- 2) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kiburu Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi



- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeri Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma – voted verbally

New Clause 12A (as amended) – agreed to

New Clause 12B – Amendment proposed

**12B.** The functions of the National Physical Planning Consultative Forum shall be to—

Functions of the County Land Use

- (a) provide a forum for consultation on County and Inter-

Planning  
Consultative  
Forum.

County Land Use Development Plans;

- (b) promote effective coordination and integration of land use development and sector planning; and
- (c) advise on the mobilization of adequate resources for the preparation and implementation of land use development plans and strategies.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

- 1) Sen. Wario Golich
- 2) Sen. Kang’ata Irungu

The results of the Division were as follows: -

<b><u>AYES</u> – 34</b>	<b><u>NOES</u> – 0</b>	<b><u>ABSTENTIONS</u> – 0</b>
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**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County

Delegation

- 6) Sen. Kajwang' Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang'ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru

- 30) Sen. OleKina Ledama
- 31) Sen. Onger Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma – voted verbally

New Clause 12B (as amended) – agreed to

New Clause 12C – Amendment proposed

**12C.** (1) The County Land Use Planning Consultative Forum shall meet at least four times in a year.

County  
Land Use  
Planning  
Consultative  
Forum  
Meetings.

(2) Subject to this Act and any relevant county legislation, the County Land Use Planning Consultative Forum may regulate its procedure.

(3) The County Land Use Planning Consultative Forum may establish committees for the effective performance of its functions.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Wario Golich
- 2) Sen. Kang'ata Irungu

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang' Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang'ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a

- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma – voted verbally

New Clause 12C (as amended) – agreed to

New Clause 49A – Amendment proposed

**THAT** the Bill be amended by inserting the following new clause immediately after clause 49—

Plans to be made **49A.** All plans formulated under the Urban Areas and Cities in accordance Act shall, with necessary modifications, be prepared and with this Act. approved in accordance with this Act.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their

votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Wario Golich
- 2) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County

Delegation

- 21) Sen. Mbito Michael Maling’ a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’ o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma – voted verbally

New Clause 49A (as amended) – agreed to

New Clause 60a – Amendment proposed

**THAT** the Bill be amended by inserting the following new clause immediately after clause 60—

Registration of documents at the Lands Registry. **60A.** (1) A registrar shall not register a transaction in respect of any premises or land whose development permission as required under this Act has not been granted by the relevant county government.

(2) A registration entered in contravention of sub-section (1) shall not be valid.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;



After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Wario Golich
- 2) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kiburu Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar

- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeri Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma – voted verbally

New Clause 60A (as amended) – agreed to

First Schedule – Amendment proposed

**THAT** the Bill be amended by deleting the First Schedule.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their

votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed four (4) Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Wario Golich
- 2) Sen. Madzayo Stewart
- 3) Sen. Masitsa Naomi
- 4) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru – voted verbally

- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted verbally on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’ a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’ o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma – voted verbally

First Schedule – agreed to

Second Schedule – Amendment proposed

**THAT** the Second Schedule to the Bill be amended—

- (a) in the title by deleting the word “PHYSICAL” appearing immediately after the words “INTER-COUNTY AND COUNTY” and substituting therefor the words “LAND USE”;
- (b) in paragraph 3 by—
  - (i) inserting the following new subparagraph immediately after subparagraph (1)—
    - (1a) human rights, poverty eradication, gender and vulnerable groups;
  - (ii) inserting the following new subparagraph immediately after subparagraph (10)—

(10a) climate change;

(c) in paragraph 12 by deleting the words “Executive Committee” appearing immediately after the words “report to the” in subparagraph (1) and substituting therefor the words “relevant county assembly”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

1) Sen. Adan Fatuma Dullo

2) Sen. Boy Issa Juma

3) Sen. Cheruiyot Aaron Kipkirui

4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation

5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation

6) Sen. Kajwang’ Moses Otieno

7) Sen. Kamar Margaret Jepkoech

8) Sen. Kang’ata Irungu – voted verbally

9) Sen. Khaniri George

10) Sen. Kibiru Charles Reubenson

11) Sen. Kihika Susan Wakarura

- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang'at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Second Schedule (as amended) – agreed to

Third Schedule – Amendment proposed

**THAT** the Third Schedule to the Bill be amended—

- (a) deleting the word “PHYSICAL” appearing immediately after the words “CONTENTS OF LOCAL” in the title to the Schedule and substituting therefor the words “LAND USE”;
- (b) by deleting the word “PHYSICAL” appearing immediately after the words “IN A LOCAL” in the title to the Part A of the Schedule and substituting therefor the words “LAND USE”;
- (c) in paragraph 3 by inserting the following new subparagraph immediately after subparagraph (2)—
  - (c) addressing human rights challenges, poverty eradication, gender and vulnerable groups;
  - (d) combating climate change;
- (d) in paragraph 5 by deleting the word “physical” appearing immediately after the words “analysis accompanied by” in the introductory clause in subparagraph (a) and substituting therefor the words “land use”; and
- (e) in paragraph 7 by deleting the word “physical” appearing immediately after the words “maps of the” in subparagraph (b) and substituting therefor the words “land use”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui

- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kiburu Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru



- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Third Schedule (as amended) - agreed to

Fourth Schedule - Amendment Proposed

**THAT** the Fourth Schedule to the Bill be amended—

- (a) by deleting the words “MATTERS WHICH MAY BE DEALT WITH UNDER” in the title to the Schedule;
- (b) in paragraph 2 by—
  - (i) deleting the words “The Planning Authority” appearing in the introductory clause and substituting therefor the words “A county government”;
  - (ii) deleting the word “physical” appearing immediately after the words “bound by approved” in subparagraph (a) and substituting therefor the words “land use”;
- (c) in paragraph 3 by deleting the words “Planning Authority” appearing immediately after the words “agricultural land the” and substituting therefor the words “county government”;
- (d) by deleting paragraph 4 and substituting therefor the following new paragraph—

**4.** Planning authorities shall require applications for major developments to be subjected to environmental and social impact assessment
- (e) in paragraph 5 by deleting the word “physical” appearing immediately after the words “of an approved” in subparagraph (a) and substituting therefor the words “land use”;
- (f) in paragraph 6 by deleting the word “physical” appearing immediately after the words “of relevant approved” in subparagraph (d) and substituting therefor the words “land use”;
- (g) in paragraph 7 by deleting the word “physical” appearing immediately after the words “of relevant approved” in subparagraph (b) and substituting therefor the words “land use”.
- (h) in paragraph 8 by—
  - (i) deleting the words “the Planning authority” appearing in the introductory clause and substituting therefor the words “a county government”;

- (ii) deleting the words “planning authority” appearing immediately after the words “the required standard” in subparagraph (p) and substituting therefor the words “county government”;
- (i) in paragraph 9 by deleting the words “the planning authority” appearing immediately after the words “the required standard” and substituting therefor the words “a county government”;
- (j) in paragraph 10 by deleting the words “planning authority” appearing immediately after the words “period as the” and substituting therefor the words “county government”;
- (k) by deleting paragraph 14;
- (l) in paragraph 16 by—
  - (i) deleting the words “the Planning authority” appearing immediately after the words “permission from the” in the introductory clause and substituting therefor the words “relevant county government”;
  - (ii) deleting the words “Planning authority” appearing immediately after the words “factor that the” in subparagraph (9) and substituting therefor the words “county government”;
- (m) in paragraph 17 by deleting the words “Planning authority” appearing immediately after the word “A” in the introductory phrase and substituting therefor the words “county government”; and
- (n) in paragraph 18 by deleting the words “Planning authority” appearing immediately after the words “from the relevant” and substituting therefor the words “county government”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba

- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Fourth Schedule (as amended) - agreed to

Clause 2 - Amendment proposed

**THAT** clause 2 of the Bill be amended by—

- (a) deleting the word “planning” appearing immediately after the words “matter related to” in the definition of the term “Cabinet Secretary” and substituting therefor the words “land use”; and
- (b) deleting the definition of the term “land use planning” and substituting therefor the following new definition—

“land use planning” refers to the interdisciplinary process of evaluating, organising and controlling the present and the future development and use of land and its resources to secure the physical, economic and social efficiency, health and well-being of urban and rural communities;
- (c) deleting the definition of the term “local physical planning development plan” and substituting therefor the following new definition—

“local land use development plan” means a plan for the area or part thereof of a city, municipality, town or urban council and includes a plan with reference to any trading or marketing centre;
- (d) deleting the definition of the term “National Director of Physical Planning” and substituting therefor the following new definition in its proper alphabetical sequence—

“Director General of Land Use Planning” means the

Director General of Land Use Planning appointed under section 10 of this Act;

- (e) deleting the definition of the term “physical planning” and substituting therefor the following new definition—

“physical planning” refers to a form of land use planning which attempts to achieve an optimal spatial coordination of different human activities for the enhancement of the quality of life;

- (f) deleting the words “responsible for matters relating to physical planning” appearing immediately after the words “Executive Committee Member” in paragraph (b) in the definition of the term “planning authority”;

- (g) deleting the definition of the term “Inter-County physical development plan” and substituting therefor the following new definition—

“Inter-County Land Use Development Plan” means a plan for an area covering two or more counties or parts thereof;

- (h) deleting the definition of the term “spatial planning” and substituting therefor the following new definition—

“spatial planning” means the methodology and approach used to influence the distribution of people and activities to achieve optimal utilisation of physical, economic and socio cultural resources;

- (i) inserting the following new definitions in their proper alphabetical sequence—

“county executive committee member” means the county executive committee member responsible for matters relating to land use planning in the respective county;

“registrar” has the same meaning assigned it under section 2 of the Land Registration Act

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their

votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County

Delegation

- 21) Sen. Mbito Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 2 (as amended) – agreed to

The Title

Motion made and Question proposed;

**THAT**, the Title be part of the Bill.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources  
– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of

Standing Order 81 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1) Sen. Kang’ata Irungu
- 2) Sen. John Kinyua Nderitu
- 3) Sen. Ochilo Ayacko

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loiptip Anuar
- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation



- 21) Sen. Mbiti Michael Maling'a
- 22) Sen. Mbogo George Ochillo Ayacko – voted verbally
- 23) Sen. Mogeni Erick Okong'o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua – voted verbally
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeru Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

The Title – agreed to

Clause 1 - Amendment proposed

THAT clause 1 of the Bill be amended by deleting the word “Physical” appearing immediately after the words “cited as the” and substituting therefor the words “Land Use”.

