

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 21st October, 2021

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Temporary Speaker (Sen. Nyamunga) in the Chair]

PRAYER

PETITION

CONTINUOUS EXCLUSION OF PWDs IN THE MIGORI COUNTY BUDGET

Sen. (Dr.) Ochillo-Ayacko: Madam Temporary Speaker, I wish to bring the following Petition in concert with the people who have signed it.

“We, the undersigned, concerned citizens of Kenya, residents of Migori County and especially persons with various types of disability; aware that Article 54(1) paragraph (b) of the Constitution of Kenya 2010 provides for the rights of Persons with Disability (PWDs); that PWDs are entitled to reasonable access to educational institutions and facilities for PWDs that are integrated into the society to the extent compatible with the interest of the person.

THAT, Article 10(2) paragraph (b) of the Constitution of Kenya 2010 recognizes human dignity, equity, social justice, inclusivity, equality, human rights, non-discrimination and protection of the marginalized in Public Service and Government.

Whereas, Article 56 provides that the State shall put in place measures to ensure affirmative action programmes designed to ensure minority and marginalized groups participate and are represented in governance and other spheres of life and Article 185 vests legislative authority and oversight functions of counties to the county assemblies.

THAT, the County Government of Migori in its County Integrated Development Plan (CIDP) 2018-2022 outlined to develop socio-economic programmes geared towards promotion of gender and disability programmes in its County Development Agenda that a budget approved since the Financial Year 2013/2014 to date has not provided for specific budget lines to demonstrate substantial efforts by the county government in implementing disability mainstreaming programmes.

This exclusion has exposed the PWDs to low levels of living standards and serious negative economic impact by the County Government of Migori.

THAT, among strategies identified to facilitate achievement of the socio-economic pillar were developing agenda mainstreaming programmes or improving access to social protection funds for the vulnerable groups established and to increase access to women and PWDs funds.

THAT, efforts to have this matter addressed with the relevant National and county government agencies have not produced any positive results despite our continuous follow-up.

THAT, the matter in this Petition is not pending before any court of law or other constitutional or legally established body.

Now therefore, we pray that the Senate: -

1. Investigates the issues raised in this Petition and provides appropriate measures to resolve the matter.
2. Recommends the creation and inclusion of social protection programme for PWDs in the county.
3. Make any other recommendation that it deems fit in the circumstances of the matter.”

The petitioners are Simon Omino, Peres Atieno, Jared Ogada, Joshua Otieno, Michael Okello, Kennedy Oguda, Jacinta Alila, Jane Anyango, Grace Akinyi, David Otieno, Meshack Odondi, Judith Akinyi, Matara Albert, Dennis Makabe and Lukonya Newton, signed together with myself.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, pursuant to Standing Order No.311(1), I will now allow a few comments, observations and any clarifications for not more than 30 minutes.

Sen. Halake: Madam Temporary Speaker, I rise to support the Petition by the PWDs from Migori County. The issue of mainstreaming of special interest groups has become important especially to those of us that are activists for these groups.

We are seeing a situation where people are paying lip service to PWDs, to women, youth and all other special interest groups. Our documents are made in such a way that they are beautiful and have all the disability mainstreaming mechanisms, gender mainstreaming mechanisms and youth mainstreaming mechanisms yet we find that these are just words. No budget has been allocated such as in the case of Migori, but Migori can be replaced with Isiolo, Mandera, Wajir, Baringo and Bungoma. You name it.

Every county has very beautifully written County Integrated Development Plans. Those plans do not have budgets accorded to them especially when it comes to the special interested groups. It is very disturbing to find that 10 years after the Constitution of Kenya 2010 was passed, we still see people paying lip service, writing documents that they do not intend to implement and do not even allocate resources to.

Therefore, when we are told Government resources follow Government strategy, we wonder why there are so many things and many strategic initiatives or programs that have been designed in the development plans that are not honoured because no budget was given. Instead budgets are given to governors’ offices for amorphous, nondescript initiatives that cannot be accounted for, yet all the other aspects that concern and touch people directly especially the most vulnerable in the society, are not accorded any budget or any resources even in terms of human resources.

Madam Temporary Speaker, you will find in many of our counties, we have a gender ministry that is put together with 20 other ministries but by the time you break it down to who is responsible for gender or to who is responsible for persons with disability, there is no one responsible for them. There is no resource allocated for them and there is no human resources responsible for them.

Are we only seeing these kinds of things on paper, on written format but there are no actionable issues we can point to? No county today can speak of having mainstream disability other than in their County Integrated Development Plans.

Madam Temporary Speaker, this Senate is an oversight body which is mandated to protect counties under Article 96. Counties cannot be protected if parts of their people or a big chunk of their residents; especially women who are more than half of the people who reside in these counties and our persons with disabilities also form a reasonable number are not being given service when they deserve it and when they should be given a service is one too many. Numbers do not matter even if it is one person.

This is something that this Senate has to make sure that before the closure of the 12th Parliament, we deal with it. If we are not dealing with our most vulnerable, then we are not dealing with anything at the moment. I support and thank you for the opportunity to contribute to this, Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): Thank you, Senator. Proceed, Sen. (Dr.) Musuruve virtually.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me an opportunity to contribute to this Petition. This Petition is valid and I thank Sen. Ochillo-Ayacko for bringing up the issue that is happening in his county. It is an issue that is happening everywhere else in almost all the 47 counties.

It is unfortunate that we keep talking about mainstreaming persons with disabilities but in the real sense, when it comes to implementing, it becomes zero rated. It is unfortunate that people still view persons with disabilities from a charity perspective where they need to get handouts, but when it comes to these persons with disabilities being given an opportunity to work like everybody else, they are not given an opportunity.

Madam Temporary Speaker, it is unfortunate that you see persons with disabilities either on wheelchairs, white canes or crutches but in their minds, they are able to work like everybody else but they are not given opportunities. Even when money is set aside in some counties, it does not benefit persons with disabilities (PWDs) but they are used as rubberstamps. We hear that this money is allocated to PWDs but when you go to the real PWDs themselves, they are not given any allocation. Even when they need to do business, you find that in some county governments, they are not given opportunities to tender and so the cyclic nature of poverty still continues to run in their families.

Madam Temporary Speaker, it is unfortunate that Kenya signed and ratified the convention on PWDs globally but when it comes to adhering to it, it becomes a big issue. Most awareness seen in the country is when PWDs are being given wheelchairs. However, a wheelchair would not bring food on their table. There is need for all counties to have a sustainable way to insure everybody because PWDs are deserving and have the brains to do all jobs including desk jobs and many other jobs.

Another point is that you find in most counties do disability mainstreaming and they have no people doing the work. We need interpreters and the deaf to be employed including those on wheel chairs and the visually impaired so that they are economically viable.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): Thank you, Senator. Sen. Muthama Agnes Kavindu.

Sen. Kavindu Muthama: Thank you, Madam Temporary Speaker, for giving me this opportunity to join hands with my fellow Senators to congratulate Sen. Ochillo-Ayacko for bringing this Petition on disabilities. The people living with disabilities especially the mentally retarded and mostly ladies, get impregnated by men of sound mind and are left at the mercies of their families to take care of those children as well as protect them.

There is need for such people to be protected. If a single mother gives birth to such a child and she has to go out and look for money to feed this child yet this child is left alone without anyone to care for them, the child becomes vulnerable and people of sound mind take advantage of them.

Madam Temporary Speaker, when it comes to transportation of PWDs, especially those who are completely lame and are in wheelchairs, it becomes a challenge to them because few public transport operators accept to carry them, because they are a burden when boarding and alighting. Getting contracts in the counties is a big problem.

Madam Temporary Speaker, this is a timely Petition and if it sees the light of the day, it will be very good for the PWDs. When it comes to programs done in the counties or at the national level, they are very much excluded. We need the PWDs to be included in every program and in everything that every normal person does because they can do it. I support.

I thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): Thank you Senator. Sen. Wambua Enock.

Sen. Wambua: I thank you, Madam Temporary Speaker, for the opportunity to add my comments on this Petition read on behalf of 15 petitioners by the Senator for Migori. I will only say three things.

Firstly, a government is known and respected by the kind of attention that it focusses on the less fortunate members of the society and in this case, how the County Government of Migori treats people living with disabilities, speaks volumes about the care that that Government extends to everybody in that county.

Madam Temporary Speaker, this matter is not just about Migori County but it touches on almost all the counties in this country.

Madam Temporary Speaker, a time has come when county governments must be held to account on matters of Persons with Disabilities (PWDs) for two reasons. One, the job opportunities available to PWDs in county governments across the country are few. Most of the county governments take their PWDs as a burden and not people who should be facilitated to undertake certain roles in the development of their counties. Many of the buildings that are put up by county Governments are not compliant to the needs of the PWDs. That is something that we need to take up seriously.

Two, it is not just county governments that are not appreciating the PWDs. The political parties are guilty too. You will realize that in the structure of nominations of political parties, there is a slot that should go to PWDs. However, the persons who are nominated to serve in the county assemblies to fill the slots that are set aside for PWDs, are able bodied people.

I thank the Senator for Migori County for bringing this petition. I hope that the Committee that will handle this matter will do justice to it.

The Temporary Speaker (Sen. Nyamunga): There is an intervention from Sen. Were.

Sen. Were: On a point of order, Mr. Speaker. I would like to inform Sen. Wambua that political parties do not nominate people who are not disabled into the disabled slots. I am defending political parties because before anyone is put on the party list for nominations, that person must produce a certificate of registration from the National Registration Board of the Disabled. It is therefore not true that it is possible to have somebody who is not disabled taking up slots for PWDs.

Sen. Wambua can argue on issues of whether that disability is visible or not but the people who are in charge of inspecting whether somebody is disabled or not are not political parties; it is the board concerned with the registration of the disabled.

The Temporary Speaker (Sen. Nyamunga): In my understanding, the Senator for Kitui County meant that apart from setting aside slots for PWDs, the parties should do more. They should go beyond the requirements.

There is another intervention by Sen. (Dr.) Ochillo-Ayacko.

Sen. (Dr.) Ochillo-Ayacko: On a point of order, Madam Temporary Speaker. I would like to correct Sen. Were. She called you Mr. Speaker instead of Madam Speaker. The HANSARD record should not bear that mistake.

Sen. Were: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): Sen. Were, you do not need to defend yourself. Just correct the mistake.

Sen. Were: Madam Temporary Speaker, I apologise. I thought that I called you Madam Speaker as you so deserve.

The Temporary Speaker (Sen. Nyamunga): Sen. Wambua, kindly conclude.

Sen. Wambua: Madam Temporary Speaker, I had concluded but since I have the Floor, I call for an audit. Sen. Were has provided results of an audit that has not been undertaken. To the credit of what I said, Sen. Were can only speak about the Amani National Congress (ANC) while the rest of us speak for our own parties. Without mentioning parties, I have come across nominations of able bodied persons to the slots of PWDs; that person may just have a twisted finger. Getting a certificate is just that. Such people go to process certificates for PWDs in order to be nominated to those slots. However, political parties must be responsible enough to state what extent of disability would qualify for a nomination. An audit would perhaps bring results to the fore and exonerate the ANC from the accusation.

The Temporary Speaker (Sen. Nyamunga): Proceed, Sen. (Dr.) Langat.

Sen. (Dr.) Langat: Madam, Temporary Speaker, I thank the Senator for Migori County and the petitioners before the Senate. I would also like to congratulate the Senate

for the many sensitive petitions that are coming to this House lately. That shows that people still trust this House to handle their issues.

The petitioners have mentioned very important issues affecting them and people all over the country. The issues of PWDs have not been mainstreamed effectively in every sector especially on matters of employment. Most persons living with disabilities are sidelined in employment. The PWDs are not given slots that are stipulated in the Constitution.

Most county budgets especially on matters of social welfare, persons with disabilities are given very little money. To make matters worse, rarely does that portion of very little money reach the needs of PWDs. This is a matter that we must take seriously. The Senate should ensure that the Senate Committee on Devolution and Intergovernmental Relations gets record from all our counties showing the slots given to the PWDs as well as stipends given to them by various county governments.

