



REPUBLIC OF KENYA

TWELFTH PARLIAMENT

THE SENATE

SPECIAL SITTING

VOTES AND PROCEEDINGS

TUESDAY, APRIL 13, 2021 AT 10:00 AM

1. The Senate assembled at Ten O'clock.
2. The proceedings were opened with a prayer said by the Speaker.
3. **ADMINISTRATION OF OATH**

Pursuant to Article 74 of the Constitution and Standing Order 3(5), the Speaker Administered Oath of office for Member of the Senate to the Senator- elect for Garissa County, **Sen. Haji Abdulkadir Mohamed.**

Following welcoming remarks from Senators, the Speaker allowed Sen. Haji Abdulkadir Mohamed to make his remarks in expression of his gratitude to the people of Garissa for electing him as the Senator for Garissa County and well wishes to the people of the Republic of Kenya.

4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following communications from the Chair-

i. On the visiting delegation from Garissa County

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation from Garissa County.

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

1. H.E. Abdi Dakane Muhamud – Deputy Governor
2. H.E. Nathif Jama – Former Governor
3. Hon. Sophia Abdi Noor – MP, Ijara

4. Hon. Aden Bare Duale – MP, Garissa Township
5. Hon. Abdikarim Osman – MP, Fafi
6. Major General (Rtd.) Bashir Yusuf
7. Anas Ibrahim
8. Mohamed Osman
9. Fahmy Ismail Shaiye
10. Harun Mohamed Yussuf
11. Bashir Ismail Buro
12. Amina Mohamed Haji
13. Zahra Mohamed Haji
14. Issa Ibrahim Mahat
15. Abdinasir Ali Bare
16. Abdullahi Mohamud Haji
17. Abdulkhalif I Haji
18. Mohamed Hassan Ahmed
19. Mohamed Rashid Ahmed
20. Ahmet Aydin
21. Mohamed Barkadle
22. Mohamed Nurdin
23. Abdulhaq Nurdin
24. Gumato Ukur Yattani

Honourable Senators,

On behalf of the Senate and on my own behalf, I welcome the delegation to the Senate and wish them well for the remainder of the visit.

I thank you.”

ii. On the Special Sitting of the Senate on 13th April, 2021

“Honorable Senators,

It is my pleasure and privilege to welcome you to this Special Sitting. I hope that you have been adhering to the COVID-19 protocols and have now been vaccinated.

Honorable Senators,

On the request of the Senate Majority Leader and with the support of the requisite number of Senators, I appointed today, Tuesday, 13th April, 2021 as a day for a Special Sitting of the Senate vide Gazette Notice No. 3298, dated 9th April, 2021.

In the Gazette Notice, I indicated that the business to be transacted at this Special Sitting shall be swearing-in of the Senator-elect for Garissa County and the consideration of the Division of Revenue Bill (National Assembly Bills No. 7 of 2021).

Honorable Senators,

As you may recall, the Division of Revenue Bill (National Assembly Bills No. 7 of 2021) was tabled in the Senate on 30th March, 2021 pursuant to Article 218 (1)(a) of the Constitution and Standing Order 181 (1) which provide that at least two months before the end of each Financial Year, there shall be introduced in Parliament a Division of Revenue Bill.

Further, Standing Order 181 (3) provides that the Senate is required to conclude the consideration of the Division of Revenue Bill not later than 14 days after it has been introduced.

Honorable Senators,

The Division of Revenue Bill (National Assembly Bills No. 7 of 2021) is critical because it provides for the division of revenue raised nationally among the national and county levels of government as required by Article 218 of the Constitution.

Further, the Supreme Court Advisory, Reference No. 3 of 2019, noted that the enactment of an Appropriation Act cannot precede the enactment of a Division of Revenue Act. The Appropriation Bill is crucial as it authorizes the national government to withdraw money from the Consolidated Fund for the expenditure of the national government. Consequently, the timely passage of the Division of Revenue Bill (National Assembly Bills No. 7 of 2021) is critical as it will inform the Annual Budget Estimates and the Appropriation Bill.

This is the reason for convening this Special Sitting and as provided in Standing Order 137(2), we shall consider the Bill at Second Reading, Committee of the Whole and the Third Reading.

Honourable Senators,

In accordance with Standing Order 30 (5), the business specified in the Gazette Notice, and as outlined in the Order Paper; shall be the only business before the Senate during the Special Sitting, following which the Senate shall stand adjourned until Tuesday, 11th May, 2021, at 10.00 am, in accordance with the Senate Calendar.

I thank you.”