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1) Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES – 34**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cheruiyot Aaron Kipkirui
- 4) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 5) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 6) Sen. Kajwang’ Moses Otieno
- 7) Sen. Kamar Margaret Jepkoech
- 8) Sen. Kang’ata Irungu – voted verbally
- 9) Sen. Khaniri George
- 10) Sen. Kibiru Charles Reubenson
- 11) Sen. Kihika Susan Wakarura
- 12) Sen. Kilonzo Mutula Junior
- 13) Sen. Kimani Wamatangi
- 14) Sen. Kirinyaga Ephraim Mwangi Maina
- 15) Sen. Lang’at Christopher Andrew
- 16) Sen. Lelegwe Steve Ltumbesi
- 17) Sen. Loitiptip Anuar

- 18) Sen. Madzayo Stewart Mwachiru
- 19) Sen. Mahamud Mohamed Maalim
- 20) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 21) Sen. Mbito Michael Maling’a
- 22) Sen. Mbogo George Ochillo Ayacko
- 23) Sen. Mogeni Erick Okong’o
- 24) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 25) Sen. Murkomen Onesimus Kipchumba
- 26) Sen. Mwangi Paul Githiomi
- 27) Sen. Mwinyi Haji Mohamed Faki
- 28) Sen. Nderitu John Kinyua
- 29) Sen. Ndwiga Peter Njeru
- 30) Sen. OleKina Ledama
- 31) Sen. Ongeri Samson Kegengo
- 32) Sen. Orengo James
- 33) Sen. Sakaja Johnson Arthur
- 34) Sen. Wario Golich Juma

Clause 1 (as amended) – agreed to

**Motion made:**

That, the Bill be reported with amendments.

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) ruled that the Question did not affect counties;

Question put and Agreed to.

11. **HOUSE RESUMED** - Temporary Speaker (Sen. (Dr.) Steve Lelegwe) - in the Chair

12. **THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2017)**

Bill reported with amendments;

Motion made and Question proposed-

That the Senate do agree with the Committee of the Whole in the said Report.

*(The Senate Majority Leader)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. (Dr.) Steve Lelegwe) ruled that the question did not affect counties;

Question put and agreed to.

**Motion made and question proposed-**

That, the Physical Planning Bill (National Assembly Bills No. 34 of 2017) be now read a Third time.

*(The Senate Majority Leader)*

There being no Senator wishing to contribute;

The House proceeded to a division.

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Acting Chairperson allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded their vote verbally as **“Yes”**-

1. Sen. Irungu Kang’ata

The results of the Division were as follows: -

**AYES – 36**

**NOES – 0**

**ABSTENTIONS – 0**

**AYES**

- 1) Sen. Adan Fatuma Dullo
- 2) Sen. Boy Issa Juma
- 3) Sen. Cherarkey Samson Kiprotich
- 4) Sen. Cheruiyot Aaron Kipkirui
- 5) Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
- 6) Sen. Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
- 7) Sen. Kajwang’ Moses Otieno
- 8) Sen. Kamar Margaret Jepkoech
- 9) Sen. Kang’ata Irungu – voted verbally
- 10) Sen. Khaniri George
- 11) Sen. Kibiru Charles Reubenson
- 12) Sen. Kihika Susan Wakarura
- 13) Sen. Kilonzo Mutula Junior
- 14) Sen. Kimani Wamatangi
- 15) Sen. Kirinyaga Ephraim Mwangi Maina
- 16) Sen. Lang’at Christopher Andrew
- 17) Sen. Lelegwe Steve Ltumbesi
- 18) Sen. Loiptip Anuar
- 19) Sen. Madzayo Stewart Mwachiru
- 20) Sen. Mahamud Mohamed Maalim
- 21) Sen. Masitsa Naomi Shiyonga – voted on behalf of Kakamega County Delegation
- 22) Sen. Mbito Michael Maling’a
- 23) Sen. Mbogo George Ochillo Ayacko
- 24) Sen. Mogeni Erick Okong’o
- 25) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 26) Sen. Murkomen Onesimus Kipchumba
- 27) Sen. Mwangi Paul Githiomi
- 28) Sen. Mwaruma Johnes Mwashushe
- 29) Sen. Mwinyi Haji Mohamed Faki
- 30) Sen. Nderitu John Kinyua
- 31) Sen. Ndwiga Peter Njeru
- 32) Sen. OleKina Ledama
- 33) Sen. Ongeru Samson Kegengo
- 34) Sen. Orengo James
- 35) Sen. Sakaja Johnson Arthur
- 36) Sen. Wario Golich Juma

Question put and **agreed to**

Bill read a Third Time and **Passed**

13. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. (Prof.) Margaret Kamar) – in the Chair)

**The Land Value Index Laws (Amendment) Bill (National Assembly Bills No. 3 of 2018)**

Clause 2 – amendment proposed

Motion made and question proposed;

**That** clause 2 of the Bill be amended by—

(a) deleting the proposed definition of the term “prompt” and substituting therefor the following new definition—

“prompt” means within a reasonable time of, and in any case not more than one year after, the taking of possession of the land by the Commission;

(b) deleting the proposed definition of the term “full” and substituting therefor the following new definition—

“full” in relation to compensation for compulsorily acquired land or creation of wayleaves, easements and public rights of way means the restoration of the value of the land, including improvements thereon, as at the date of the notice of intention to acquire the land and any other matter provided for in this Act;

*(Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed two Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Kang'ata Irungu
2. Sen. Mbogo George Ochilo Ayacko

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow – voted on behalf of Garrisa County Delegation
5. Sen. Waqo Naomi Jilo - voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Lang'at Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart Mwachiru
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mbogo George Ochilo Ayacko – voted verbally
23. Sen. Mogeni Erick Okong'o
24. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
25. Sen. Murkomen Onesimus Kipchumba
26. Sen. Mwangi Paul Githiomi
27. Sen. Mwinyihaji Mohamed Faki
28. Sen. Nderitu John Kinyua
29. Sen. Ndwiga Peter Njeru
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 2 (as amended) - Agreed to

Clause 3 - amendment proposed

Motion made and question proposed;

**That** the Bill be amended by deleting clause 3.

*(Chairperson, Standing Committee on Land, Environment and Natural Resources –  
13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed one Senator to record their vote verbally.

Thereupon, the following Senator recorded their vote verbally as **“Yes”**-

1. Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow – voted on behalf of Garrisa County Delegation
5. Sen. Waqo Naomi Jilo - voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech



8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Lang'at Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart Mwachiru
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mbogo George Ochilo Ayacko
23. Sen. Mogeni Erick Okong'o
24. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
25. Sen. Murkomen Onesimus Kipchumba
26. Sen. Mwangi Paul Githiomi
27. Sen. Mwinyihaji Mohamed Faki
28. Sen. Nderitu John Kinyua
29. Sen. Ndwiga Peter Njeru
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 3 - deleted

Clause 4 - amendment proposed

Motion made and question proposed;

**That** the Bill be amended by deleting clause 4.

*(Chairperson, Standing Committee on Land, Environment and Natural Resources –  
13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed one Senator to record their vote verbally.

Thereupon, the following Senator recorded their vote verbally as **“Yes”**-

1. Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow – voted on behalf of Garrisa County Delegation
5. Sen. Waqo Naomi Jilo - voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Lang’at Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart Mwachiru
19. Sen. Mahamud Mohamed Maalim

20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mbogo George Ochilo Ayacko
23. Sen. Mogeni Erick Okong'o
24. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
25. Sen. Murkomen Onesimus Kipchumba
26. Sen. Mwangi Paul Githiomi
27. Sen. Mwinyihaji Mohamed Faki
28. Sen. Nderitu John Kinyua
29. Sen. Ndwiga Peter Njeru
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 4 - deleted

Clause 5 - amendment proposed

Motion made and question proposed;

**That** clause 5 of the Bill be amended —

(a) by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) by inserting the following new subsection immediately after subsection (3)—

(3A) Where the Commission rejects a request of an acquiring body in accordance with subsection (3), the Commission shall inform the relevant acquiring body within seven days of the decision to reject the request.;

(b) in paragraph (b) by deleting the proposed new subsection (4)(b) and substituting therefor the following new paragraph—

(b) establish that the acquiring authority has identified the number and maintains a register of persons in actual occupation of the land, confirming for each such occupation how much time they have been in uninterrupted occupation or ownership of interest in the land prior to the date of the request for acquisition of the land, and the improvements thereon;

(c) in paragraph (c) by deleting the word “body” appearing immediately after the words “in the acquiring” in the proposed subsection 107(5B) and substituting therefor the word “authority”.