Whenever we go to county visits, we receive several complaints from PWDs who complain that they have not been assisted effectively. Some of the PWDs have children in schools but they are not supported to get school fees. The National Government also has a fair share of blame. The relevant ministry has not been giving them the stipends that they are supposed to receive on a monthly basis. Apart from county governments not responding to the needs of PWDs, we must also blame the relevant Ministry of the national Government.

One time, I went around the county with the Senate Committee on National Cohesion, Equal Opportunity and Regional Integration. Funny enough, I learnt that there are some county governments whose buildings are not responsive to the needs of PWDs. In some counties, there were no ramps, support or people situated in strategic places to assist PWDs in one way or the other.

Madam Temporary Speaker, the PWDs have a lot of challenges. Some PWDs from my county have come to me to complain about various issues that have been highlighted in this petition. This matter must therefore be taken seriously. We should compile data on how the national Government is assisting the PWDs such as giving them the monthly stipend. Most times, PWDs do not receive their stipends due to corruption. A proper audit should be conducted by the Office of the Auditor-General. This House must demand to see that audit to ascertain the number of PWDs who are receiving the monthly stipend from the national Government.

I would like to support this Petition and thank the petitioners for bringing it on behalf of Persons with Disabilities (PWDs) so that we assist them.

The Temporary Speaker (Sen. Nyamunga): Thank you, Senator. Hon. Senators, I know that we have some of our Members who are travelling to Mombasa and we need to have them in this Sitting. I urge them to log in and join virtually so that it does not disrupt the proceedings of this sitting. We should achieve today's goal.

The Temporary Speaker (Sen. Nyamunga): Sen. Aden Duale. Sorry Senator, you did not hear what I said. Sen. Dullo, proceed.

Sen. Dullo: Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): I do not know whether he is your brother.

Sen. Dullo: Madam Temporary Speaker, he is my brother, but we have no blood relationship and we do not share names. Nonetheless, thank you for the opportunity.

I would like to support this Petition and thank Sen. (Dr.) Ochillo-Ayacko for presenting it on behalf of the People with Disabilities in Migori County.

PWDs have a comprehensive and ambitious legislation. I contributed in developing the regulations years back when I worked with the Kenya National Council for Persons with Disabilities (NCPWD), which operationalises the Act.

The matters raised in the Petition are affecting most of the counties especially on the budget. Their issues are not taken seriously and as a country we have to look at them.

(Sen. Farhiya stood in her place)

The Temporary Speaker (Sen. Nyamunga): Sen. Farhiya, you are obstructing. You are totally out of order.

Sen. Dullo: Madam Temporary Speaker, issues of budget is a matter affecting most of the counties. I know for a fact that in my own county, the budget meant for PWDs was reallocated to other sectors. This illustrates how county governments are not serious on matters affecting PWDs. Over the years, we have discussed these issues, but implementation of legislations in this country is not done properly.

In that legislation and regulations, there are matters to do with the buildings. The buildings that came up after the passing of the legislation were supposed to erect access for PWDs. However, these days we see buildings coming up without accessibility for PWDs. This is the responsibility of the national and county governments to ensure there are ramps for PWDs' access.

In *matatus*, PWDs struggle with their wheelchairs, whereas the legislation is clear on what should have been implemented to make sure that PWDs can access *matatus* in this country. However, over the years, this has not been done.

The second issue is about employment. In both the public and private sector, employers should reserve 5 per cent of jobs for PWDs. Unfortunately, there are no enforcement mechanisms and people forget about it. This is a matter that the Committee the Petition is assigned to should come up with clear recommendations to ensure these rules are followed.

Finally, is the issue of contracts issuance in the national and county governments. You will find that there are certain contracts that are supposed to be given to PWDs. However, people who are not disabled get the contracts. This is illegal. Most of the institutions condone this. If we are serious as Kenyans, this is immoral and we should not allow it. PWDs should be allowed to get the contracts. This is a matter that is affecting the counties and the country at large. This is a matter that we need to bring to the attention of the Government and relevant institutions. I hope the Committee that is going to handle this matter will look into all these issues and audit how the Persons with Disabilities Act is being implemented in this country.

The Temporary Speaker (Sen. Nyamunga): Thank you Senators. We have only seven minutes left and we have two Members willing to contribute. I would like you two share the seven minutes. Sen. (Dr.) Ali, Proceed.

Sen. (Dr.) Ali: Thank you, Madam Temporary Speaker. I would like to thank Sen. (Dr.) Ochillo-Ayacko for presenting this Petition before this House. PWDs suffer in

this country terribly. They are not considered; they are pushed to the side, they do not get what they deserve and within their families they are discriminated.

There are laws supporting PWDs, but implementation is the problem. As Sen. Dullo has said, even when they are told they will be given contracts, somebody uses their name to get the contract and then they are given small amounts. If their names are registered with companies, other people misuse them. People who are concerned with these issues should make sure that when they are giving contracts to PWDs, the real persons are given and they should decide who works for them.

The Temporary Speaker (Sen. Nyamunga): Sen. Sakaja, do you have a point of intervention? Would you like to be informed by Sen. Sakaja?

Sen. (Dr.) Ali: Madam Temporary Speaker, it is okay.

Sen. Sakaja: Thank you, Madam Temporary Speaker. Sen. (Dr.) Ali, thank you for accepting to be informed. I would like to inform Sen. (Dr.) Ali and Members that in 2015 we brought amendments to the Public Procurement and Asset Disposal Act. We pushed hard to get the amendments done. They said two things: One, for the PWDs – I would like the petitioner, Sen. (Dr.) Ochillo-Ayacko to hear – the youth and the women who get contracts, the contracting or procuring entity, whether it is a county government, any State agency or the national Government, must only pay into an account where the mandatory signatory is a member of that group; a youth, a woman or PWDs.

Two, it also states that in every six months the Public Procurement Regulatory Authority shall bring to this House a report on - to the Committee in charge of equalisation, chaired by Sen. Shiyonga - a list of all the procuring entities; all the counties and Ministries, showing how many contracts they have given the youth, women and PWDs,

Maybe with that information, you can appeal to the Committee to ask where the report has been for the life of the 12th Parliament. It has never come even once. Then we can see whether Wajir, Nairobi and Makueni are giving contracts to PWDs and have a list of shame. That information could be useful to you.

Sen. (Dr.) Ali: Thank you, Sen. Sakaja. This is why I was saying that there are a lot of legislations and regulations that nobody follows. What happens in certain areas, which I am privy to, somebody's National Identification Card is taken and used to register a company. However, the signature is not for that person. Somebody colludes with the bank and the procuring entities. The signatures are different but the banks allow it. The contracts are not beneficial to PWDs, because the law is not followed strictly or enforced. This is why nobody reports to Parliament.

In Kenya today, when it comes to tribes, women and youth, there are percentages, but who follows that? Nobody. The problem with this county is that we have many good laws and write good papers but implementation is zero. Until and unless we in the leadership change attitude and follow up the issue to the end, that is the only time we will succeed in helping poor communities, the disabled, the women and youth.

The Temporary Speaker (Sen. Nyamunga): Thank you Senator. Finally, Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Thank you. My contribution follows that of Sen. Sakaja. In the last Parliament, we received the report of how counties have complied with

the 30 per cent rule of not only Persons with Disabilities (PWDs) but even hiring people from other counties and tribes.

For purposes of this, the Committee led by Sen. Shiyonga should ideally give us a report on this. The requirement under the law is that the information ought to be available. We sympathize with Migori but, unfortunately, all governors are doing the same thing.

Thank you Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): Thank you, Senators. Pursuant to Standing Order 232 (1), the Petition is hereby committed to the Standing Committee on Labour and Social Welfare for its consideration. In terms of Standing Order 232 (2) the Committee is required in not more than 60 calendar days from the time of reading the prayer, to respond to the Petitioner by way of a report addressed to the Petitioner and laid on the Table of the Senate.

Hon. Senators, I think we have heard how most of the Senators contributed. It is very clear that this House should not just be a talking House. We should come up with very good recommendations and way forwards, so that we are always seen to give solutions to the problems that are facing our people.

Sen. Sakaja, do you have an intervention?

Sen. Sakaja: Yes, Madam Temporary Speaker. In as much as I did not hear the entire Petition, from what I have heard Members contributing--- I have just given you an example where there is a statutory mandate in the law that those issues are directed to the Committee in charge of equalization of opportunities. I would love to deal with it, but they have legal backing from the law that they should receive that report, consider it and giving it to us.

I, therefore, ask that you reconsider the Committee. Even though my Committee looks at issues of disability, women, youth, *et cetera*, in this specific matter, there is a law that provides that they report to us. I urge that you reconsider, but I would still be willing to deal with it. They have more strength of the law through an Act of Parliament.

The Temporary Speaker (Sen. Nyamunga): Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Madam Temporary Speaker, we urge you to review your ruling. Although this is a labour related issue, the question ought to be addressed through the Ministry of Equalization and the Committee led by Sen. Shiyonga. That is where the information should ideally go to, and that is where it should be found. We urge you to revise and review that ruling in that regard.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, we are a hearing House. Both Committees have got the mandate to deal with the Petition that is before us, but I will rescind my decision on it and commit the Petition to the Committee on National Cohesion, Equal Opportunities and Regional Integration. Is that fine?

Hon. Senators: Yes.

The Temporary Speaker (Sen. Nyamunga): That is the way forward.

Next Order.

Proceed, Sen. Farhiya.

PAPERS LAID

REPORT ON FINANCIAL STATEMENTS
OF VARIOUS COUNTY FUNDS

Sen. Farhiya: Madam Temporary Speaker I beg to lay the following Papers on the Table of the Senate, today, 21st October, 2021.

(i) Report of the Auditor General on the Financial Statements of Kiambu County Youth, Women and People with Disability Enterprise Development Fund (Kiambu County *Jijenge* Fund) for the year ended 30th June, 2019.

(ii) Report of the Auditor General on the Financial Statements of the Kirinyaga County Education Bursary Fund for the year ended 30th June, 2019.

(iii) Report of the Auditor General on the Financial Statements of the Kirinyaga County Emergency Fund for the year ended 30th June, 2019.

(iv) Report of the Auditor General on the Financial Statements of Kwale County Disaster Management Fund for the year ended 30th June, 2019.

(Sen. Farhiya laid the documents on the Table)

The Temporary Speaker (Sen. Nyamunga): Next.
Proceed, Sen. (Dr.) Langat.

REPORT ON NATIONAL INTEGRATION AND
PEACE BUILDING, 2021

Sen. (Dr.) Langat: Madam Temporary Speaker, I beg to lay the following Paper on the Table of the Senate, today, 21st October 2021 -

Report of the Standing Committee on the National Cohesion and Regional Integration on National Cohesion and Peace Building, 2021.

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

The Temporary Speaker (Sen. Nyamunga): Next Order.

NOTICE OF MOTION

APPOINTMENT OF SENATORS TO SERVE IN STANDING COMMITTEES

Sen. Farhiya: Thank you Madam Temporary Speaker. I beg to give notice of the following Motion:

THAT, Notwithstanding the resolutions of the Senate made on 14th December, 2017; 14th February, 2018; 21st February, 2018; 21st November, 2018; 20th March, 2019; 19th June, 2019; 28th April, 2020; and 24th June, 2020 on the approval of Senators to serve in various Standing Committees of the Senate, and pursuant to Standing Orders 189, 218, and the Second Schedule to the Standing Orders, the Senate approves the

following Senators nominated by the Senate Business Committee to serve in Standing Committees of the Senate as follows -

- (i) **Standing Committee on Energy**
Sen. Haji Abdul Mohammed, MP, to serve as a Member.
- (ii) **Standing Committee on Justice, Legal Affairs and Human Rights**
Sen. Isaac Ngugi Githua, MP, to serve as a Member.
- (iii) **Standing Committee on National Security, Defence and Foreign Relations**
Sen. Gideon Moi, CBS, MP, to serve as a Member.

I thank you.

The Temporary Speaker (Sen. Nyamunga): Next Order.