5. PAPER

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

Report of the Standing Committee on Finance and Budget on its consideration of the Division of Revenue Bill (National Assembly Bills No. 7 of 2021).

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

6. SUSPENSION OF THE PROCEEDINGS OF THE SENATE

The Deputy Speaker suspended the proceedings of the Senate at fifty five minutes past Eleven O' Clock to allow Senators to familiarize themselves with the Report of the Standing Committee on Finance and Budget on its consideration of the Division of Revenue Bill (National Assembly Bills No. 7 of 2021).

7. **HOUSE RESUMED** – at thirty minutes past Two O'clock (The Deputy Speaker in the Chair)

8. **THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 7 OF 2021)**

Order read;

Motion made and Question proposed;

THAT, the Division of Revenue Bill (National Assembly Bills No. 7 of 2021) be now read a Second time.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

The House proceeded to a Division;

The Temporary Speaker (Sen. Rose Nyamunga, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for one minute;

After the expiry of the one minute, the Temporary Speaker (Sen. Rose Nyamunga, MP) directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Abshiro Halake, MP– AYES
2. Sen. Judith Pareno, MP – NOES

The Temporary Speaker (Sen. Rose Nyamunga, MP) put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 34

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim – voted virtually
3. Sen. Zani Agnes Philomena – voted virtually on behalf of Kwale County delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Hargura Godana – voted virtually
6. Sen. Imana Malachy Charles Ekal

7. Sen. Kajwang' Moses Otieno – voted virtually
8. Sen. Chebeni Mercy – voted virtually on behalf of Uasin Gishu County delegation
9. Sen. Khaniri George – voted virtually
10. Sen. Kibiru Charles Reubenson – voted virtually
11. Sen. Kihika Susan Wakarura – voted virtually
12. Sen. Kimani Wamatangi
13. Sen. Langat Christopher Andrew
14. Sen. Lelegwe Ltumbesi – voted virtually
15. Sen. Loitiptip Anuar
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Mahamud Mohamed Maalim – voted virtually
18. Sen. Inimah Getrude Musuruve - voted on behalf of Kakamega County delegation
19. Sen. Mbogo George Ochilo Ayacko
20. Sen. Moi Gideon Kipsielei Towett – voted virtually
21. Sen. Seneta Mary Yiane - voted virtually on behalf of Kajiado County delegation
22. Sen. Murkomen Onesimus Kipchumba
23. Sen. Muthama Agnes Kavindu - voted virtually
24. Sen. Kilonzo Mutula Junior
25. Sen. Mwaruma Johnes Mwashushe - voted virtually
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Ndwiga Peter Njeru
28. Sen. Olekina Ledama
29. Sen. Ongeru Samson Kegengo
30. Sen. Orengo James
31. Sen. Outa Fredrick Otieno – voted virtually
32. Sen. Poghisio Samuel Losuron
33. Sen. Sakaja Johnson Arthur – voted virtually
34. Sen. Wambua Enoch Kiio – voted virtually

Question – agreed to

Bill read a Second Time and committed to the Committee of the Whole today.

9. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Judith Pareno, MP) – in the Chair)

The Division of Revenue Bill (National Assembly Bills No. 7 of 2021)

Clauses 3, 4 and 5

Motion made and Question proposed;

THAT, Clauses 3, 4 and 5 be part of the Bill.

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for one minute;

After the expiry of the one minute, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Halake Abshiro, MP– AYES
2. Sen. Ledama Olekina, MP – NOES

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 35

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County delegation
2. Sen. Ali Abdullahi Ibrahim – voted virtually
3. Sen. Zani Agnes Philomena – voted virtually on behalf of Kwale County delegation
4. Sen. Cherarkey Samson Kiprotich – voted virtually
5. Sen. Hargura Godana – voted virtually
6. Sen. Imana Malachy Charles Ekal
7. Sen. Kajwang' Moses Otieno – voted virtually
8. Sen. Chebeni Mercy – voted virtually on behalf of Uasin Gishu County delegation
9. Sen. Khaniri George – voted virtually
10. Sen. Kibiru Charles Reubenson – voted virtually
11. Sen. Kihika Susan Wakarura – voted virtually
12. Sen. Kimani Wamatangi
13. Sen. Kirinyaga Ephraim Maina – voted virtually
14. Sen. Langat Christopher Andrew
15. Sen. Lelegwe Ltumbesi – voted virtually
16. Sen. Loitiptip Anuar
17. Sen. Madzayo Stewart Mwachiru
18. Sen. Mahamud Mohamed Maalim – voted virtually
19. Sen. Inimah Getrude Musuruve – voted on behalf of Kakamega County delegation
20. Sen. Mbogo George Ochilo Ayacko
21. Sen. Moi Gideon Kipsielei Towett – voted virtually
22. Sen. Seneta Mary Yiane – voted virtually on behalf of Kajiado County delegation
23. Sen. Murkomen Onesimus Kipchumba – voted virtually
24. Sen. Kilonzo Mutula Junior
25. Sen. Mwaruma Johnes Mwashushe – voted virtually
26. Sen. Mwinyihaji Mohamed Faki
27. Sen. Nderitu John Kinyua – voted virtually
28. Sen. Ndwiga Peter Njeru