*(Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed two Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Kang’ata Irungu
2. Sen. Mbogo George Ochilo Ayacko

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow – voted on behalf of Garrisa County Delegation
5. Sen. Waqo Naomi Jilo - voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Lang’at Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi

17. Sen. Loitytip Anuar
18. Sen. Madzayo Stewart Mwachiru
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mbogo George Ochilo Ayacko – voted verbally
23. Sen. Mogeni Erick Okong'o
24. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
25. Sen. Murkomen Onesimus Kipchumba
26. Sen. Mwangi Paul Githiomi
27. Sen. Mwinyihaji Mohamed Faki
28. Sen. Nderitu John Kinyua
29. Sen. Ndwiga Peter Njeru
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 5 (as amended) - Agreed to

Clause 6 - amendment proposed.

Motion made and question proposed;

**That** clause 6 of the Bill be amended—

(a) in the proposed new section 107A—

(i) by deleting subsection (1) and substituting therefor the following new subsection—

(1) Valuation of freehold land and community land for purposes of compensation under this Act shall be based on the provisions of this Part and the land value index developed for that purpose by the Cabinet Secretary in consultation with county governments and approved by the National Assembly and the Senate;

(ii) in subsection (4) by deleting the word “apparent” appearing immediately after the words “increase in the” in the introductory clause in paragraph (c);

(iii) in subsection (4) by inserting the words “and are not capital improvements” immediately after the words “state of repair” in paragraph (c)(ii)

(iv) in subsection (8) by deleting the word “twelve” appearing immediately after the words “uninterrupted period of” in paragraph (a) and substituting therefor the word “six”;

(b) in the proposed new subsection 107B(2)—

(i) by deleting paragraph (a) and substituting therefor the following new paragraph—

- (a) the value of the land based on the unexpired term of the lease calculated on the basis of a land value index developed for that purpose by the Cabinet Secretary in consultation with county governments and approved by the National Assembly and the Senate;
- (ii) by deleting the word “cost” appearing immediately after the word “the” in paragraph (b) and substituting therefor the word “value”; and
- (iii) by inserting the words “in consultation with the Cabinet Secretary and county governments and with the approval of the National Assembly and the Senate” immediately after the words “prescribe in Regulations” in paragraph (c).

*(Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed two Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

1. Sen. Kang’ata Irungu
2. Sen. Mbogo George Ochilo Ayacko

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma

3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow – voted on behalf of Garrisa County Delegation
5. Sen. Waqo Naomi Jilo - voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Lang’at Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart Mwachiru
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a
22. Sen. Mbogo George Ochilo Ayacko – voted verbally
23. Sen. Mogeni Erick Okong’o
24. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
25. Sen. Murkomen Onesimus Kipchumba
26. Sen. Mwangi Paul Githiomi
27. Sen. Mwinyihaji Mohamed Faki
28. Sen. Nderitu John Kinyua
29. Sen. Ndwiga Peter Njeru
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 6 (as amended) - Agreed to

Clause 7 - amendment proposed.  
Motion made and question proposed;

**That** clause 7 of the Bill be amended—

- (a) in the proposed new subsection (1A) by inserting the following proviso immediately after paragraph (f)—

Provided that regardless of the form of compensation under this section, where an acquisition process is not completed within twenty four months from the date of publication of the notice of intention to acquire, the

acquisition shall lapse;

(b) by renumbering the existing clause as subclause (1) and inserting the following new subclause immediately after subclause (1)—

(2) Section 111 of the Land Act is amended in subsection (1A) by deleting the word “body” appearing immediately after the words “The acquiring” and substituting therefor the word “authority”.

*(Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed two Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

1. Sen. Kang’ata Irungu
2. Sen. Mbogo George Ochilo Ayacko

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow – voted on behalf of Garrisa County Delegation
5. Sen. Waqo Naomi Jilo - voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno



7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Lang'at Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart Mwachiru
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbitio Michael Maling'a
22. Sen. Mbogo George Ochilo Ayacko - voted verbally
23. Sen. Mogeni Erick Okong'o
24. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation
25. Sen. Murkomen Onesimus Kipchumba
26. Sen. Mwangi Paul Githiomi
27. Sen. Mwinyihaji Mohamed Faki
28. Sen. Nderitu John Kinyua
29. Sen. Ndwiga Peter Njeru
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 7 (as amended) - Agreed to

Clauses 8 - 11

Motion made and Question proposed;

**That**, Clauses 8 - 11 be part of the Bill.

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed two Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Kang’ata Irungu
2. Sen. Wario Golich Juma

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow – voted on behalf of Garrisa County Delegation
5. Sen. Waqo Naomi Jilo - voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Lang’at Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart Mwachiru
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a

22. Sen. Mbogo George Ochilo Ayacko
23. Sen. Mogeni Erick Okong'o
24. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
25. Sen. Murkomen Onesimus Kipchumba
26. Sen. Mwangi Paul Githiomi
27. Sen. Mwinyihaji Mohamed Faki
28. Sen. Nderitu John Kinyua
29. Sen. Ndwiga Peter Njeru
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma – voted verbally

Clauses 8 – 11 – Agreed to.

Clause 12 – amendment proposed.

Motion made and question proposed;

**That** clause 12 of the Bill be amended by—

(a) deleting paragraph (a);

(b) by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) by deleting subsection (1) and substituting therefor the following new subsection—

(1) After an award has been made, the Commission may take possession of the respective land by serving on every person interested in the land a notice that on a specified day possession of the land and the title to the land will vest in the national or county government as the case may be, provided that such taking of possession will not result in persons being rendered homeless.

*(Chairperson, Standing Committee on Land, Environment and Natural Resources – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed two Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Kang’ata Irungu
2. Sen. Mbogo George Ochilo Ayacko

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow – voted on behalf of Garrisa County Delegation
5. Sen. Waqo Naomi Jilo - voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Lang’at Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart Mwachiru
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a
22. Sen. Mbogo George Ochilo Ayacko – voted verbally
23. Sen. Mogeni Erick Okong’o
24. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
25. Sen. Murkomen Onesimus Kipchumba

26. Sen. Mwangi Paul Githiomi
27. Sen. Mwinyihaji Mohamed Faki
28. Sen. Nderitu John Kinyua
29. Sen. Ndwiga Peter Njeru
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 12 (as amended) - Agreed to

Clause 13 - amendment proposed

Motion made and question proposed;

**That** the Bill be amended by deleting clause 13.

*(Chairperson, Standing Committee on Land, Environment and Natural Resources –  
13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed one Senator to record their vote verbally.

Thereupon, the following Senator recorded their vote verbally as **“Yes”**-

1. Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow – voted on behalf of Garrisa County Delegation
5. Sen. Waqo Naomi Jilo - voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Lang'at Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart Mwachiru
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mbogo George Ochilo Ayacko
23. Sen. Mogeni Erick Okong'o
24. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
25. Sen. Murkomen Onesimus Kipchumba
26. Sen. Mwangi Paul Githiomi
27. Sen. Mwinyihaji Mohamed Faki
28. Sen. Nderitu John Kinyua
29. Sen. Ndwiga Peter Njeru
30. Sen. Olekina Ledama
31. Sen. Onger Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 13 - deleted

Clause 14 - amendment proposed

Motion made and question proposed;

**That** the Bill be amended by deleting clause 14.

*(Chairperson, Standing Committee on Land, Environment and Natural Resources –  
13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed one Senator to record their vote verbally.

Thereupon, the following Senator recorded their vote verbally as **“Yes”**-

1. Sen. Kang’ata Irungu

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow – voted on behalf of Garrisa County Delegation
5. Sen. Waqo Naomi Jilo - voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior

13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Lang'at Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart Mwachiru
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mbogo George Ochilo Ayacko
23. Sen. Mogeni Erick Okong'o
24. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
25. Sen. Murkomen Onesimus Kipchumba
26. Sen. Mwangi Paul Githiomi
27. Sen. Mwinyihaji Mohamed Faki
28. Sen. Nderitu John Kinyua
29. Sen. Ndwiga Peter Njeru
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 14 - deleted

Clause 15

Motion made and Question proposed;

**That**, Clause 15 be part of the Bill.

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;



Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed two Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “Yes”-

1. Sen. Kang’ata Irungu
2. Sen. Wario Golich Juma

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow – voted on behalf of Garrisa County Delegation
5. Sen. Waqo Naomi Jilo - voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Lang’at Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart Mwachiru
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a
22. Sen. Mbogo George Ochilo Ayacko
23. Sen. Mogeni Erick Okong’o
24. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
25. Sen. Murkomen Onesimus Kipchumba
26. Sen. Mwangi Paul Githiomi
27. Sen. Mwinyihaji Mohamed Faki

28. Sen. Nderitu John Kinyua
29. Sen. Ndwiga Peter Njeru
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma – voted verbally

Clause 15 – Agreed to.

Clause 16 – amendment proposed.