STATEMENTS

SECURITY OF STUDENTS OF MMUST AROUND THE UNIVERSITY

Sen. Wetangula: Thank you, Madam Temporary Speaker, for giving me an opportunity and dispensation. My Statement was number five, but on my request, you have kindly agreed to give me an opportunity.

I rise pursuant to Standing Order 48 (1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the security of students of Masinde Muliro University of Science and Technology (MMUST) while in and around the university in Kakamega Town.

In the Statement, the Committee should-

(1) Explain the circumstances leading to the brutal murder of a student of Civil Engineering, the late Mr. Jonathan Telewa Wainganga, son of Mr. Michael Telewa and Mrs. Mispah Telewa, a student of MMUST who was killed while on a walk with his student colleagues at Kakamega Forest at 10.00 a.m.

(2) Inform the Senate on progress made on investigations, stating whether any suspect has been arrested in relation to the murder and arraigned in any court of law and the charges there preferred.

(3) Spell out measures, if any, put in place by the university administration and relevant Government security agencies to ensure the security and safety of students in and around that university following an increase in cases of attacks on them in the area. This is not the first, second or third brutal attack and murder of a student at the university in Kakamega.

(4) Cause the Government to compensate the parents of the deceased on grounds of negligence by security agents in performance of their duties.

It is a very sad story where a brilliant student of civil and structural engineering and a student leader in the university as well, walking with friends in the morning at 10.a.m was brutally attacked and fatally stabbed by a person who has not been arrested up to now.

When the university administration was asked what happened, they are reported to have said the incident happened outside the university. That is a very callous, negligent and reckless answer coming from the university administration.

I urge the Committee to look into this matter seriously. We have had cases of students muggings, murders and attacks not only at Masinde Muliro University, but many other universities as well. Young female students have been lured into social places by men with money who end up killing them. This has to come to a stop.

I urge the Committee, in looking at Telewa's matter, to also engage the security agencies and the Cabinet Secretary for Interior and Coordination of National Government on what special attention they are doing to give our students security while at the institutions of higher learning.

[The Temporary Speaker (Sen. Nyamunga) left the Chair]

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

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. As we had agreed, Members, we want the Statement to go and search for answers before we contribute. Next Statement is by Sen. Were.

APPOINTMENTS MADE BY JAMES MACHARIA TO
PARASTATALS AND STATE CORPORATIONS

Sen. Were: Madam Deputy Speaker, I rise pursuant to Standing Order 48(1) to seek for a Statement from the Committee on National Cohesion, Equal opportunity and Regional Integration on the public appointments made by the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works, Mr. James Macharia, since his appointment as CS from 2013 to date.

In the Statement the Committee should -

(1) Provide a list of all public appointments or recruitments made by Mr. James Macharia since his appointment as CS in 2013 to date.

(2) Determine to what extent these recruitments have met the criteria for regional and ethnic balance as is required by Articles 10 (2) (b), Article 27 (4), Article 56 (c) and Article 232 (1) (h) and (i) of the Constitution.

(3) Outline the measures taken by the National Cohesion and Integration Commission (NCIC), if any, to intervene where there has been blatant disregard of the law in these recruitments.

(4) Provide a list of the employees in his current Ministry with regard to rank, designation and ethnic origin.

The Deputy Speaker (Sen. (Prof.) Kamar): The Statements stand committed to the relevant Committees.

The third Statement is from Sen. Kwamboka. Is she online?

Sen. Wetangula: On a point of order, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): What is your point of order, Sen. Wetangula?

Sen. Wetangula: Madam Deputy Speaker, sorry for taking you back. Unless I missed it, I did not hear you committing my Statement to the relevant Committee.

The Deputy Speaker (Sen. (Prof.) Kamar): I did for both. I said the first two Statements are committed to the relevant committees.

Sen. Wetangula: Excellent. I am sorry.

The Deputy Speaker (Sen. (Prof.) Kamar): I do not see Sen. Kwamboka here or online.

STATE OF POLICE STATIONS IN THE COUNTRY

(Statement deferred)

The Deputy Speaker (Sen. (Prof.) Kamar): Next Statement is from Sen. Ngugi Githua. He is not here or online.

YOUTH AND SPECIAL GROUPS ACCESS TO GOVERNMENT
PROCUREMENT OPPORTUNITIES PROGRAMME

(Statement deferred)

The Deputy Speaker (Sen. (Prof.) Kamar): Next Statement will be read by Sen. Pareno on behalf of Sen. Seneta. We know Sen. Seneta is bereaved and is away today.

STATUS OF OPERATIONALIZATION OF THE ISINYA TANNERY
IN KAPUTIEI NORTH WARD, KAJIADO COUNTY

Sen. Pareno: Thank you, Madam Deputy Speaker. I rise pursuant to Standing Order 48(1) on behalf of Sen. Seneta who we all know is bereaved, to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on the status of operationalization of the Isinya Tannery in Kaputiei North Ward, Kajiado County.

In the Statement, the Committee should –

(1) State the level of operationalization of the Isinya Tannery in Kaputiei North Ward, Kajiado County.

(2) Provide a report on the feasibility study done before construction of the project.

(3) Give the expected date of completion of the project stating the amount of public funds allocated to the construction of the project from commencement to date.

(4) State measures, if any, that the county government has put in place to engage farmers in the country to take advantage of the imminent income earning opportunities in the tannery.

(5) Disclose the terms of engagement between the county government and the contractor on project handover and maintenance of the tannery

(6) State the measures put in place by the Ministry of Agriculture, Livestock, Fisheries and Cooperatives in enhancing the production and sale of the quality hides and skins in the country stating the location and status, functionality of the tannery in the county.

The Deputy Speaker (Sen. (Prof.) Kamar): That brings us to the end of the Statements that had been submitted. There is a last one by Sen. Halake.

PREPARATIONS FOR THE 2022 GENERAL ELECTION

Sen. Halake: Madam Deputy Speaker, I rise pursuant to Standing Order No. 47 (1) to make a Statement on an issue of general topical concern namely: Preparations for the 2022 General Election.

Madam Deputy Speaker, in July of this year, the Government through the Ministry of Foreign Affairs issued a ban to all diplomatic missions, international organizations and other foreign entities interested in supporting Kenya's preparations towards the 2022 general election directing them to wait for the expression of such need from the Government.

Further, the Government required all the said organizations currently engaged in any programmes or activities related to the 2022 general election through Government institutions community based organizations (CBOs, faith based organizations and the media to immediately inform the Ministry of Foreign Affairs through official channels of such support in order to formalize such arrangements.

This directive by the Government is dangerous and may stifle preparations towards the 2022 election as it affects many players in the management and support for free and fair election process, including the Independent Electoral and Boundaries Commission (IEBC).

The ban to the said international bodies has paralyzed functioning of organizations that depend on donor funding to run their activities and also affect the political participation, especially of the marginalized whose sensitization for political participation has for a long time been conducted by non-state actors through civic education and related activities.

As you know, I am the Chairperson of the Centre for Multiparty Democracy. Non-State actors, including political parties have been very instrumental in providing civic education to Kenyans with the broad aim of achieving fundamental national transformation through public policy, legal, constitutional as well as institutional reforms.

They provide a platform to ensure the citizens are forearmed with advanced, relevant and appropriate information, knowledge and understanding as well as ownership of the constitution for purposes of informed participation in electoral matters and for free and fair elections.

Madam Deputy Speaker, this directive by the Government to the donor community as spelled out in the *note verbale* is an affront to the democratic gains that Kenya has made over many decades and can only be interpreted as an attempt to claw back such gains.

It is imperative therefore, that the Government is seen as an enabler in creating the necessary environment, appropriate for the growth of multiparty democracy and free and fair elections.

The directive has further greatly paralyzed functioning of organizations that facilitate electoral matters including the Centre for Multiparty Democracy and political parties. These organizations are preparing a petition to the Senate on this matter and as

they do that, I have seen the number of people that have signed up on this petition. Since that petition could not make it to the Floor of the House before the recess, I am making this topical Statement so that this House is aware that this petition is also on its way.

The directive has further greatly paralyzed functioning of organizations that facilitate electoral matters including the Centre for Multiparty Democracy and political parties and I therefore, call upon the Government to set aside the directives issued to the diplomatic missions, international organizations and other foreign entities interested in supporting Kenya's preparations towards the 2022 general elections.

Setting aside of the directives would build the confidence of the population and the global community in a political and electoral process leading to the 2022 general elections.

Madam Deputy Speaker, I submit.

The Deputy Speaker (Sen. (Prof.) Kamar): Let me allow only one comment because it is under Standing Order No.47(1) but aware of the fact that a petition is coming. So, the petition will be dealt with exhaustively. I will give three minutes to Sen. Wetangula so that he does not forget what he wants to say.

Sen. Wetangula: Madam Deputy Speaker, as a party leader and a presidential candidate, I have serious interest in this matter. I have listened to the distinguished Senator and it is a matter that I have actually been following up.

It is extremely distressful to note that while in all our successive reform agenda and electoral management we rely---

(Sen. Sakaja consulted the Chair)

I would want Sen. Sakaja to let the Chair listen.

In our electoral management, right from the time the IPPG in 1997, we have always had partners who support the IEBC without compromising its integrity and independence.

Throughout, development partners always meet and put money in a basket so that no particular single country can have any overbearing engagement with the IEBC. Strangely, a letter was written by the PS, Foreign Affairs, to all partners that have been assisting and supporting our electoral reforms and electoral processes, warning them that they are not allowed to engage the IEBC, to contribute any money to any organization including the Centre for Multiparty Democracy and that IEBC and all electoral management agencies must be left to function within the budget that is available yet we know that there is no budget available that is sufficient.

I want to urge the committee that will deal with this matter to summon the PS, Foreign Affairs, and demand that he rescinds that offensive letter. We know that our budgetary allocations given our constraints on public debt, our constraints on budget deficits, we do not have the capacity to fully fund our programmes.

I want to see that this matter is looked into very deeply and we await the petition from the distinguished Senator.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. You have made your point

Hon. Senators, as we mentioned on Tuesday, today is voting day. I want to persuade the Members who are online not to leave. We are going to vote in blocs. So, it is going to be very fast. We will vote for the seven Bills at the same time and then we will revert to Committee Stage. It will take a very short time. This was our commitment and the commitment of the House Business Committee that there is a backlog we must clear before we go for recess later today.

So, I will defer the Statement by the Senate Majority Leader until we finish the voting.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 2ND NOVEMBER, 2021

(Statement deferred)

Can we have the orders read out?

BILLS

Second Reading

THE DISASTER RISK MANAGEMENT BILL
(SENATE BILLS NO. 14 OF 2021)

(Division)

Second Reading

THE KENYA CITIZENSHIP AND IMMIGRATION
(AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2021)

(Division)

Second Reading

THE LAW OF SUCCESSION (AMENDMENT)
BILL (SENATE BILLS NO. 15 OF 2021)

(Division)

Second Reading

THE PUBLIC PRIVATE PARTNERSHIPS BILL
(NATIONAL ASSEMBLY BILLS. NO. 6 OF 2021)

(Division)

Second Reading

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THE HEALTH (AMENDMENT) BILL
(SENATE BILLS NO. 26 OF 2020)

(Division)

Second Reading

THE COUNTY BOUNDARIES BILL
(SENATE BILLS NO. 20 OF 2021)

(Division)

Second Reading

THE LIFESTYLE AUDIT BILL
(SENATE BILLS NO. 36 OF 2021)

(Division)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, I now order that the bell be rung for three minutes. While that is going on can I have the two tellers please; Sen. Were and Sen. Ngugi.

(The Division Bell was rung)

The Deputy Speaker (Sen. (Prof.) Kamar: Order Members. Hon. Members, I now put the question for each of the seven Bills.

(Roll Call Voting in Progress)

There is something wrong with our system. If the visual of the Senators appears, the voice cannot be heard and when the voice can be heard, the visual of the Senator does not appear.

Sen. Linturi, we have heard you. Let us proceed.