- 29. Sen. Olekina Ledama
- 30. Sen. Ongeru Samson Kegengo
- 31. Sen. Orengo James
- 32. Sen. Outa Fredrick Otieno – voted virtually
- 33. Sen. Poghio Samuel Losuron
- 34. Sen. Sakaja Johnson Arthur – voted virtually
- 35. Sen. Wambua Enoch Kiio – voted virtually

Clauses 3, 4 and 5 - agreed to.

The Schedule - amendment proposed

THAT the Bill be amended by deleting the schedule and substituting therefor the following new schedule-

SCHEDULE

(s.4)

ALLOCATION OF REVENUE RAISED NATIONALLY BETWEEN THE NATIONAL AND COUNTY GOVERNMENTS FOR THE FINANCIAL YEAR 2021/22.

Type/level of allocation	Amount in Ksh.	Percentage (%) of 2016/17 audited and approved Revenue i.e. Ksh. 1,357,698 Million
A. Total Sharable Revenue	1,775,624,173,860	
B. National Government	1,398,798,856,427	
C. Equalization Fund	6,825,317,433	0.50%
D. County equitable share	370,000,000,000	27.3%

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

There being no Senator wishing to contribute;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for one minute;

After the expiry of the one minute, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Halake Abshiro, MP– AYES
2. Sen. Ledama Olekina, MP – NOES

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 35

NOES – 0

ABSTENTIONS – 0

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28. Sen. Ndwiga Peter Njeru
29. Sen. Olekina Ledama
30. Sen. Ongeru Samson Kegengo
31. Sen. Orengo James
32. Sen. Outa Fredrick Otieno – voted virtually
33. Sen. Poghismo Samuel Losuron

- 34. Sen. Sakaja Johnson Arthur – voted virtually
- 35. Sen. Wambua Enoch Kiio – voted virtually

The Schedule (as amended)- agreed to.

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.

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Judith Pareno, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for one minute;

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33. Sen. Poghismo Samuel Losuron
34. Sen. Sakaja Johnson Arthur – voted virtually
35. Sen. Wambua Enoch Kii – voted virtually

Clause 2, the Title and Clause 1 -agreed to.

Motion made:

THAT, the Committee of the Whole do report to the Senate its consideration of the Division of Revenue Bill (National Assembly Bill No. 7 of 2021) and its approval thereof with amendments.

(The Senate Majority Leader)

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

Question put and agreed to.

10. **HOUSE RESUMED** – The Temporary Speaker (Sen. Rose Nyamunga, MP) – in the Chair
11. **THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 7 OF 2021)**

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. Rose Nyamunga, MP) ruled that the question did not affect counties;

Question put and agreed to.

Motion made and question proposed-

THAT, the Division of Revenue Bill (National Assembly Bills No. 7 of 2021) be now read a Third time.

(The Senate Majority Leader)

Debate arising;

There being no Senator wishing to contribute;

The House proceeded to a division;

The Temporary Speaker (Sen. Rose Nyamunga, MP) directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the division bell be rung for one minute;

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ABSTENTIONS – 0

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- 18. Sen. Inimah Getrude Musuruve – voted on behalf Kakamega County
- 19. Sen. Mbogo George Ochilo Ayacko
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- 28. Sen. Ndwiga Peter Njeru
- 29. Sen. Olekina Ledama
- 30. Sen. Ongeru Samson Kegengo
- 31. Sen. Orengo James
- 32. Sen. Outa Fredrick Otieno – voted virtually
- 33. Sen. Poghisio Samuel Losuron
- 34. Sen. Sakaja Johnson Arthur – voted virtually
- 35. Sen. Wetang’ula Moses Masika – voted virtually

Question - agreed to;

Bill read a Third time and passed.

And there being no other business, the Temporary Speaker (Sen. Rose Nyamunga, MP) adjourned the Senate at six O’clock, without Question put, pursuant to the Standing Orders.

12. **SENATE ROSE** - at six O’clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, May 11, 2021 at 10:00a.m.*

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