Motion made and Question proposed;

**That** clause 16 of the Bill be amended by deleting paragraph (b).

*(Chairperson, Standing Committee on Land, Environment and Natural Resources –  
13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed two Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Kang’ata Irungu
2. Sen. Mbogo George Ochilo Ayacko

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow – voted on behalf of Garrisa County Delegation
5. Sen. Waqo Naomi Jilo - voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Lang'at Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart Mwachiru
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mbogo George Ochilo Ayacko – voted verbally
23. Sen. Mogeni Erick Okong'o
24. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
25. Sen. Murkomen Onesimus Kipchumba
26. Sen. Mwangi Paul Githiomi
27. Sen. Mwinyihaji Mohamed Faki
28. Sen. Nderitu John Kinyua
29. Sen. Ndwiga Peter Njeru
30. Sen. Olekina Ledama
31. Sen. Onger Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 16 (as amended) - Agreed to

Clause 17 - amendment proposed.

Motion made and Question proposed;

**That** clause 17 of the Bill be amended in the proposed new section 133A by deleting subsection (2) and substituting therefor the following new subsection—

(2) The members of the Tribunal shall consist of —

- (a) one person nominated by the Judicial Service Commission, who shall serve as the chairperson;
- (b) one person nominated by the Cabinet Secretary;
- (c) one person nominated by the Valuers Registration Board
- (d) one person nominated by Land Surveyors' Board; and
- (e) one person nominated by Attorney General.

*(Chairperson, Standing Committee on Land, Environment and Natural Resources –  
13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed two Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Kang'ata Irungu
2. Sen. Mbogo George Ochilo Ayacko

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow – voted on behalf of Garrisa County Delegation

5. Sen. Waqo Naomi Jilo - voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Lang'at Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart Mwachiru
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mbogo George Ochilo Ayacko – voted verbally
23. Sen. Mogeni Erick Okong'o
24. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
25. Sen. Murkomen Onesimus Kipchumba
26. Sen. Mwangi Paul Githiomi
27. Sen. Mwinyihaji Mohamed Faki
28. Sen. Nderitu John Kinyua
29. Sen. Ndwiga Peter Njeru
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 17 (as amended) - Agreed to

Clauses 18 - 21

Motion made and Question proposed;

**That,** Clauses 18 - 21 be part of the Bill.

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed two Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Kang’ata Irungu
2. Sen. Wario Golich Juma

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow – voted on behalf of Garrisa County Delegation
5. Sen. Waqo Naomi Jilo - voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Lang’at Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart Mwachiru
19. Sen. Mahamud Mohamed Maalim

20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mbogo George Ochilo Ayacko
23. Sen. Mogeni Erick Okong'o
24. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
25. Sen. Murkomen Onesimus Kipchumba
26. Sen. Mwangi Paul Githiomi
27. Sen. Mwinyihaji Mohamed Faki
28. Sen. Nderitu John Kinyua
29. Sen. Ndwiga Peter Njeru
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma – voted verbally

Clauses 18 – 21 – Agreed to.

The Title

Motion made and Question proposed;

**That**, the Title be the title of the Bill.

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed two Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Kang'ata Irungu
2. Sen. Wario Golich Juma

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow – voted on behalf of Garrisa County Delegation
5. Sen. Waqo Naomi Jilo - voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Lang'at Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart Mwachiru
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mbogo George Ochilo Ayacko
23. Sen. Mogeni Erick Okong'o
24. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
25. Sen. Murkomen Onesimus Kipchumba
26. Sen. Mwangi Paul Githiomi
27. Sen. Mwinyihaji Mohamed Faki
28. Sen. Nderitu John Kinyua
29. Sen. Ndwiga Peter Njeru
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma – voted verbally



The Title – Agreed to.

Clause 1 – amendment proposed.

Motion made and Question proposed;

**That** clause 1 of the Bill be amended by deleting the words “Value Index” appearing immediately after the words “as the Land”.

*(Chairperson, Standing Committee on Land, Environment and Natural Resources –  
13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed two Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Kang’ata Irungu
2. Sen. Mbogo George Ochilo Ayacko

The results of the Division were as follows: -

**AYES - 34**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow – voted on behalf of Garrisa County Delegation
5. Sen. Waqo Naomi Jilo - voted on behalf of Marsabit County Delegation

6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Lang'at Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart Mwachiru
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mbogo George Ochilo Ayacko - voted verbally
23. Sen. Mogeni Erick Okong'o
24. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation
25. Sen. Murkomen Onesimus Kipchumba
26. Sen. Mwangi Paul Githiomi
27. Sen. Mwinyihaji Mohamed Faki
28. Sen. Nderitu John Kinyua
29. Sen. Ndwiga Peter Njeru
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 1 (as amended) - Agreed to

**Motion made:**

**That,** the Bill be reported with amendments.

*(The Senate Majority Leader)*

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) ruled that the Question did not affect counties;

Question put and agreed to.

14. **HOUSE RESUMED** – The Temporary Speaker (Sen. (Dr.) Steve Lelegwe) in the Chair

15. **THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2018)**

Bill reported with amendments;

Motion made and Question proposed-

**That**, the House do agree with the Committee of the Whole in the said Report.

*(The Senate Majority Leader)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. (Dr.) Steve Lelegwe) ruled that the question did not affect counties;

Question put and agreed to.

Motion made and question proposed-

**That**, the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018) be now read a Third time.

*(The Senate Majority Leader)*

There being no Senator wishing to contribute;

The House proceeded to a division.

The Acting Chairperson (Sen. (Dr.) Steve Lelegwe) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Temporary Speaker directed that the doors be locked and Senators asked to log-in for electronic voting;

The Temporary Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Temporary Speaker allowed one Senator to record their vote verbally.

Thereupon, the following Senator recorded their vote verbally as **“Yes”**-

1. Sen. Kang'ata Irungu

The results of the Division were as follows: -

**AYES - 36**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Iman Falhada Dekow – voted on behalf of Garrisa County Delegation
6. Sen. Waqo Naomi Jilo - voted on behalf of Marsabit County Delegation
7. Sen. Kajwang' Moses Otieno
8. Sen. Kamar Margaret Jepkoech
9. Sen. Kang'ata Irungu - voted verbally
10. Sen. Khaniri George
11. Sen. Kibiru Charles Reubenson
12. Sen. Kihika Susan Wakarura
13. Sen. Kilonzo Mutula Junior
14. Sen. Kimani Wamatangi Paul
15. Sen. Kirinyaga Ephraim Mwangi Maina
16. Sen. Lang'at Christopher Andrew
17. Sen. Lelegwe Steve Ltumbesi
18. Sen. Loitiptip Anuar
19. Sen. Madzayo Stewart Mwachiru
20. Sen. Mahamud Mohamed Maalim
21. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
22. Sen. Mbito Michael Maling'a
23. Sen. Mbogo George Ochilo Ayacko
24. Sen. Mogeni Erick Okong'o
25. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
26. Sen. Murkomen Onesimus Kipchumba
27. Sen. Mwangi Paul Githiomi
28. Sen. Mwaruma Johnes Mwashushe
29. Sen. Mwinyihaji Mohamed Faki
30. Sen. Nderitu John Kinyua
31. Sen. Ndwiga Peter Njeru
32. Sen. Olekina Ledama
33. Sen. Ongeru Samson Kegengo
34. Sen. Orengo James
35. Sen. Sakaja Johnson Arthur

36. Sen. Wario Golich Juma

Question put and **agreed to.**

Bill read a Third Time and passed.

16. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. (Prof.) Margaret Kamar) – in the Chair)

**The Kenya Roads Bill (National Assembly Bills No. 47 of 2017)**

Clause 3

Motion made and Question proposed;

**That**, Clause 3 be part of the Bill.

*(The Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

1. Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a
22. Sen. Mogeni Erick Okong’o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 3 - agreed to.

Clause 4 - amendment proposed

**That,** Clause 4 be amended by inserting the words “and a county roads agency” immediately after the words “an Authority”.

*(Sen. (Arch.) Sylvia Kasanga)*

The House proceed to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

1. Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu- voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a

22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 4 (as amended) - agreed to.

Clauses 5 and 6

Motion made and Question proposed;

**That**, Clauses 5 and 6 be part of the Bill.

*(The Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

1. Sen. Irungu Kang'ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0



**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a
22. Sen. Mogeni Erick Okong’o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clauses 5 and 6 - agreed to.

Clause 7 - amendment proposed.

**That,** Clause 7 of the Bill be amended in sub-clause (1)—

- (a) by deleting the word “and” appearing immediately after the words “research on roads”;
- (b) by inserting the word “and” immediately after the words “the National Transport and Safety Authority” and;
- (c) by inserting the following new paragraph—

“(k) the Council of Governors.”

*(Chairperson, Standing Committee on Roads and Transportation – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi

17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 7 (as amended) - agreed to.

Further Amendment - amendment proposed

**That**, Clause 7 of the Bill be amended in sub-clause (1) by –

- (a) inserting the following new paragraph immediately after paragraph (j)
- (k) the Law Society of Kenya.

*(Sen. Erick Okong'o Mogeni – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

1. Sen. Irungu Kang'ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 7 (as amended) - agreed to.

Clause 8

Motion made and Question proposed;

**That**, Clause 8 be part of the Bill.

*(The Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina

15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 8 - agreed to.

Clause 9 - amendment proposed.

**That**, Clause 9 of the Bill be amended in sub-clause (1) by inserting the words "in consultation with the Council of Governors" immediately after the words "Cabinet Secretary".

*(Chairperson, Standing Committee on Roads and Transportation- 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as “**Yes**”-

1. Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a
22. Sen. Mogeni Erick Okong’o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 9(as amended) - agreed to.