(Roll Call Voting in Progress)

I request the Members who are online not to log out. We are going to go into the Committee of the Whole shortly. I therefore request you to be close to your gadgets so that we can finish the division in the shortest time possible. We will do that in the next few minutes after we finish counting the votes.

Hon. Senators, I would like to now announce the results of the voting for each of the Divisions. Let the Tellers sign first. We want to clear the backlog before we go for recess today. May I do the announcement now?

Second Reading

THE DISASTER RISK MANAGEMENT BILL
(SENATE BILLS NO. 14 OF 2021)

DIVISION

ROLL CALL VOTING

(Question, that the Disaster Risk Management Bill (Senate Bills No. 14 of 2021) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Seneta, Kajiado County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and Sen. Wetangula, Bungoma County.

Teller of the Ayes: Sen. Were.

NOES: Nil

Teller of the Noes: Sen. Ngugi.

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, these are the results of the vote-

AYES: 34

NOES: 0

ABSENTIONS: 0

The Ayes have it.

(Question carried by 34 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

*Second Reading*THE KENYA CITIZENSHIP AND IMMIGRATION
(AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2021)**DIVISION**

ROLL CALL VOTING

(Question, that the Kenya Citizenship and Immigration (Amendment) Bill (Senate Bills No. 33 of 2021) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Seneta, Kajiado County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and Sen. Wetangula, Bungoma County.

Teller of the Ayes: Sen. Were.

NOES: Nil

Teller of the Noes: Sen. Ngugi.

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, these are the results of the vote-

YES: 34

NOES: 0

ABSENTIONS: 0

The Ayes have it.

(Question carried by 34 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

Second Reading

THE LAW OF SUCCESSION (AMENDMENT) BILL
(SENATE BILLS NO. 15 OF 2021)

DIVISION

ROLL CALL VOTING

(Question, that The Law of Succession (Amendment) Bill (Senate Bills No. 15 of 2021) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. (Prof.) Onger, Kisii County; Sen. Orengo, Siaya County; Sen. Seneta, Kajiado County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and Sen. Wetangula, Bungoma County.

Teller of the Ayes: Sen. Were.

NOES: Nil

Teller of the Noes: Sen. Ngugi.

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, these are the results of the vote-

AYES: 34

NOES: 0

ABSENTIONS: 0

The Ayes have it.

(Question carried by 34 votes to Nil)

(The Bill was accordingly read the Second Time and committed to a Committee of the Whole today, by leave of the House)

Second Reading

THE PUBLIC PRIVATE PARTNERSHIPS BILL
(NATIONAL ASSEMBLY BILLS NO. 6 OF 2021)

DIVISION

ROLL CALL VOTING

(Question, that the Public Private Partnerships Bill (National Assembly Bills No. 6 of 2021) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Seneta, Kajiado County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and Sen. Wetangula, Bungoma County.

Teller of the Ayes: Sen. Were.

NOES: Nil

Teller of the Noes: Sen. Ngugi.

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, these are the results of the vote-

AYES: 34

NOES: 0

ABSENTIONS: 0

The Ayes have it.

(Question carried by 34 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

Second Reading

THE HEALTH (AMENDMENT) BILL
(SENATE BILLS NO. 26 OF 2020)

DIVISION

ROLL CALL VOTING

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(Question, that The Health (Amendment) Bill (Senate Bills No. 26 of 2020) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Seneta, Kajiado County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and Sen. Wetangula, Bungoma County.

Teller of the Ayes: Sen. Were.

NOES: Nil

Teller of the Noes: Sen. Ngugi.

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, these are the results of the vote-

AYES: 34

NOES: 0

ABSENTIONS: 0

The Ayes have it.

(Question carried by 34 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

Second Reading

THE COUNTY BOUNDARIES BILL,
(SENATE BILLS NO. 20 OF 2021)

DIVISION

ROLL CALL VOTING

(Question, that The County Boundaries Bill, (Senate Bills No. 20 of 2021) be now read a Second Time, put and the Senate proceeded

to vote by County Delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Seneta, Kajiado County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and Sen. Wetangula, Bungoma County.

Teller of the Ayes: Sen. Were.

NOES: Nil

Teller of the Noes: Sen. Ngugi.

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, these are the results of the vote-

AYES: 34

NOES: 0

ABSENTIONS: 0

The Ayes have it.

*(Question carried by 34 votes to Nil)
(The Bill was read a Second Time and committed to a
Committee of the Whole today, by leave of the House)*

Second Reading

THE LIFESTYLE AUDIT BILL
(SENATE BILLS NO. 36 OF 2021)

DIVISION

ROLL CALL VOTING

*(Question, that The Lifestyle Audit Bill (Senate Bills No. 36 of 2021) be now read a
Second Time, put and the Senate proceeded
to vote by County Delegations)*

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen.

Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Seneta, Kajiado County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and Sen. Wetangula, Bungoma County.

Teller of the Ayes: Sen. Were.

NOES: Nil

Teller of the Noes: Sen. Ngugi.

ABSTENTIONS: Nil

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, these are the results of the vote-

AYES: 34

NOES: 0

ABSENTIONS: 0

The Ayes have it.

(Question carried by 34 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you Senators, that brings us to the end of the Divisions in Second Reading. As we move to the next order, I appeal to Members – because I know there are Members who want to travel for Committee work tomorrow – that we stay put because it is going to take a short time to do the Committee of the Whole.

Next Order.

COMMITTEE OF THE WHOLE

THE KENYA CITIZENSHIP AND IMMIGRATION (AMENDMENT) BILL
(SENATE BILLS NO. 33 OF 2021)

(Division)

COMMITTEE OF THE WHOLE

THE LAW OF SUCCESSION (AMENDMENT) BILL

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(SENATE BILLS NO. 15 OF 2021)

(Division)

COMMITTEE OF THE WHOLE

THE PUBLIC PRIVATE PARTNERSHIPS BILL
(NATIONAL ASSEMBLY BILLS NO. 6 OF 2021)

(Division)

COMMITTEE OF THE WHOLE

THE HEALTH (AMENDMENT) BILL
(SENATE BILLS NO. 26 OF 2020)

(Division)

COMMITTEE OF THE WHOLE

THE COUNTY BOUNDARIES BILL,
(SENATE BILLS NO. 20 OF 2021)

COMMITTEE OF THE WHOLE

THE LIFESTYLE AUDIT BILL
(SENATE BILLS NO. 36 OF 2021)

COMMITTEE OF THE WHOLE

THE OFFICE OF THE COUNTY PRINTER BILL
(SENATE BILLS NO. 13 OF 2021)

COMMITTEE OF THE WHOLE

THE INVESTMENT PROMOTION (AMENDMENT) BILL
(SENATE BILLS NO. 2 OF 2021)

COMMITTEE OF THE WHOLE

THE NATURAL RESOURCES (BENEFIT SHARING) BILL
(SENATE BILLS NO. 25 OF 2020)

COMMITTEE OF THE WHOLE

(Order for the Committee read)

[The Deputy Speaker (Sen. (Prof.) Kamar) left the Chair]

IN THE COMMITTEE

[The Temporary Chairperson (Sen. (Nyamunga) in the Chair]

THE DISASTER RISK MANAGEMENT BILL
(SENATE BILLS NO. 14 OF 2021)

(By leave of the House)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we are now in the Committee of the Whole to consider the Disaster Risk Management Bill (Senate Bills No.14 of 2021).

Clauses 3,4,5,6,7,8,9 and 10

(Question, that Clauses 3 to 10 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clauses 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20

(Question, that Clauses 11 to 20 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clauses 21, 22, 23, 24, 25, 26, 27, 28, 29 & 30

(Question, that Clauses 21 to 30 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clauses 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42

(Question that Clauses 31-42 be part of the Bill proposed)

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end.

The First Schedule and Second Schedule

(Question that the First Schedule and

Second Schedule be part of the Bill proposed)

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end.

Clause 2, the Title and Clause 1

(Question that Clause 2, the Title and Clause 1 be part of the Bill proposed.

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end. Hon. Senators, The Kenya Citizenship and Immigration (Amendment) Bill (Senate Bills No.33 of 2021), The Law of Succession (Amendment) Bill (Senate Bills No.15 of 2021) and The Lifestyle Audit Bill (Senate Bills No. 36 of 2021) are not ready for the Committee of the Whole today.

THE KENYA CITIZENSHIP AND IMMIGRATION
(AMENDMENT) BILL (SENATE BILLS NO.33 OF 2021)

(Committee of the Whole deferred)

THE LAW OF SUCCESSION (AMENDMENT)
BILL (SENATE BILLS NO.15 OF 2021)

(Committee of the Whole deferred)

THE LIFESTYLE AUDIT BILL (SENATE BILLS NO.36 OF 2021)

(Committee of the Whole deferred)

THE PUBLIC PRIVATE PARTNERSHIP BILL
(NATIONAL ASSEMBLY BILLS NO.6 OF 2021)

Clauses 3, 4 and 5

(Question that Clauses 3, 4, and 5 be part of the Bill proposed)

(Loud consultations)

The Temporary Chairperson (Sen. Nyamunga): Order, Hon. Senators! We need some order. Kindly consult in low tones, so that we do not disrupt the proceedings of the House.

The Division will be at the end.

Clause 6

The Temporary Chairperson (Sen. Nyamunga): Sen. Mutula Kilonzo Jnr. Where is Sen. Mutula Kilonzo Jnr.? Any other Member?

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, I beg to move-
THAT, Clause 6 of the Bill be amended by deleting paragraph (c) and substituting therefor the following new paragraph-
(c) the Principal Secretary in the State department responsible for matters relating to infrastructure.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end.

Clauses 7, 8, 9 and 10

*(Question that Clauses 7, 8, 9 and 10
be part of the Bill proposed)*

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end.

Clauses 11-20

(Question that Clauses 11-20 be part of the Bill proposed)

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end.

Clauses 21- 32

(Question that Clauses 21- 32 be part of the Bill proposed)

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end.

Clause 33

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, I beg to move-
THAT, Clause 33 of the Bill be amended in sub-clause (3) by inserting the words “within twenty-one days of receipt of the evaluation report” immediately after the words “the Committee shall”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end.

Clauses 34-44

(Question that Clauses 34-44 be part of the Bill proposed)

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end.

Clauses 45-55

(Question that Clauses 45-55 be part of the Bill proposed)

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end.

Clauses 56-65.

(Question that Clauses 56-65 be part of the Bill proposed)

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end.

Clauses 66-74

(Question that Clauses 66-74 be part of the Bill proposed)

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end.

Clause 75

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, I beg to move-
THAT, Clause 75 of the Bill be amended-

(a) in sub-clause (2)-

(i) by deleting the word “five” appearing immediately before the words “other persons with” in paragraph (bb) and substituting therefor the word “four”; and

(ii) by deleting the word “one person” appearing immediately before the words “not being a member” in paragraph (cc) and substituting therefor the words “two persons”.

(b) by inserting the following new sub-clause immediately after sub-clause (6)-

(6A) A person aggrieved by the decision of the Committee may, within seven days of the decision, make an application for review to the Committee in the prescribed form.

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end.

Clauses 76-88

(Question that Clauses 76-88 be part of the Bill proposed)

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end.

New Clause 75A

Sen. Mutual Kilonzo Jnr.: Madam Temporary Chairperson, I beg to move-
 THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 75-
 Secretary. **75A.** (1) The Cabinet Secretary shall designate a
 that public officer to serve as the Secretary to the Commit
 (2) A person designated under subsection (1) shall be
 an Advocate of the High Court of Kenya of at least (seven years standing.

(New Clause 75A was read the First Time)

(Question that New Clause 75A be read a Second Time proposed)

(Question that New Clause 75A be part of the Bill proposed)

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end.

New Clause 75 B

The Temporary Chairperson (Sen. Nyamunga): Mover.
Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson I beg to move -
 THAT, the Bill be amended by inserting the following new Clauses immediately
 after Clause 75-
 Remuneration. **75B.** The members of the Committee shall be paid
 such salaries and allowances as the Cabinet Secretary
 shall, in consultation with the Salaries and
 Remuneration Committee, determine.