Clause 10 – amendment proposed.

**That**, Clause 10 of the Bill be amended—

(a) in sub-clause (2)

(i) by deleting the word “and” appearing immediately after the word road in paragraph(a);

(ii) by inserting the words “; and” immediately after the words “county road”

(iii) by inserting the following paragraph immediately after paragraph (b)—

‘(c) there is uniformity in the classification of roads.’

(b) in sub-clause (3) by inserting the words, “in consultation with the relevant county government” immediately after the words “Cabinet Secretary” in the introductory phrase.

*(Chairperson, Standing Committee on Roads and Transportation– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as “**Yes**”-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.



5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 10(as amended) - agreed to.

Clause 11

Motion made and Question proposed;

**That,** Clause 11 be part of the Bill.

*(The Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a
22. Sen. Mogeni Erick Okong’o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi

26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 11 - agreed to.

Clause 12 - amendment proposed.

**That** Clause 12 of the Bill be amended—

(a) in sub-clause (3) by deleting the words “in each county” appearing immediately after the words “administrative offices”.

*(Chairperson, Standing Committee on Roads and Transportation– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as “**Yes**”-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma

3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 12(amended) - agreed to.

Clause 13

Motion made and Question proposed;

**That,** Clause 13 be part of the Bill.

*(The Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

1. Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a

22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 13 – agreed to.

Clause 14 – amendment proposed

**That**, Clause 14 of the Bill be amended in sub-clause (2) by –

(a) inserting the following new subparagraph immediately after subparagraph (ii) in paragraph (f).

(iii) the Law Society of Kenya.

*(Sen. Erick Okong'o Mogeni – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

1. Sen. Irungu Kang'ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a
22. Sen. Mogeni Erick Okong’o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 14(as amended) - agreed to.

Clauses 15 and 16

Motion made and Question proposed;

**That,** Clauses 15 and 16 be part of the Bill.

*(Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim



20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clauses 15 and 16 - agreed to.

Clause 17 - amendment proposed

**That**, Clause 17 of the Bill be amended in sub-clause (2) by –

(a) inserting the following new subparagraph immediately after subparagraph (ii) in paragraph (f).

(iii) the Law Society of Kenya.

*(Sen. Erick Okong'o Mogeni – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang'ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 17(as amended) - agreed to.

Clauses 18 and 19

Motion made and Question proposed;

**That**, Clauses 18 and 19 be part of the Bill.

*(The Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
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3. Sen. Cheruiyot Aaron Kipkirui
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6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi

17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clauses 18 and 19 - agreed to.

Clause 20 - amendment proposed

**That**, Clause 20 of the Bill be amended in sub-clause (2) by –

(a) inserting the following new subparagraph immediately after subparagraph (ii) in paragraph (f).

(iii) the Law Society of Kenya.

*(Sen. Erick Okong'o Mogeni – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang'ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
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6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
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11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
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14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 20(as amended) - agreed to.

Clauses 21-43

Motion made and Question proposed;

**That**, Clauses 21-43 be part of the Bill.

*(The Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior

13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clauses 21-43 - agreed to.

Clause 44 - amendment proposed.

**That**, Clause 44 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2) –

“(3) The Authority in exercising its powers under this section shall seek consultation and approval of the relevant county government.”

*(Chairperson, Standing Committee on Roads and Transportation– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a
22. Sen. Mogeni Erick Okong’o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur



34. Sen. Wario Golich Juma

Clause 44(as amended) – agreed to.

Clauses 45 and 46

Motion made and Question proposed;

**That**, Clauses 45 and 46 be part of the Bill.

*(Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
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6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George

10. Sen. Kiburu Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clauses 45 and 46 – agreed to.

Clause 47 – amendment proposed.

**That,** Clause 47 of the Bill be deleted and substituted therefor with the following new clause:

Power to take water	<b>47.</b> An Authority may for its purposes and in consultation with the relevant county government, take water from any watercourse subject to the Water Act.
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*(Chairperson, Standing Committee on Roads and Transportation– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
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19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a
22. Sen. Mogeni Erick Okong’o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru

29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 47 (as amended) – agreed to.

Clause 48 – amendment proposed.

**That,** Clause 48 of the Bill be amended—

(a) in sub-clause (5) by inserting the words ‘or any court of law’ appearing immediately after the words ‘National Lands Commission’, and

(b) by inserting the following new sub-clauses appearing immediately after sub-clause (12)—

(13) Roads referred to in sub-section (1) shall not be carried out where they may endanger any rare or threatened species, wildlife migration, water sources or springs or sites of cultural or natural importance

(14) All contemplated roads or road-works in sensitive areas of cultural or natural importance such as wetlands, indigenous forests and historic or prehistoric sites shall require approval from the National Environment Management Authority as per section 42 of the Environmental Management and Co-ordination Act, 1999.

(15) In the event that the proposed road works cannot avoid passing through a protected area, the Authority shall construct overpasses or underpasses to allow wildlife movement at frequent intervals.

(16) With reference to sub-section 15, where overpasses or underpasses cannot be constructed, the Authority shall ensure that fences are erected on both sides of the road.

*(Chairperson, Standing Committee on Roads and Transportation– 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
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6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
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15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
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23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako

- 30. Sen. Olekina Ledama
- 31. Sen. Onger Samson Kegengo
- 32. Sen. Orengo James
- 33. Sen. Sakaja Johnson Arthur
- 34. Sen. Wario Golich Juma

Clause 48 (as amended) - agreed to.

Clauses 49 - 51

Motion made and Question proposed;

**That**, Clauses 49 - 51 be part of the Bill.

*(Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

- 1. Sen. Adan Fatuma Dullo
- 2. Sen. Boy Issa Juma
- 3. Sen. Cheruiyot Aaron Kipkirui
- 4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.

5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clauses 49 – 51 – agreed to.

Clause 52 – amendment proposed.

**That,** Clause 52 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (4)—

“(5) Any matter brought to the Intergovernmental Relations Technical Committee under subsection (4) shall be determined expeditiously.”

*(Chairperson, Standing Committee on Roads and Transportation – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a
22. Sen. Mogeni Erick Okong’o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba



25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 52 – agreed to.

Clauses 53 - 55

Motion made and Question proposed;

**That,** Clauses 53 - 55 be part of the Bill.

*(The Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo

2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a
22. Sen. Mogeni Erick Okong’o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clauses 53 – 55 – agreed to.

Clause 56 – amendment proposed.

**That,** Clause 56 of the Bill be amended in sub-clause (1) by deleting the words ‘in respect of roads including national and county roads’ appearing immediately after the word ‘Authority’ and substituting therefor with the words ‘in respect of national roads’.

*(Chairperson, Standing Committee on Roads and Transportation – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a

22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 56 - agreed to.

Clauses 57 - 66

Motion made and Question proposed;

**That**, Clauses 57 - 66 be part of the Bill.

*(Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang'ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clauses 57 – 66 – agreed to.

Clause 67 – amendment proposed.

**That,** Clause 67 of the Bill be amended in sub-clause (1) by deleting the words 'or for the use of road reserves' appearing immediately after the word 'services'

*(Chairperson, Standing Committee on Roads and Transportation – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation

21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 67 - agreed to.

Clauses 68 - 82

Motion made and Question proposed;

**That,** Clauses 68 - 82 be part of the Bill.

*(Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang'ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a
22. Sen. Mogeni Erick Okong’o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clauses 68 – 82 – agreed to.

Clause 83 – amendment proposed

**That,** Clause 83 be amended –  
(a) in sub-clause (1) by

- (i) inserting the words “pedestrians, or” immediately after the words “for the benefit of the”.



- (ii) inserting the following words “including pavements, footpaths and footbridges” immediately after the words “or other works as” in paragraph (a).
- (b) by inserting the following new sub-clause immediately after sub-clause (1)

(1A) Where a responsible body, immediately before the commencement of this Act, constructed a road without such accommodation works under sub-section (1), an Authority or a county roads agency shall, within a period of twenty four months, construct such accommodation works as are necessary for the benefit or convenience of pedestrians, or the owners and occupiers of lands adjoining those on which a road is constructed.

*(Sen. (Arch.) Sylvia Kasanga – 14.02.2019)*

The House proceed to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation

6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 83 (as amended) - agreed to.

Clause 84

Motion made and Question proposed;

**That,** Clause 84 be part of the Bill.

*(Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a
22. Sen. Mogeni Erick Okong’o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru

- 29. Sen. Mbogo George Ochilo Ayako
- 30. Sen. Olekina Ledama
- 31. Sen. Ongeru Samson Kegengo
- 32. Sen. Orengo James
- 33. Sen. Sakaja Johnson Arthur
- 34. Sen. Wario Golich Juma

Clause 84 – agreed to.

Clause 85 – amendment proposed

**That,** Clause 85 be amended in paragraph (f) by inserting the words “pavement, footpath or footbridge” immediately after the words “parking area”.

*(Sen. (Arch.) Sylvia Kasanga – 14.02.2019)*

The House proceed to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as “**Yes**”-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

- 1. Sen. Adan Fatuma Dullo
- 2. Sen. Boy Issa Juma
- 3. Sen. Cheruiyot Aaron Kipkirui
- 4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.

5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 85 (as amended) - agreed to.

Clauses 86 - 97

Motion made and Question proposed;

**That,** Clauses 86 - 97 be part of the Bill.

*(Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a
22. Sen. Mogeni Erick Okong’o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi

26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clauses 86 – 97 – agreed to.

Clause 98 – amendment proposed

**That**, Clause 98 be amended -

(a) in sub-clause (2) by inserting the following new paragraph immediately after paragraph (f) –

(fa) size, standards and use of pavements, footpaths and footbridges, including measures as are necessary to make such accommodation works fit for use by persons living with disabilities and cyclists;

(b) by inserting the following new sub-clause immediately after sub-clause (4) –  
(4A) Despite sub-section (4), a county roads agency may, where it is not practicable to comply with uniformity and national standards in construction and use of roads or accommodation works, enact and implement such county legislation, policy, standards and guidelines as may be necessary.

*(Sen. (Arch.) Sylvia Kasanga – 14.02.2019)*

*(Proposed part (b) of the amendment withdrawn by the Mover)*

The House proceed to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang'ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 98 (as amended) - agreed to.

Clause 99



Motion made and Question proposed;

**That**, Clause 99 be part of the Bill.

*(Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina

15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clauses 99 – agreed to.

Clause 100 – amendment proposed

**That,** Clause 100 be amended –

(a) in sub-clause (2) –

- (i) by inserting the following new paragraph immediately after paragraph (b)
  - (ba) constructing, upgrading, rehabilitating and maintaining accommodation works such pavements, footpaths or footbridges as are necessary for the benefit of convenience of pedestrians, or the owners and occupiers of lands adjoining those on which the road is constructed;
- (ii) by deleting the words “county government” appearing at the end of paragraph (f) and substituting therefor the words “national government”.

(b) in sub-clause (3) by inserting the words “and accommodation works” immediately after the words “county roads”.

*(Sen. (Arch.) Sylvia Kasanga – 14.02.2019)*

The House proceed to a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a
22. Sen. Mogeni Erick Okong’o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru

- 29. Sen. Mbogo George Ochilo Ayako
- 30. Sen. Olekina Ledama
- 31. Sen. Ongeru Samson Kegengo
- 32. Sen. Orengo James
- 33. Sen. Sakaja Johnson Arthur
- 34. Sen. Wario Golich Juma

Clause 100 (as amended) - agreed to.

Clause 101 - amendment proposed.

**That**, Clause 101 of the Bill be amended—

(a) by renumbering the existing clause as sub-clause (1), and;

(b) by inserting the following new sub-clause under sub-clause (1)—

‘(2) In the exercise of the powers under subsection (1), each county government through their County Roads Agency shall classify and assign the roads under their jurisdiction and submit the proposed classification to the Cabinet Secretary for approval and inventory purposes.’

*(Chairperson, Standing Committee on Roads and Transportation – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”, “No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 101(as amended) - agreed to.

Clause 102 - amendment proposed.

**That,** Clause 102 of the Bill be amended—

(a) in sub-clause (5) by deleting paragraph (a) and substituting therefor the following new paragraph:

'(a) the former boards of the Kenya National Highways Authority, the Kenya Rural Roads Authority and the Kenya Urban Roads Authority shall remain in place following the commencement of this Act until the Authorities contemplated under this Act are duly constituted.'

*(Chairperson, Standing Committee on Roads and Transportation – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar

18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 102(as amended) – agreed to.

Clauses 103 and 104

Motion made and Question proposed;

**That**, Clauses 103 and 104 be part of the Bill.

*(Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang'ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clauses 103 and 104 – agreed to.

First Schedule

Motion made and Question proposed;



**That**, the First Schedule be part of the Bill.

*(Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew

16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

First Schedule - agreed to.

Second Schedule

Motion made and Question proposed;

**That**, the Second Schedule be part of the Bill.

*(Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang'ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loitiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Second Schedule – agreed to.

Third Schedule – amendment proposed.

**That**, the Third Schedule of the Bill be amended—

in the marginal note by deleting the words ‘sec 6(2)(i)’ and substituting therefor with the numeration ‘Sec 6(2)(1)’

*(Chairperson, Standing Committee on Roads and Transportation – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul

14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
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18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
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23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
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26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Third Schedule (as amended)                      - agreed to.

Further Amendment                      - amendment proposed

**That**, the Third Schedule to the Bill be amended in the proposed amendments to the Kenya Roads Board Act, No. 7 of 1999 by –

- (a) inserting the following amendment immediately after the proposed amendment to section 17 -
  - s.17(2) Delete and substitute therefor the following new subsection –
  - (2) The Constituency Roads Committee shall comprise of —
    - (a) two members from the respective Constituency Development Fund Committee;
    - (b) two officers serving in the office of the county Senator;
    - (c) the CEC for Roads;
    - (d) a representative of the Kenya National Secondary Roads Authority in the region, who shall be the Secretary to the Committee;
    - (e) a representative from the Ministry responsible for planning;

- (f) the respective Deputy County Commissioner or his representative; and
  - (g) two members co-opted by the Committee to represent such special interests with regard to roads as the committee may determine from time to time, and who shall not have voting rights;
- (b) deleting the proposed amendment to section 17(3) and (4) and substituting therefor –
  - s. 17(3) Delete and substitute therefor the following new subsection –
    - (3) The Constituency Roads Committee shall designate two of the members appointed under subsection (2)(a) and (b) to be the Chairman and Vice Chairman of the Committee respectively, and any two members from subsection (2)(a) and (b) designated by the Committee and the Kenya Rural Roads Authority accountant shall be the signatories to the Constituency Roads Fund account established by the constituency.
  - s.17(4) Delete the words “Kenya Rural Roads Authority” whenever it appears and substitute therefor with “Kenya National Secondary Roads Authority”
- (c) inserting the following amendment immediately after the proposed amendment to section 17A –
  - s.17A(2) Delete paragraph (a) and substitute therefor the following new paragraphs –
    - (a) one representative of the Constituency Development Fund Committee who is a member of the Constituency Roads Committee
    - (aa) two officers serving in the office of the county Senator who are members of the Constituency Roads Committee.

*(Sen. Erick Okong’o Mogeni – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a

22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Third Schedule (as amended) – agreed to.

Clause 2 – amendment proposed.

**That**, Clause 2 of the Bill be amended—

(a) by deleting the definition of public roads and substituting therefor the new definition-  
 “Public Road” means all roads falling under the classifications under Schedule I and any other subsequently classified roads”.

*(Chairperson, Standing Committee on Roads and Transportation – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as “**Yes**”-

Sen. Irungu Kang'ata

The results of the Division were as follows:



AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar
18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a
22. Sen. Mogeni Erick Okong’o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

Clause 2 (as amended) – agreed to.

The Title and Clause 1

Motion made and Question proposed;

**That,** the Title and Clause 1 be part of the Bill.

*(Senate Majority Leader – 13.02.2019)*

Debate interrupted on Wednesday, 13<sup>th</sup> February, 2019 resumed on a Division;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and bars drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and, pursuant to standing order 81 (5), the Acting Chairperson (Sen. (Prof.) Margaret Kamar) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded his vote as **“Yes”**-

Sen. Irungu Kang’ata

The results of the Division were as follows:

AYES – 34

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.
5. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang’ata Irungu - voted verbally
9. Sen. Khaniri George
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Kimani Wamatangi Paul
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Lelegwe Steve Ltumbesi
17. Sen. Loiptip Anuar

18. Sen. Madzayo Stewart
19. Sen. Mahamud Mohamed Maalim
20. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling'a
22. Sen. Mogeni Erick Okong'o
23. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
24. Sen. Murkomen Onesimus Kipchumba
25. Sen. Mwangi Paul Githiomi
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua
28. Sen. Ndwiga Peter Njeru
29. Sen. Mbogo George Ochilo Ayako
30. Sen. Olekina Ledama
31. Sen. Ongeru Samson Kegengo
32. Sen. Orengo James
33. Sen. Sakaja Johnson Arthur
34. Sen. Wario Golich Juma

The Title and Clause 1 – agreed to.

**Motion made:**

**That**, the Bill be reported with amendments.

*(The Senate Majority Leader)*

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. (Prof.) Margaret Kamar) ruled that the Question did not affect counties;

Question put and agreed to.

17. **HOUSE RESUMED** - (The Temporary Speaker (Sen. (Dr.) Steve Lelegwe) in the Chair)
18. **THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2017)**

Bill reported **with** amendments;

Motion made and Question proposed-

**THAT**, the Senate do agree with the Committee of the Whole in the said Report.

*(The Senate Majority Leader)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. (Dr.) Steve Lelegwe) ruled that the question did not affect counties;

Question put and **agreed to.**

Motion made and question proposed-

**THAT**, the Kenya Roads Bill (National Assembly Bill No. 47 of 2017) be now Read a Third Time.

*(The Senate Majority Leader)*

There being no Senator wishing to contribute;

The House proceeded to a Division;

The Temporary Speaker (Sen. (Dr.) Steve Lelegwe) directed that electronic voting be taken pursuant to Standing Order 81 (1) and that the Division Bell be rung for one minute;

Upon the expiry of one minute, the Temporary Speaker (Sen. (Dr.) Steve Lelegwe) directed that the doors be locked and asked Senators to log-in for electronic voting;

The Temporary Speaker (Sen. (Dr.) Steve Lelegwe) put the Question and directed Senators to cast their votes by pressing either the **“Yes”, “No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81 (5), the Temporary Speaker (Sen. (Dr.) Steve Lelegwe) allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes as **“Yes”**-

1. Sen. Irungu Kang’ata
2. Sen. Wario Golich Juma

The results of the Division were as follows:

AYES – 36

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Iman Falhada Dekow - voted on behalf of Garissa County Delegation.