(New Clause 75B was read the First Time)

(Question that New Clause 75B be read a Second Time proposed)

(Question that New Clause 75B be part of the Bill proposed)

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end.

New Clause 75 C

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, I beg to move-
 THAT, the Bill be amended by inserting the following new clauses immediately after Clause 75-
 Conflict of **75C.** A member of the Committee who has a direct or
 interest. indirect interest in a matter before the Committee shall

declare the interest and shall not participate in any proceedings of the Committee on the matter.

(New Clause 75C was read the First Time)

(Question that New Clause 75C be read a Second Time proposed)

(Question that New Clause 75C be part of the Bill proposed)

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end.

New Clause 75 D

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, I beg to move—

Offences.

THAT (1) A person shall not—

- (a) without reasonable cause or lawful excuse, obstruct or hinder, assault or threaten a member of the Committee acting under this Act;
- (b) without justification, fail to provide information required by the Committee under this Act;
- (c) without justification, fail to provide information within reasonable time that is required by the Committee under this Act;
- (d) submit false or misleading information to the Committee;
- (e) misrepresent to or knowingly mislead a member of the Committee acting under this Act; or
- (f) interfere with or exert undue influence on any member of the Committee.

2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to

imprisonment for a term not exceeding one year, or to both.

Sen. Farhiya: Madam Temporary Chairperson, I second.

(New Clause 75 D was read a First Time)

(Question, that New Clause 75D) be read a Second Time proposed)

(Question, that New Clause 75D be part of the Bill proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

New Clause 75 E

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, I beg to move-
Decree

THAT the court shall issue a decree setting out its decision in a particular matter and the decree shall be enforceable in the same manner as a decree of the court

Sen. Farhiya: Madam Temporary Chairperson, I Second.

(New Clause 75 E was read a First Time)

(Question that New Clause 75 E be read a Second Time proposed)

(Question that New Clause 75 E be part of the Bill proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

First Schedule, Second Schedule and Third Schedule

*(Question, that the First Schedule, Second Schedule and
Third Schedule be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clause 2, The Title and Clause 1

*(Question, that Clause 2, the Title and Clause 1
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.
Hon. Senators, we are now ready to move to the third Bill.

THE HEALTH (AMENDMENT) BILL
(SENATE BILLS NO. 26 OF 2020)

Clause 2

- Sen. (Dr.) Ali:** Madam Temporary Chairperson, I beg to move—
THAT clause 2 of the Bill be amended—
- (a) by deleting paragraph (a);
 - (b) by deleting the words “therefore the word three” appearing immediately after the words “and substituting” in paragraph (c) and substituting therefor the words “therefor the word two”;
 - (c) by inserting the following new paragraph immediately after paragraph (c) —
 - (d) inserting the following new subsection immediately after subsection (1) —
 - (1A) The Cabinet Secretary shall appoint the members nominated under subsection (1) (a), (c), (f), (g), (h) and (i) by notice in the *Gazette*.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clause 3

(Question, that Clause 3 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

New Clause 4

Sen. (Dr.) Ali: Madam Temporary Chairperson, I beg to move—
THAT the Bill be amended by inserting the following new clause immediately after clause 3 —

Amendment of section 33 of No. 21 of 2017. **4.** Section 33 the principal Act be amended —

- (a) in subsection (2) deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) holds at least a degree in a health related field from a university recognized in Kenya, and
 - (aa) is registered by the relevant health professional regulatory body and is in good standing;
- (b) by deleting subsection (4).

Sen. Farhiya: Madam Temporary Chairperson, I second.

(New Clause 4 was read a First time)

(Question that New Clause 4 be read a Second Time purposed)

(Question that New Clause 4 be part of the Bill proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

The Title and Clause 1

*(Question, that the Title and Clause 1
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.
Hon. Senators, we now move on to the next Bill.

THE COUNTY BOUNDARIES BILL
(SENATE BILLS NO. 20 OF 2021)

Clauses 3, 4, 5, 6, 7, 8, and 9

*(Question that Clauses 3, 4, 5, 6, 7, 8 and 9
be part of the Bill proposed)*

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clause 10

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, I beg to move—
THAT Clause 10 of the Bill be amended in sub-clause (2) by inserting the
word “mediation” immediately after the words “a member of the” in the
introductory clause.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clause 11

(Question, that Clause 11 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clause 12

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, I beg to move—
THAT clause 12 of the Bill be amended in sub-clause (5) by inserting the
word “mediation” immediately after the words “directions of the”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clause 13- 24

(Question, that Clauses 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clause 25

- Sen. Mutula Kilonzo Jnr.:** Madam Temporary Chairperson, I beg to move –
THAT clause 25 of the Bill be amended –
- (a) in sub-clause (2) by deleting the expression “25(1)(d)” appearing immediately after the words “under section” and substituting therefor the expression “25(1)(e)”; and
 - in sub-clause (3) by deleting the expression “25(1)(a), (c) or (d)” appearing immediately after the words “under section” and substituting therefor the expression “25(1)(a), (e) or (f)”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clauses 26-39

(Question, that Clauses 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clause 40

- Sen. Mutula Kilonzo Jnr.:** Madam Temporary Chairperson, I beg to move –
THAT clause 40 of the Bill be amended –
- (a) in sub-clause (1) –
 - (i) by deleting paragraph (c) and substituting therefor the following new paragraph –
 - (c) an assessment of the effect of the proposed alteration of the boundary of a county and recommendations on the following in relation to a county government, where applicable, -
 - (i) assets and liabilities;
 - (ii) employees in the respective county public service;
 - (iii) decisions made including licenses, permits, authorizations, rates, certificates, consents and contracts;
 - (iv) pending and potential legal proceedings;

- (v) constituency and ward boundaries;
 - (vi) the basis for allocating among the counties the share of national revenue allocated to county governments; and
 - (vii) such other matter as the commission may determine.
- (ii) by inserting the following new paragraph immediately after paragraph (c) –
- (ca) mechanisms for the implementation and timelines within which the proposed alteration shall be implemented;
- (b) in sub-clause (2)(a)(ii) by deleting the word “gazette” appearing immediately after the words “Kenya Gazette and the” and substituting therefor the words “gazettes of the respective counties affected by the proposed alteration of the boundaries of a county”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clause 41

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, I beg to move—
THAT clause 41 of the Bill be amended in sub-clause (1) by inserting the following new paragraph immediately after paragraph (a) –
(aa) recommending that the boundaries of a county do not be altered;

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clause 42

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, I beg to move—
THAT clause 42 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3) –
(4) A resolution by either House of Parliament to amend a recommendation of the commission to alter the boundaries of a county shall be supported by at least two-thirds of all the delegations in the Senate and two-thirds of all the members of the National Assembly.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clause 42

(Question, that Clause 42 be part of the Bill, proposed)

Division will be at the end.

Clauses 43, 44 and 45

(Question, that Clauses 43, 44 and 45 be part of the Bill, proposed)

Division will be at the end.

Clause 46

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, I beg to move:

THAT the Bill be amended by deleting clause 46 and substituting therefor the following new clause –

Coming into effect
of the resolution.

46. (1) A resolution for the alteration of the boundaries of a county under section 42(3) shall take effect in such manner as shall be set out in the resolution.

(2) Upon the gazettelement of the resolution of Parliament under section 42(3), the Independent Electoral and Boundaries Commission shall –

(a) revise the register of voters provided for under the Elections Act;

(b) in its report under section 36(5) of the Independent Electoral and Boundaries Commission Act, state how the resolution has been taken into account in the constituency and ward boundaries review process; and

(c) submit a report referred under subsection (2)(b) to the Senate and the National Assembly for consideration.

(3) The Independent Electoral and Boundaries Commission, in preparing its final report under section 36(8) Independent Electoral and Boundaries Commission Act, shall take into account the views of the Senate and the National Assembly.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clause 47

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, I beg to move:

THAT clause 47 of the Bill be amended in the introductory clause by inserting the words “of the Senate” immediately after the words “Where the Speaker”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clause 48, 49, 50 and 51

(Question, that Clauses 48, 49, 50 and 51 be part of the Bill, proposed)

Division will be at the end.

First, Second, Third, Fourth and Fifth Schedules

(Question, that the First, Second, Third, Fourth and Fifth Schedules be part of the Bill, proposed)

Division will be at the end.

Clause 2, the Title and Clause 1

(Question, that Clause 2, the Title and Clause 1 be part of the Bill, proposed)

Division will be at the end.

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we are now considering The Office of the County Printer Bill (Senate Bills No.13 of 2021).

Clauses 3, 4, 5, 6, 7, 8 and 9

(Question, that Clauses 3, 4, 5, 6, 7, 8 and 9 be part of the Bill, proposed)

Division will be at the end.

Clauses 10, 11, 12 and 13

(Question, that Clauses 10, 11, 12 and 13 be part of the Bill, proposed)

Division will be at the end.

Clause 2

(Question, that Clause 2 be part of the Bill, proposed)

Division will be at the end.

The Title and Clause 1

(Question, that the Title and Clause 1 be part of the Bill, proposed)

Division will be at the end.

THE INVESTMENT PROMOTION (AMENDMENT) BILL
(SENATE BILLS NO. 2 OF 2021)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we are now considering The Investment Promotion (Amendment) Bill, (Senate Bills No. 2 of 2021).

Clause 3

(Question, that Clause 3 be part of the Bill, proposed)

Division will be at the end.

Clause 4

Sen. (Dr.) Ali: Madam Temporary Chairperson, I beg to move:

THAT clause 4 of the Bill be amended in the proposed new section 16 by deleting paragraph (g) and substituting therefor the following new paragraph-

(g) three members, who shall include a person with disability and at least one person of the opposite gender, nominated by the Council of County Governors and appointed by the Cabinet Secretary.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clause 5

(Question, that Clause 5 be part of the Bill, proposed)

Division will be at the end.

Clause 6

Sen. (Dr.) Ali: Madam Temporary Chairperson, I beg to move-

THAT, clause 6 of the Bill be amended in the proposed new section 17 by deleting the word “four” appearing immediately after the words “for a term of” and substituting therefor the word “three”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clauses 7, 8, 9, 10, 11, 12, 13, 14 and 15

(Question, that Clauses 7, 8, 9, 10, 11, 12, 13, 14 and 15 be part of the Bill, proposed)

Division will be at the end.

Clause 16

Sen. (Dr.) Ali: Madam Temporary Chairperson, I beg to move:
THAT clause 16 of the Bill be amended-

- (a) in the proposed new section 26C by deleting the word “county” appearing immediately after the words “by notice in the” in subsection (1);
- (b) in the proposed new section 26D by –
 - (i) renumbering the existing provision as sub clause (1);
 - (ii) inserting the words “including identifying and addressing barriers that hinder investment” immediately after the words “in the county” in paragraph (b); and
 - (iii) inserting the following new sub clause immediately after sub clause (1) –

(2) The Unit shall, in carrying out its functions under subsection (1), undertake public participation through the modalities and platforms set out under section 91 of the County Governments Act.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.

Clause 2, the Title and Clause 1

Question, that Clause 2, the Title and Clause 1 be part of the Bill, proposed)

Division will be at the end.

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we do not have Members of the Committee on Lands, Environment and Natural Resources. So, we are going to defer the Committee of the Whole on The Natural Resources (Benefit Sharing) Bill (Senate Bills No.25 of 2020).

THE NATURAL RESOURCES (BENEFIT SHARING) BILL
(SENATE BILLS NO.25 OF 2020)

(Committee of the Whole deferred)

Could the Bell be rung for two minutes?

(The Division Bell was Rung)

The Temporary Chairperson (Sen. Nyamunga): Ring the division bell for another three minutes.

(The Division Bell was rung)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we are ready to vote on the Disaster Risk Management Bill (Senate Bills No.14 of 2021). Sen. Were and Sen. Farhiya are the tellers.

(Roll Call voting in progress)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, let us now proceed to vote on The Public Private Partnership Bill (National Assembly Bills No.6 of 2021). We have three votes under that Bill, but we will take the votes at once.

I put the Question; that New Clauses 75A, 75B, 75C, 75D and 75E be now read a Second Time.

I put the Question; that Clauses 6, 33 and 75 be amended as proposed.

I put the Question; that Clauses 3, 4, 5, 7-32, 34-74 and 76-88 be part of the Bill.

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, for all the three clauses you will take only one vote. As you vote, say ‘for the three clauses. Thank you.

(The Senators proceeded to vote by Roll Call)

[The Temporary Chairperson (Sen. Nyamunga) left the Chair]

[The Temporary Chairperson (Sen. Pareno) in the Chair]

(Roll Call voting in progress)

The Temporary Chairperson (Sen. Pareno): Hon. Senators, we now move to the next Bill: The Health (Amendment) Bill (Senate Bills No.26 of 2020)

I put the Question; that the New Clause 4 be now read a Second Time. That is the first question.

The second Question is that Clause 2 be amended as proposed. The third Question is that Clause 2 (as amended), Clause 3, New Clause 4, the Title and Clause 1 be part of the Bill.

We will vote on the three Questions.

(The Senators proceeded to vote by Roll Call)

Hon. Senators, Next is the County Boundaries Bill. We still have three more Bills to go. Please, hold online and in the Chamber.

Hon. Senators, let us now proceed to vote on The Office of the County Printer Bill (Senate Bill No.13 of 2021). It has only one question.

I put the Question; that Clauses 3,4,5,6,7,8,9,10,11,12,13, Clause 2, the Title and Clause 1 be part of the Bill.

(The Senators proceeded to vote by Roll Call)

(Roll Call voting in progress.)

The Temporary Chairperson (Sen. Pareno): Hon. Senators, we move to the last one, but you still have to hold on for the Third Reading. For those who are online, let us kindly hold on. We are voting on three questions. Let us hold on. If we do not go to the Third Reading, we would have wasted all that we have done. Therefore, we ask those online to continue holding on.

We now move to the next Bill. The Investment Promotion (Amendment) Bill (Senate Bills No.2 of 2021).

There are two questions, which I put as follows:

I put the Question that Clauses 4, 6 and 16 be amended as proposed.

I put the Question that Clauses 3, 4 (as amended), 5, 6 (as amended) 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 (as amended), Clauses 2, the Title and Clause 1 be part of the Bill.

Those who are online, please, stay on.

(The Senators proceeded to vote by Roll Call)

We are doing reporting and we will move on to the next step. Those online, please hold on.

Hon. Senators, we are now doing the reporting on the divisions. We are now doing the reporting on the Division on the Disaster Risk Management Bill (Senate Bills No. 14 of 2021).

THE DISASTER RISK MANAGEMENT BILL
(SENATE BILLS NO. 14 OF 2021)

DIVISION

ROLL CALL VOTING

(Question, that Clauses 3-42, the First Schedule, the Second Schedule, Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Farhiya, Nairobi County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata; Murang'a

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County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. M. Kajwang'; Homa Bay County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Mahamud, Mandera County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Poghisi, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. (Dr.) Milgo.

NOES: Nil.

Teller for the Noes: Sen. Were.

The Temporary Speaker (Sen. Pareno): Honourable Senators, the results of the division are as follows.

AYES: 30

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it. You are not even congratulating yourselves.

(Applause)

(Question carried by 30 votes to nil)

(Clauses 3-42, the First Schedule, the Second Schedule, Clause 2, the Title and Clause 1 as amended agreed to)

PUBLIC PRIVATE PARTNERSHIPS BILL
(NATIONAL ASSEMBLY BILLS NO. 6 OF 2021)

DIVISION

ROLL CALL VOTING

(Question, that New Clauses 75A, 75B, 75C, 75D, 75E be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Dullo, Isiolo County; Sen. Farhiya, Nairobi County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. M. Kajwang'; Homa Bay County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Mahamud, Mandera County; Sen. Maina, Nyeri County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisi, West Pokot County; Sen. Seneta,

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Kajiado County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Were.

NOES: Nil.

Teller for the Noes: Sen. (Dr.) Milgo.

The Temporary Speaker (Sen. Pareno): Honourable Senators, the results of the division are as follows.

AYES: 28

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 28 votes to nil)

DIVISION

ROLL CALL VOTING

(Question, that Clauses 6, 33, and 75 be amended as proposed put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Dullo, Isiolo County; Sen. Farhiya, Nairobi County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. M. Kajwang’, Homa Bay County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Mahamud, Mandera County; Sen. Maina, Nyeri County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Were.

NOES: Nil.

Teller for the Noes: Sen. (Dr.) Milgo.

The Temporary Speaker (Sen. Pareno): Honourable Senators, the results of the division are as follows.

AYES: 28

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 28 votes to nil)

DIVISION**ROLL CALL VOTING**

(Question, that all Clauses as per the Schedule be part of the Bill put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Dullo, Isiolo County; Sen. Farhiya, Nairobi County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. M. Kajwang'; Homa Bay County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Mahamud, Mandera County; Sen. Maina, Nyeri County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. Poghio, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Were.

NOES: Nil.

Teller for the Noes: Sen. (Dr.) Milgo.

The Temporary Speaker (Sen. Pareno): Honourable Senators, the results of the division are as follows.

AYES: 28

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 28 votes to nil)

**THE HEALTH (AMENDMENT) BILL
(SENATE BILLS NO. 26 OF 2020)**

DIVISION**ROLL CALL VOTING**

(Question, that New Clause 4 be read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. M. Kajwang'; Homa Bay County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Mahamud, Mandera County; Sen. Maina, Nyeri County; Sen. Mpaayei, Kajiado County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Ochillo-

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Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orendo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. (Dr.) Milgo.

NOES: Nil. Teller for the Noes: Sen. Were.

The Temporary Speaker (Sen. Pareno): Honourable Senators, the results are as follows

AYES: 26

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 26 votes to nil)

DIVISION

ROLL CALL VOTING

(Question, that Clause 2 be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. M. Kajwang’; Homa Bay County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Mahamud, Mandera County; Sen. Maina, Nyeri County; Sen. Mpaayei, Kajiado County; Sen. Mwangi, Nyandarua County; Sen. Ndwiaga, Embu County; Sen. Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orendo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. (Dr.) Milgo.

NOES: Nil. Teller for the Noes: Sen. Were.

The Temporary Speaker (Sen. Pareno): Honourable Senators, the results are as follows

AYES: 26

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 26 votes to nil)

DIVISION

ROLL CALL VOTING

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(Question, that Clause 2 (as amended), clause 3, New Clause 4, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. M. Kajwang'; Homa Bay County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Mahamud, Mandera County; Sen. Maina, Nyeri County; Sen. Mpaayei, Kajiado County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Onger, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisi, West Pokot County; Sen. Sakaja, Nairobi County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. (Dr.) Milgo.

NOES: Nil. Teller for the Noes: Sen. Were.

The Temporary Speaker (Sen. Pareno): Honourable Senators, the results are as follows

AYES: 26

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 26 votes to nil)

THE COUNTY BOUNDARIES BILL
(SENATE BILLS NO. 20 OF 2021)

DIVISION

ROLL CALL VOTING

(Question, that Clauses 10, 12, 23, 25, 40, 41, 42, 46 and 47 be amended as proposed put and the Senate proceeded to vote by County delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lelegwe; Samburu County; Sen. M. Kajwang'; Homa Bay County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Mahamud, Mandera County; Sen. Maina, Nyeri County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Onger, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu

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County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. (Dr.) Milgo.

NOES: Nil.

Teller for the Noes: Sen. Were.

The Temporary Speaker (Sen. Pareno): Honourable Senators, the results are as follows

AYES: 32

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 32 votes to nil)

DIVISION

ROLL CALL VOTING

(Question that, Clauses 3-9, Clause 10 (as amended), Clause 11, Clause 12 (as amended), Clause 26-39, Clause 40 (as amended), Clause 41 (as amended), Clause 42 (as amended), Clauses 43-45, Clause 46 (as amended), Clause 47 (as amended), Clauses 48-51, The First, Second, Third, Fourth and Fifth Schedules, Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lelegwe; Samburu County; Sen. M. Kajwang; Homa Bay County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Mahamud, Mandera County; Sen. Maina, Nyeri County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. (Dr.) Milgo.

NOES: Nil.

Teller for the Noes: Sen. Were.

The Temporary Speaker (Sen. Pareno): Honourable Senators, the results are as follows

AYES: 32

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 32 votes to nil)

THE OFFICE OF THE COUNTY PRINTER BILL
(SENATE BILLS NO. 13 OF 2021)

DIVISION

ROLL CALL VOTING

(Question that Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang’, Homa Bay County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghisi, West Pokot County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County;

Teller of the Ayes: Sen. (Dr.) Milgo

NOES: Nil.

Teller of the Noes: Sen. Were.

AYES: 29

NOES: Nil

ABSTENTIONS: Nil

Teller for the Ayes: Sen. (Dr.) Milgo.

NOES: Nil.

Teller for the Noes: Sen. Were.

The Temporary Speaker (Sen. Pareno): Honourable Senators, the results are as follows.

AYES: 29

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 29 votes to nil)

THE INVESTMENT PROMOTION (AMENDMENT) BILL
(SENATE BILLS NO. 2 OF 2021)

DIVISION

ROLL CALL VOTING

(Question that Clauses 4, 6 and 16 be amended as proposed, put and the Senate proceeded to vote by County delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lelegwe; Samburu County; Sen. M. Kajwang'; Homa Bay County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Poghishio, West Pokot County; Sen. Wamatangi, Kiambu County; and Sen. Wambua, Kitui County.

Teller for the Ayes: Sen. (Dr.) Milgo.

NOES: Nil.

Teller for the Noes: Sen. Were.

The Temporary Speaker (Sen. Pareno): Honourable Senators, the results are as follows

AYES: 30

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 30 votes to nil)

DIVISION

ROLL CALL VOTING

(Question, that Clauses 3, 4 (as amended), 5, 6 (as amended), 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 (as amended), Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen.

Farhiya, Nairobi County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lelegwe; Samburu County; Sen. M. Kajwang'; Homa Bay County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Poghiso, West Pokot County; Sen. Wamatangi, Kiambu County; and Sen. Wambua, Kitui County.

Teller for the Ayes: Sen. (Dr.) Milgo.

NOES: Nil.

Teller for the Noes: Sen. Were.

The Temporary Speaker (Sen. Pareno): Honourable Senators, the results are as follows

AYES: 30

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 30 votes to nil)

The Temporary Speaker (Sen. Pareno): Hon. Senators, we are reporting to the House on the Disaster Risk Management Bill (Senate Bills No. 14 of 2021). Mover, proceed.

THE DISASTER RISK MANAGEMENT BILL
(SENATE BILLS NO. 14 OF 2021)

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the Risk Management Bill (Senate Bills No.14 of 2021) and its approval without amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Pareno): Hon. Senators, we move to reporting progress on the next Bill which is the Public Private Partnership Bill (National Assembly Bills No. 06 of 2021). Mover, proceed.

PUBLIC PRIVATE PARTNERSHIPS BILL
(NATIONAL ASSEMBLY BILLS NO. 6 OF 2021)

Sen. Mutula Kilonzo Jr.: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the Public Private Partnership Bill (National Assembly Bill No. 06 of 2021) and its approval thereof with amendments.

The Temporary Speaker (Sen. Pareno): Sorry, that was reporting to the House.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Pareno): Next is on the reporting on the Health (Amendment) Bill (Senate Bills No. 26 of 2020). Mover, proceed.

THE HEALTH (AMENDMENT) BILL
(SENATE BILLS NO. 26 OF 2020)

Sen. (Dr.) Ali: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the Health (Amendment) Bill (Senate Bills No. 26 of 2020) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Pareno): Next is on the County Boundaries Bill (Senate Bills No. 20 of 2021). Mover, proceed.

THE COUNTY BOUNDARIES BILL
(SENATE BILLS NO. 20 OF 2021)

Sen. Mutula Kilonzo Jr.: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the County Boundaries Bill (Senate Bills No.20 of 2021) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Pareno): Next is on the Office of the County Printer Bill (Senate Bills No. 13 of 2021). Mover, proceed.