6. Sen. (Canon) Waqo Naomi Jilo – Voted on behalf of Marsabit County Delegation
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kamar Margaret Jepkoech
9. Sen. Kang’ata Irungu - voted verbally
10. Sen. Khaniri George
11. Sen. Kibiru Charles Reubenson
12. Sen. Kihika Susan Wakarura
13. Sen. Kilonzo Mutula Junior
14. Sen. Kimani Wamatangi Paul
15. Sen. Kirinyaga Ephraim Mwangi Maina
16. Sen. Langat Christopher Andrew
17. Sen. Lelegwe Steve Ltumbesi
18. Sen. Loiptip Anuar
19. Sen. Madzayo Stewart
20. Sen. Mahamud Mohamed Maalim
21. Sen. Masitsa Naomi Shiyonga - voted on behalf of Kakamega County Delegation
22. Sen. Mbito Michael Maling’a
23. Sen. Mogeni Erick Okong’o
24. Sen. Seneta Mary Yiane - voted on behalf of Kajiado County Delegation.
25. Sen. Murkomen Onesimus Kipchumba
26. Sen. Mwangi Paul Githiomi
27. Sen. Mwaruma Johnes Mwashushe
28. Sen. Mwinyihaji Mohamed Faki
29. Sen. Nderitu John Kinyua
30. Sen. Ndwiga Peter Njeru
31. Sen. Mbogo George Ochilo Ayako
32. Sen. Olekina Ledama
33. Sen. Ongeru Samson Kegengo
34. Sen. Orengo James
35. Sen. Sakaja Johnson Arthur
36. Sen. Wario Golich Juma – voted verbally

Question put and agreed to

Bill read a Third Time and passed.

19. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. (Prof.) Margaret Kamar) – in the Chair)

**The Energy Bill (National Assembly Bills No. 50 of 2017)**

Raising on a point of order the Senate Majority Leader requested the Ag. Chairperson to defer consideration of the Bill at Committee of the Whole House (Division) to a later date;

And the Ag. Chairperson acceding to the request;

**Progress report**

Motion made:

That, the Committee of the Whole do report progress on its consideration of the Energy Bill (National Assembly Bills No. 50 of 2017) and seek leave to sit again tomorrow.

*(The Senate Majority Leader)*

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen.(Prof.) Margaret Kamar ) ruled that the Question did not affect counties;

Question put and agreed to.

20. **HOUSE RESUMED** – The Temporary Speaker (Sen. (Dr.) Steven Lelegwe) in the Chair

21. **THE ENERGY BILL (NATIONAL ASSEMBLY BILLS NO. 50 OF 2017)**  
(The Senate Majority Leader)

Progress reported;

Motion made and Question Proposed;

That, the House do agree with the Committee in the said report.

*(The Senate Majority Leader)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. (Dr.) Steven Lelegwe) ruled that the Question did not affect counties;

Question put and agreed to.

22. **HOUSE RESUMED** – The Temporary Speaker (Sen. (Dr.) Steven Lelegwe) in the Chair

23. **THE THE PETROLEUM BILL (NATIONAL ASSEMBLY BILLS NO. 48 OF 2017)**

Raising on a point of order the Senate Majority Leader requested the Ag. Chairperson to defer consideration of the Bill at Committee of the Whole House (Division) to a later date;

And the Ag. Chairperson acceding to the request;

Progress reported;

Motion made and Question Proposed;

That, the House do agree with the Committee in the said report.

*(The Senate Majority Leader)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. (Dr.) Steven Lelegwe) ruled that the Question did not affect counties;

Question put and agreed to.

24. **HOUSE RESUMED** – The Temporary Speaker (Sen. (Dr.) Steven Lelegwe) in the Chair

25. **THE PETROLEUM BILL (NATIONAL ASSEMBLY BILLS NO. 48 OF 2017)**

Progress reported;

Motion made and Question Proposed;

That, the House do agree with the Committee in the said report.

*(The Senate Majority Leader)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. (Dr.) Steven Lelegwe) ruled that the Question did not affect counties;

Question put and agreed to.

26. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. (Prof.) Margaret Kamar) – in the Chair)

**The Copyright (Amendment) Bill (National Assembly Bills No. 33 of 2017)**

Clauses 3 - 4

Motion made and Question proposed;

**THAT**, Clauses 3 – 4 be part of the Bill.

Clauses 3 – 4 - vote deferred.

Clause 5 - amendment proposed

**THAT** clause 5 of the Bill be amended -

(a) in paragraph (b) by deleting the word “as” appearing immediately after the word “is” in the proposed new subsection (2)(a);

(b) by inserting the following new paragraph immediately after paragraph (b) –

(c) by inserting the following new subsection immediately after subsection (3) –

(4) The Executive Director shall be appointed for a term of four years and shall be eligible for reappointment for one further term of four years.

*(Sen. Moses Kajwang’ on behalf of Chairperson of the Standing Committee on Information and Technology)*

Clause 5 - vote deferred.

Clause 6 - amendment proposed

**THAT** clause 6 of the Bill be amended -

(a) in paragraph (b) by deleting the word “as” appearing immediately after the word “is” in the proposed new subsection (2)(a);

(b) by inserting the following new paragraph immediately after paragraph (b) –

(c) by inserting the following new subsection immediately after subsection (3) –

(4) The Executive Director shall be appointed for a term of four years and shall be eligible for reappointment for one further term of four years.

*(Sen. Moses Kajwang’ on behalf of Chairperson of the Standing Committee on Information and Technology)*

Clause 6 - vote deferred.

Clauses 7 - 35

Motion made and Question proposed;



**THAT**, Clauses 7 – 35 be part of the Bill.

Clauses 7 – 35 - vote deferred.

Clause 2, the Title and Clause 1

Motion made and Question proposed;

**THAT**, Clause 2, the Title and Clause 1 be part of the Bill.

Clause 2, the Title and Clause 1 - vote deferred.

**Progress report:**

Motion made;

**THAT**, the Committee of the Whole do report progress on its consideration of the Copyright (Amendment) Bill (National Assembly Bills No. 33 of 2017) and seek leave to sit again tomorrow.

*(Sen. Moses Kajwang' on behalf of Chairperson of the Standing Committee on Information and Technology)*

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Steve Lelegwe) ruled that the Question did not affect counties;

Question put and **agreed to.**

27. **HOUSE RESUMED** – The Temporary Speaker (Sen. Steve Lelegwe) - in the Chair

28. **THE COPYRIGHT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2017)**

Progress Reported.

Motion made and Question proposed-

**THAT**, the House do agree with the Committee in the said report.

*(Sen. Moses Kajwang' on behalf of Chairperson of the Standing Committee on Information and Technology)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Steven Lelegwe) ruled that the question did not affect counties;

Question put and **agreed to.**

29. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. (Prof.) Margaret Kamar) – in the Chair)

**The Public Private Partnerships (Amendment) Bill (National Assembly Bills No. 52 of 2017)**

Clauses 3 - 6

Motion made and Question proposed;

**THAT**, Clauses 3 – 6 be part of the Bill.

Clauses 3 – 6 - vote deferred.

Clause 7 - amendment proposed.

**THAT** the Bill be amended by deleting clause 7.

*(Chairperson, Standing Committee on Finance and Budget)*

Clause 7 - vote deferred.

Clause 8 - amendment proposed

**THAT** clause 8 of the Bill be amended-

(a) in paragraph (a) by deleting the words “county government” appearing immediately after the words “approval by the” in the proposed new proviso and substituting therefor the words “county assembly”;

(b) by inserting the following new paragraph immediately after paragraph (b)-

(c) in subsection (3) by inserting the words “in consultation with the Council of County Governors” immediately after the words “the Cabinet Secretary shall”.

*(Chairperson, Standing Committee on Finance and Budget)*

Clause 8 - vote deferred.

Clauses 9 - 11

Motion made and Question proposed;

**THAT**, Clauses 9 – 11 be part of the Bill.

Clauses 9 – 11 - vote deferred.

Clause 12 - amendment proposed

**THAT** clause 12 of the Bill be amended in the proposed new subsection (1) by deleting the words “in consistence” appearing immediately after the words “this Act and” and substituting therefor the word “consistent”.

*(Chairperson, Standing Committee on Finance and Budget)*

Clause 12 - vote deferred.

Clauses 13 - 15

Motion made and Question proposed;

**THAT**, Clauses 13 – 15 be part of the Bill.

Clauses 13 – 15 - vote deferred.

Clause 16 - amendment proposed

**THAT** clause 16 of the Bill be amended –

(a) in the proposed new section 54A by deleting subsection (2) and substituting therefor the following new subsection-

(2) Where a county government intends to enter into a public private partnership agreement, it shall cause its user department or county entity, as the case may be, to prepare a project proposal for approval by the county assembly, setting out the strategic and operational benefits of entering into such an arrangement.

(b) in the proposed new section 54B by deleting subsection (2).

*(Chairperson, Standing Committee on Finance and Budget)*

Clause 16 - vote deferred.

Clauses 17 - 18

Motion made and Question proposed;

**THAT**, Clauses 17 – 18 be part of the Bill.

Clauses 17 – 18 - vote deferred.