THE OFFICE OF THE COUNTY PRINTER BILL
(SENATE BILLS NO.13 OF 2021)

Sen. Were: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the Office of the County Printer Bill (Senate Bills No.13) of 2021) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Pareno): Finally, is reporting on the Investment Promotion (Amendment) Bill (Senate Bills No.2 of 2021). Mover, proceed.

THE INVESTMENT PROMOTION (AMENDMENT) BILL
(SENATE BILLS NO. 2 OF 2021)

Sen. (Dr.) Milgo: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the Investment Promotion (Amendment) Bill (Senate Bills No. 2 of 2021) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, we have done very well and we are going to speed up to finish the remaining part. On the Disaster Risk Management Bill, I call on the Chairperson to report.

REPORTS AND CONSIDERATION OF REPORTS

THE DISASTER RISK MANAGEMENT BILL
(SENATE BILLS NO. 14 OF 2021)

Sen. Pareno: Madam Deputy Speaker, I beg to report that the Committee of the Whole has considered the Disaster Management Bill (Senate Bills No. 14 of 2021) and its approval thereof without amendments.

The Deputy Speaker (Sen. (Prof.) Kamar): Mover, proceed.

Sen. Mutula Kilonzo Jnr.: Madam Deputy Speaker, I beg to move that the House do agree with the Committee in the said report and ask Sen. Were to second.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Were, proceed.

Sen. Were: Madam Deputy Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. (Prof.) Kamar): Mover, proceed.

Sen. Mutula Kilonzo Jnr.: Madam Deputy Speaker, I beg to move that the Disaster Risk Management Bill (Senate Bills No.14 of 2021) be now read a third time and ask Sen. Were to second.

Sen. Were: Madam Deputy Speaker, I second.

(Question proposed)

The Deputy Speaker (Sen. (Prof.) Kamar): We will put the question at the end.

The Deputy Speaker (Sen. (Prof.) Kamar): The next one is Public Private Partnerships Bill (National Assembly Bills No.6 of 2021). Chairperson, proceed.

PUBLIC PRIVATE PARTNERSHIPS BILL
(NATIONAL ASSEMBLY BILLS NO. 6 OF 2021)

Sen. Pareno: Madam Deputy Speaker, I beg to report that the Committee of the Whole has considered the Public Private Partnerships Bill (National Assembly Bills No. 6 of 2021) and its approval thereof with amendments.

The Deputy Speaker (Sen. (Prof.) Kamar): Mover, proceed.

Sen. Mutula Kilonzo Jnr.: Madam Deputy Speaker, I beg to move that the House do agree with the Committee in the said report and request Sen. Were to second.

Sen. Were: Madam Deputy Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. (Prof.) Kamar): Mover, proceed.

Sen. Mutula Kilonzo Jnr.: Madam Deputy Speaker, I beg to move that the Public Private Partnerships Bill (National Assembly Bills No.6 of 2021) be now read a third time and request Sen. Were to second.

Sen. Were: Madam Deputy Speaker, I second.

(Question proposed)

The Deputy Speaker (Sen. (Prof.) Kamar): Honourable Senators there will be Division at the end.

The next Bill is the Health (Amendment) Bill (Senate Bills No. 26 of 2020). Chairperson, proceed.

THE HEALTH (AMENDMENT) BILL
(SENATE BILLS NO. 26 OF 2020)

Sen. Pareno: Madam Deputy Speaker, I beg to report that the Committee of the Whole has considered the Health (Amendment) Bill (Senate Bills No. 26 of 2020) and its approval thereof with amendments.

The Deputy Speaker (Sen. (Prof.) Kamar): Mover, proceed.

Sen. (Dr.) Ali: Madam Deputy Speaker, I beg to move that the House do agree with the Committee on the said report. I ask Sen. Farhiya to second.

Sen. Farhiya: Madam Deputy Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. (Prof.) Kamar): Mover, proceed.

Sen. (Dr.) Ali: Madam Deputy Speaker, I beg to move that the Health (Amendment) Bill (Senate Bills No. 26 of 2020) be now read a third time and ask Sen. Murkomen to second.

Sen. Murkomen: Madam Deputy Speaker, I second.

(Question proposed)

The Deputy Speaker (Sen. (Prof.) Kamar): Honourable Senators, there will be Division at the end.

The next one is the County Boundaries Bill (Senate Bills No. 20 of 2021). Chairperson, proceed.

THE COUNTY BOUNDARIES BILL
(SENATE BILLS NO. 20 OF 2021)

Sen. Pareno: Madam Deputy Speaker, I beg to report that the Committee of the Whole has considered the County Boundaries Bill (Senate Bills No. 20 of 2021) and its approval thereof with amendments.

The Deputy Speaker (Sen. (Prof.) Kamar): Mover, proceed.

Sen. Mutula Kilonzo Jnr.: Madam Deputy Speaker, I beg to move that the House do agree with the Committee in the said report and request Sen. Wambua to second.

Sen. Wambua: Madam Deputy Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. (Prof.) Kamar): Mover, proceed.

Sen. Mutula Kilonzo Jnr.: Madam Deputy Speaker, I beg to move that the County Boundaries Bill (Senate Bills No. 20 of 2021) be now read a third time and request Sen. Wambua to second.

Sen. Wambua: Madam Deputy Speaker, I second.

(Question proposed)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, there will be Division at the end.

The next one is the Office of the County Printer Bill (Senate Bills No. 13 of 2021). Chairperson proceed.

THE OFFICE OF THE COUNTY PRINTER BILL
(SENATE BILLS NO. 13 OF 2021)

Sen. Pareno: Madam Deputy Speaker, I beg to report that the Committee of the Whole has considered the Office of the County Printer Bill (Senate Bills No. 13 of 2021) and its approval thereof without amendments.

The Deputy Speaker (Sen. (Prof.) Kamar): Mover, proceed.

Sen. Were: Madam Deputy Speaker, I beg to move that the House do agree with the Committee on the said report and ask that Sen. Mutula Kilonzo seconds.

Sen. Mutula Kilonzo Jnr.: Madam Deputy Speaker, I seconded.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. (Prof.) Kamar): Mover, proceed.

Sen. Were: Madam Deputy Speaker, I beg to move that the Office of the County Printer Bill (Senate Bills No.13 of 2021) be now read a third time and ask Sen. Halake to second.

Sen. Halake: Madam Deputy Speaker, I second.

(Question proposed)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, there will be Division at the end.

Hon. Senators, we have the last one which is the Investment Promotion (Amendment) Bill (Senate Bills No.2 of 2021). Chairperson, proceed.

THE INVESTMENT PROMOTION (AMENDMENT) BILL
(SENATE BILLS NO. 2 OF 2021)

Sen. Pareno: Madam Deputy Speaker, I beg to report that the Committee of the Whole has considered the Investment Promotion (Amendment) Bill (Senate Bills No. 2 of 2021) and its approval thereof with amendments.

The Deputy Speaker (Sen. (Prof.) Kamar): Mover, proceed.

Sen. (Dr.) Milgo: Madam Deputy Speaker, I beg to move that the House do agree with the Committee on the said report and ask Sen. Halake to second.

Sen. Halake: Madam Deputy Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. (Prof.) Kamar): Mover, proceed.

Sen. (Dr.) Milgo: Madam Deputy Speaker, I beg to move that the Investment Promotion (Amendment) Bill (Senate Bills No.2 of 2021) be now read a Third Time and ask Sen. Wambua to second.

Sen. Wambua: Madam Deputy Speaker, I second.

(Question proposed)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, we will do the Division at the end.

We are now going to straight into the Divisions. The Members online, this is the last. You have done very well today. We are expecting everybody to log in immediately. We do not want to exceed the five minutes. We have too much although we must count the votes until we complete. That is using Standing Order No.1.

Having said that, I want the Bell to be rung for one minute. We are voting for the five Bill at the same time. It is going to be one vote for the five.

(The Division Bell was rung)

The Deputy Speaker (Sen. (Prof.) Kamar): We will start voting right now. Can we have Tellers, please? Sen. Were and Sen. Iman, please, come and be our Tellers. We shall proceed.

Since we had already put the questions, we will go straight into Division by Roll Call.

(The Senators proceeded to vote by Roll Call)

(Interruption of voting)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, sorry for the interruption. It is 6.30 p.m., and I would like to invoke Standing Order No.31 (5) which says-

“If at the time appointed for the interruption of business a division is in progress or a question is being put from the Chair and a division results immediately thereon, such interruption shall be deferred until after the declaration of the numbers and the result of the division.”

Let us proceed. Thank you.

(Voting resumed)

(Voting in progress)

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Mwaruma, you are shaking and we have not heard you. When you are in a convenient place, please reach out to us. Let us continue.

(Voting in progress)

THIRD READINGS

The Deputy Speaker (Sen (Prof.) Kamar: Hon. Senators, the results are as follows for the third reading.

THE DISASTER RISK MANAGEMENT BILL (SENATE BILL NO.14 OF 2021)

DIVISION

ROLL CALL VOTING

*(Question, that the Disaster Risk Management Bill
(Senate Bills No.14 of 2021) be read a Third Time, put
and the Senate proceeded to vote
by County Delegations)*

AYES: Sen. Abdul M. Haji, Wajir County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kajwang' M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Muthama Kavindu, Machakos County; Sen. Mutula Kilonzo Jnr, Makueni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Onger, Kisii County; Sen. Orenge, Siaya County; Sen. Sakaja, Nairobi County; Sen. Wambua, Kitui County and Sen. Wamatangi, Kiambu County.

Teller of the Ayes: Sen. Iman

NOES: Nil

Teller of the Noes: Sen. Were

The Deputy Speaker (Sen (Prof.) Kamar: Hon. Senators, the results are as follows:

AYES: 26

NOES: 0

ABSENTENTIONS: Nil

The "Ayes" have it.

(Question carried by 26 votes to nil)

(The Bill was accordingly read a Third Time and passed)

THE PUBLIC PRIVATE PARTNERSHIP BILL
(NATIONAL ASSEMBLY BILLS NO.6 OF 2021)

DIVISION

ROLL CALL VOTING

*(Question, that the Public Private Partnership Bill
(National Assembly Bills No.6 of 2021 be read a Third Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. (Prof.) Ekal, Turkana County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Muthama Kavindu, Machakos County; Sen. Mutula Kilonzo Jnr, Makueni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghisisio, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County and Sen. Wamatangi, Kiambu County.

Teller of the Ayes: Sen. Iman

NOES: Nil

Teller of the Noes: Sen. Were

The Deputy Speaker (Sen (Prof.) Kamar: Hon. Senators, the results are as follows:

AYES: 26

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 26 votes to nil)

(The Bill was accordingly read a Third Time and passed)

THE HEALTH (AMENDMENT) BILL
(SENATE BILLS NO.26 OF 2020)

DIVISION

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ROLL CALL VOTING

(Question, that the Health (Amendment) Bill (Senate Bills No.26 of 2020) be read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Ekal, Turkana County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Maina, Nyeri County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Muthama Kavindu, Machakos County; Sen. Mutula Kilonzo Jnr, Makueni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County and Sen. Wamatangi, Kiambu County.

Teller of the Ayes: Sen. Iman

NOES: Nil

Teller of the Noes: Sen. Were

The Deputy Speaker (Sen (Prof.) Kamar: Hon. Senators, the results are as follows:

AYES: 26

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 26 votes to nil)

(The Bill was accordingly read a Third Time and passed)

THE COUNTY BOUNDARIES BILL
(SENATE BILLS NO.20 OF 2021)

DIVISION

ROLL CALL VOTING

(Question, that the County Boundaries Bill (Senate Bills No.20 of 2021) be read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Halake, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Farhiya, Nairobi City County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Eng.) Maina, Nyeri County; Sen. (Eng.) Mahamud, Mandera County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Muthama Kavindu, Machakos County; Sen. Mutula Kilonzo Jnr, Makueni County; Sen. Mwangi, Nyandarua County; Sen. Moi, Baringo County; Sen. Ndwiga, Embu County; Sen. Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. Sen. (Prof.) Onger, Kisii County; Sen. Orenge, Siaya County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County and Sen. Wamatangi, Kiambu County.

Teller of the Ayes: Sen. Iman

NOES: Nil

Teller of the Noes: Sen. Were

The Deputy Speaker (Sen (Prof.) Kamar: Hon. Senators, the results are as follows:

AYES: 26

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 26 votes to nil)

(The Bill was accordingly read a Third Time and passed)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, the results for the Third Reading Division of the Office of the County Printer Bill (Senate Bills No.13 of 2021) are as follows:

THE OFFICE OF THE COUNTY PRINTER BILL
(SENATE BILLS NO.13 OF 2021)

(Question, that the Office of the County Printer Bill (Senate Bills No.13 of 2021) be now read a Third Time put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. (Prof.) Ekal, Turkana County; Sen. Farhiya, Nairobi County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Onger, Kisii

County; Sen. Orenge, Siaya County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; and Sen. Wambua, Kitui County.

Teller for the Ayes: Sen. Iman

NOES: Nil

Teller for the Noes: Sen. Were

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, the results of the division are as follows:

AYES: 26

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 26 votes to nil)

(The Bill was accordingly read a Third Time and passed)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, the results for the Third Reading Division of the last Bill, the Investment Promotion (Amendment) Bill (Senate Bills No.2 of 2021) are as follows:

THE INVESTMENT PROMOTION (AMENDMENT) BILL
(SENATE BILLS NO.2 OF 2021)

(Question, that the Investment Promotion (Amendment) Bill (Senate Bills No.2 of 2021) be now read a Third Time put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. (Prof.) Ekal, Turkana County; Sen. Farhiya, Nairobi County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; and Sen. Wambua, Kitui County.

Teller for the Ayes: Sen. Were

NOES: Nil

Teller for the Noes: Sen. Iman

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, the results of the division are as follows:

AYES: 26

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 26 votes to nil)

(The Bill was read a Third Time and passed)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, allow me to congratulate you all, especially the Whips of both the Majority and Minority sides. This has been a great afternoon. We have managed to reduce the workload for the next session when we come back from recess.

Hon. Senators, as I had directed earlier, for the convenience of the House, we allow the extension of today's sitting. I further invoke Standing Order 1 in relations to Standing Order 31(2) on the hours of the House.

I defer all Orders, except the statement that we deferred earlier by the Senate Majority Leader on the Business of the Senate for the week commencing 2nd November, 2021 pursuant to Standing Order 52 (1) and the Motion for Adjournment on Order No. 30.

STATEMENTS

STATE OF POLICE STATIONS IN THE COUNTRY

YOUTH AND SPECIAL GROUPS ACCESS TO GOVERNMENT
PROCUREMENT OPPORTUNITIES PROGRAMME

(Statements deferred)

COMMITTEE OF THE WHOLE

THE KENYA CITIZENSHIP AND IMMIGRATION (AMENDMENT)
BILL (SENATE BILLS NO. 33 OF 2021)

(Committee of The Whole Deferred)

THE LAW OF SUCCESSION (AMENDMENT) BILL
(SENATE BILLS NO. 15 OF 2021)

(Committee of The Whole Deferred)

THE LIFESTYLE AUDIT BILL (SENATE BILLS NO. 36 OF 2021)

(Committee of The Whole Deferred)

THE NATURAL RESOURCES (BENEFIT SHARING) BILL
(SENATE BILLS NO. 25 OF 2020)

(Committee of The Whole Deferred)

MOTIONS

RESCINDING THE RESOLUTION OF THE SENATE ON APPROVAL OF SENATORS TO SERVE IN THE COMMITTEE OF POWERS AND PRIVILEGES

THAT, pursuant to Standing Order 58(2)(a) the Senate rescinds its resolution made on Thursday, 16th September, 2021 on the approval of Senators to serve in the Committee of Powers and Privileges.

(Motion deferred)

APPROVAL OF SENATORS TO SERVE IN STANDING COMMITTEES

THAT, NOTWITHSTANDING, the resolutions of the Senate made on 14th December, 2017; 14th February, 2018; 21st February, 2018; 21st November, 2018; 20th March, 2019; 19th June, 2019; 28th April, 2020; and 24th June, 2020 on the approval of Senators to serve in various Standing Committees of the Senate, and pursuant to Standing Orders 189, 218, and the Second Schedule to the Standing Orders, the Senate approves the following Senators nominated by the Senate Business Committee to serve in Standing Committees of the Senate as follows –

- (i) Standing Committee on Energy
Sen. Haji Abdul Mohammed, MP to serve as a Member.
- (ii) Standing Committee on Justice, Legal Affairs and Human Rights
Sen. Isaac Ngugi Githua, MP to serve as a Member.
- (iii) Standing Committee on National Security, Defence and Foreign Relations
Sen. Gideon Moi, CBS, MP to serve as a Member.

(Motion deferred)

ADOPTION OF THE REPORT ON THE STATUS OF KENYA'S STOCK OF PUBLIC DEBT

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Status of Kenya's Stock of Public Debt, laid on the Table of the Senate on Thursday, 14th October, 2021.

(Motion deferred)

BILL

*Second Reading*THE HERITAGE AND MUSEUM BILL
(SENATE BILLS NO. 22 OF 2021)*(Bill deferred)*

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, I will now allow the statement of the Senate Majority Leader on business of the Senate for the coming week to be read by a Member of the Senate Business Committee before we move the Motion for Adjournment on Order No.30.

Sen. Mutula Kilonzo Jnr., kindly read the Statement and then move the Motion for Adjournment.

STATEMENTBUSINESS FOR THE WEEK COMMENCING
TUESDAY, 2ND NOVEMBER, 2021

Sen. Mutula Kilonzo Jnr.: Madam Deputy Speaker, allow me to read the Statement by the Senate Majority Leader on the business of the Senate for the week commencing 2nd November 2021 pursuant to Standing Order 52(1).

Before I proceed with the Statement, allow me to highlight that there are seven Bills scheduled in today's Supplementary Order Paper from Orders 9 to 15 which are pending Division at the Second Reading stage. Following consultations between the Senate Majority and Minority, we propose that the Bills proceed to the Committee of the Whole after passing the Second Reading stage. As such, the Supplementary Order Paper has been prepared to provide for the same.

After the Second Readings, I urge the respective Movers of Bills listed at Committee of the Whole, as well as Committee Chairpersons and individual Senators who have filed amendments, to be in the Chamber to facilitate a smooth transition to the next stage. I also urge all Hon. Senators to avail themselves physically and virtually for the divisions to make a determination on all the Bills listed in the Supplementary Order Paper.

As Hon. Senators may be aware, the Senate will proceed on recess at the rise of the Senate today, Thursday, 21st October, 2021, for a one-week recess, pursuant to the Senate Calendar. The Senate will thereafter resume its sittings on Tuesday, 2nd November, 2021.

On that day, the Senate Business Committee will meet to consider and approve the business for the week. Subject to approval by the Committee, the Senate will consider Bills at the Second Reading stage, Bills at the Committee of the Whole stage and Motions on reports filed by Select Committees. The Senate will also continue with business that may not be concluded in today's Order Paper.

On Wednesday, 3rd November, 2021, the Senate will consider business that will not be concluded on Tuesday 2nd November, 2021, while on Thursday, 4th November,

2021, the Senate will consider business that will not be concluded on Tuesday 2nd and Wednesday, 3rd November, 2021, respectively, and any other business scheduled by the Senate Business Committee, including Petitions and Statements.

Madam Deputy Speaker, the following is an outlook of business to be expected the week commencing 2nd November, 2021-

- (1) Committee of the Whole on the following Bills –
 - (a) The Co-operative Societies (Amendment) Bill (Senate Bills No. 11 of 2020);
 - (b) The County Vocational Education and Training Bill (Senate Bills No. 6 of 2021);
 - (c) The Start-Up Bill (Senate Bills No. 1 of 2021);
 - (d) The Street Vendors (Protection of Livelihood) Bill (Senate Bills No. 7 of 2021);
 - (e) The Prompt Payment Bill (Senate Bills No. 16 of 2021); and
 - (d) The Kenyan Sign Language Bill (Senate Bills No. 5 of 2021).
- (2) Second Reading of the following Bills –
 - (a) The County Oversight and Accountability Bill (Senate Bills No. 17 of 2021);
 - (b) The Intergovernmental Relations (Amendment) Bill (Senate Bills No. 37 of 2021);
 - (c) The Alternative Dispute Resolution Bill (Senate Bills No. 34 of 2021);
 - (d) The County Governments (Amendment) Bill, (Senate Bills No. 38 of 2021);
 - (e) The National Cohesion and Peace Building Bill (Senate Bills No. 19 of 2021);
 - (f) The Preservation of Human Dignity and Protection of Economic and Social
 - (g) Rights Bill (Senate Bills No. 21 of 2021);
 - (h) The Sports (Amendment) Bill (Senate Bills No. 40 of 2021);
 - (i) The Elections (Amendment) Bill (Senate Bills No. 42 of 2021);
 - (j) The Elections (Amendment) (No.2) Bill (Senate Bills No. 43 of 2021); and
 - (k) The Special Needs Education Bill (Senate Bills No. 44 of 2021);
- (3) Motions on –
 - (a) Fast Tracking Cultural Developments in Counties;
 - (b) Recognizing and appreciating the elderly by county governments;
 - (c) First, Second and Third Progress reports on the COVID-19 situation in the country;
 - (d) Parking charges in public institutions offering essential services;
 - (e) Report of the Parliament of Kenya Delegation to the 141st Assembly of the Inter-Parliamentary Union (IPU) and Related Meetings, held in Belgrade, Serbia from 13th to 17th October, 2019;
 - (f) Report of the Third Ordinary Session of the 5th Parliament of the Pan – African Parliament held from 7th to 18th October, 2019, in Midrand, South Africa;
 - (g) Report of the Standing Committee on Health on inquiry into allegations of irregularities by the Kenya Medical Supplies Authority in procurement of pharmaceutical equipment;
 - (h) Report of the Standing Committee on Health on the alleged negligence by the Kenyatta National Hospital in the medical case of the late (Prof.) Ken Walibora;
 - (i) Integrating climate education into school curriculum at all levels; and
 - (j) Promotion of mental health facilities for mothers.

Madam Deputy Speaker, I take this opportunity to applaud Standing Committees for their efforts in processing filed statements and petitions referred to them. However, there still remains a high number of Petitions pending conclusion. I urge respective Standing Committees to use the coming recess period to consider and table reports on all outstanding Petitions as required under Standing Order No. 232(2).

I thank you and hereby lay the Statement on the Table of the Senate.

(Sen. Mutula Kilonzo Jnr. laid the document on the Table)

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. The Clerk can now read the last Order.

MOTION FOR ADJOURNMENT

ADJOURNMENT OF THE SENATE PURSUANT TO THE APPROVED CALENDAR FOR THE 2021 SESSION

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Farhiya on behalf of the Senate Majority Leader.

Sen. Farhiya: Thank you, Madam Deputy Speaker, I beg to Move-

THAT, pursuant to Standing Order Nos. 28 and 29, the Senate do adjourn until Tuesday, 2nd November, 2021.

As you are aware, Senators are tired. They need to visit their constituents in the county. This is a well-deserved break. Also, Committees need to take this time to expedite any pending business.

I ask Sen. Mutula Kilonzo Jnr. to second.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: I rise to second. I do not think that there is much to say, except that we all need a break.

Thank you very much.

(Question proposed)

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. (Prof.) Kindiki.

Sen. (Prof.) Kindiki: Thank you, Madam Deputy Speaker. I wish the Senators a happy recess.

I support.

The Deputy Speaker (Sen. (Prof.) Kamar): There being no other Member wishing to contribute, I would also like to thank the Members for a job well done this afternoon. We have worked really hard to make sure that all the six Bills go through the two stages. That was really commendable.

I wish you well as you go on your recess.

ADJOURNMENT

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, it is now 6.57 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday 2nd November, 2021, at 2.30. p.m.

The Senate rose at 6.57 p.m.