Clause 19 - amendment proposed

**THAT** clause 19 of the Bill be amended–

(a)in paragraph (a)(ii) by inserting the word “relevant” immediately after the words “persons with such” in the proposed new paragraph (b);

(b)in paragraph (a)(iii) by inserting the words “having relevant experience and knowledge” immediately after the words “opposite gender” in the proposed new paragraph (ba).

*(Chairperson, Committee on Finance and Budget)*

Clause 19 - vote deferred.

**New Clause 4A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 4-

- Amendment of section 4 of No. 15 of 2013.
- 4A.**Section 4 of the principal Act is amended in subsection (1) by-
- (a) inserting the following new paragraph immediately after paragraph (f)-
    - (fa) three persons nominated by the Council of County Governors;
  - (b) deleting the word “four” appearing immediately before the words “persons not being” in paragraph (g) and substituting therefor the words “two”;
  - (c) inserting the words “and infrastructure” immediately after the words “responsible for transport” in paragraph (i); and
  - (d) deleting paragraph (j).

*(Chairperson, Standing Committee on Finance and Budget)*

New Clause 4A - vote deferred.

**New Clause 5A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 5-

Amendment of section amended by inserting the following new

**5A.** Section 18 of the principal Act is

18 of No. subsection immediately after subsection (2) –  
 15 of 2013. (3)A contracting authority under  
 subsection (1) shall ensure that it  
 facilitates public participation on a  
 project that it intends to finance,  
 operate, equip or maintain.

*(Chairperson, Standing Committee on Finance and Budget)*

New Clause 5A - vote deferred.

**New Clause 20**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 19 –

Insertion of new section 70A in No. 15 of 2013. **20.** The principal Act is amended by inserting the following section immediately after section 70 –

Report of the Committee. **70A.**(1) Within three months after the end of each financial year, the Committee shall prepare a report on project agreements entered into by all contracting authorities in that financial year.

(2) The Committee shall, in preparing the report under subsection (1), set out the following information–

(a) the status of implementation of every project agreement that is under implementation by each contracting authority including the outputs of each project as against the projected targets;

(b) any challenges or deviations in the implementation and estimated completion of the project and the reasons for such deviation or delay;

- (c) a financial statement with respect to each project;
- (d) a risk assessment including information of any change in circumstances that may have an impact on the implementation of a project; and
- (e) such other information as the Committee and the Cabinet Secretary may consider necessary.

(3) The Committee shall submit the report prepare under subsection (1) to the –

- (a) National Assembly;
- (b) Senate;
- (c) respective county assemblies in which a project is being undertaken under this Act; and
- (d) Controller of Budget.

(4) Parliament and the county assemblies to which a report is submitted under subsection (3) shall, in accordance with their respective standing orders –

- (a) consider the report within thirty days of receipt of the report;
- (b) table a report together with its recommendations on the implementation of the projects; and
- (c) submit their recommendations to the Committee.

(5) The Committee shall, ensure that the contracting authorities take into account the

recommendations under subsection (4) in the implementation of a project under this Act.

*(Chairperson, Standing Committee on Finance and Budget)*

New Clause 20 - vote deferred.

Clause 2 - amendment proposed

**THAT** clause 2 of the Bill be amended-

(a) in paragraph (a) in the proposed new definition of the term “contracting authority” by deleting the word “corporation” appearing immediately after the words “government or county” in sub-paragraph (ii) and substituting therefor the word “entity”;

(b) by deleting paragraph (b);

(c) inserting the following new paragraph immediately after paragraph (b)-

(c)inserting the following new definition immediately before the definition of the word “affordability”-

“accounting officer” means in the case of-

(a) a national government entity, the person designated as an accounting officer by the Cabinet Secretary responsible for finance in accordance with the provisions of the Public Finance Management Act;

(b) the Parliamentary Service Commission, the Clerk of the Senate;

(c) the National Assembly, the Clerk of the National Assembly;

(d) a Constitutional Commission, institution or Independent Office the person responsible for the administration of the Commission or institution or Independent Office in accordance with the provisions of the Public Finance Management Act;

(e) a county government entity, the person responsible for the administration of the county government entity in accordance with the provisions of the Public Finance Management Act;

(f) a county assembly, the clerk of the county assembly; and

(g) the Judiciary, the Chief Registrar of the Judiciary.

*(Chairperson, Standing Committee on Finance and Budget)*

Clause 2 - vote deferred.

The Title and Clause 1

Motion made and Question proposed;

**THAT**, Title and Clause 1 be part of the Bill.

The Title and Clause 1 - vote deferred.

**Progress report:**

Motion made;

**THAT**, the Committee of the Whole do report progress on its consideration of the Public Private Partnership (Amendment) Bill (National Assembly Bills No. 52 of 2017) and seek leave to sit again tomorrow.

*(Chairperson, Standing Committee on Finance and Budget)*

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Steve Lelegwe) ruled that the Question did not affect counties;

Question put and **agreed to.**

30. **HOUSE RESUMED** – The Temporary Speaker (Sen. Steve Lelegwe) - in the Chair

31. **THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 52 OF 2017)**

(The Senate Majority Leader)

Progress Reported.

Motion made and Question proposed-

**THAT**, the House do agree with the Committee in the said report.

*(Chairperson, Standing Committee on Finance and Budget)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Steve Lelegwe) ruled that the question did not affect counties;

Question put and **agreed to.**



**32. MOTION - APPROVAL OF SENATORS TO SERVE IN SESSIONAL COMMITTEES**

Motion made and Question proposed-

THAT, pursuant to Standing Orders No. 189 (1) and 219, the Senate approves the following Senators, nominated to serve in Sessional Committees of the Senate as follows-

**A. COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS**

1. Sen. Fatuma Dullo, CBS, MP;
2. Sen. Kimani Wamatangi, MP;
3. Sen. Mithika Linturi, MP;
4. Sen. Kibiru Charles Reubenson, MP;
5. Sen. Omanga Millicent, MP;
6. Sen. Mohamed Faki, MP;
7. Sen. Ledama Olekina, MP;
8. Sen. Moses Kajwang', MP; and
9. Sen. (Prof.) Sam Ongeru, EGH, MP.

**B. COMMITTEE ON DELEGATED LEGISLATION**

1. Sen. Kang'ata Irungu, MP;
2. Sen. Prengei Victor, MP;
3. Sen. (CPA) Haji Farhiya Ali, MP;
4. Sen. Poghio Samuel Losuron, EGH, MP;
5. Sen. Omanga Millicent, MP;
6. Sen. Judith Pareno, MP;
7. Sen. Mutinda Kabaka, MP;
8. Sen. Okong'o Omogeni, MP; and
9. Sen. Mohamed Faki, MP.

*(The Senate Majority Leader)*

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Steven Lelegwe) ruled that the Question did not affect counties;

Question put and **agreed to.**

**RESOLVED ACCORDINGLY**

THAT, pursuant to Standing Orders No. 189 (1) and 219, the Senate approves the following Senators, nominated to serve in Sessional Committees of the Senate as follows-

**A. COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS**

1. Sen. Fatuma Dullo, CBS, MP;
2. Sen. Kimani Wamatangi, MP;
3. Sen. Mithika Linturi, MP;
4. Sen. Kibiru Charles Reubenson, MP;
5. Sen. Omanga Millicent, MP;
6. Sen. Mohamed Faki, MP;
7. Sen. Ledama Olekina, MP;
8. Sen. Moses Kajwang', MP; and
9. Sen. (Prof.) Sam Ongeru, EGH, MP.

**B. COMMITTEE ON DELEGATED LEGISLATION**

1. Sen. Kang'ata Irungu, MP;
2. Sen. Prengei Victor, MP;
3. Sen. (CPA) Haji Farhiya Ali, MP;
4. Sen. Poghisio Samuel Losuron, EGH, MP;
5. Sen. Omanga Millicent, MP;
6. Sen. Judith Pareno, MP;
7. Sen. Mutinda Kabaka, MP;
8. Sen. Okong'o Omogeni, MP; and
9. Sen. Mohamed Faki, MP.

**33. MOTION - APPROVAL OF SENATE CALENDAR**

Motion made and Question proposed-

THAT, pursuant to Standing Order 29(1) this House approves the Senate Calendar (Regular Sessions of the Senate) for the Year 2019 (*Third Session, February to December, 2019*), laid on the Table of the House on, Wednesday, 13<sup>th</sup> February, 2019.

*(The Senate Majority Leader)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Steven Lelegwe) ruled that the Question did not affect counties;

Question put and **agreed to.**

**RESOLVED ACCORDINGLY**

THAT, pursuant to Standing Order 29(1) this House approves the Senate Calendar (Regular Sessions of the Senate) for the Year 2019 (*Third Session, February to December, 2019*), laid on the Table of the House on, Wednesday, 13<sup>th</sup> February, 2019.

**34. THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (NATIONAL ASSEMBLY BILLS NO. 10 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the County Government Retirement Scheme Bill (National Assembly Bills No. 10 of 2018) be now read a Second Time.

*(The Senate Majority Leader – 5.12.2018)*

Resumption of Debate interrupted on 05.12.2018;

Order deferred.

And there being no other Business the Temporary Speaker (Sen. (Dr.) Steve Lelegwe) adjourned the Senate at twenty seven minutes past Six O'clock, without Question put, pursuant to the Standing Orders.

35. SENATE ROSE – at twenty seven minutes past Six O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Tuesday, February 19, 2018 at 2.30 p.m.*

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