



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (SIXTH SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, FEBRUARY 22, 2022 AT 2.30 P.M.**

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Temporary Speaker (Sen. Rose Nyamunga, MP).
3. **COMMUNICATION FROM THE CHAIR ON THE DEMISE OF HONORABLE (DR.) WILFRED MACHAGE, FORMER SENATOR, MIGORI COUNTY**

The Temporary Speaker (Sen. Rose Nyamunga, MP) conveyed the following Communication from the Chair -

“Honourable Senators,

It is with a heavy heart that I convey the news of the passing on of Dr. Wilfred Machage, Kenya's High Commissioner to Nigeria and former Senator for Migori County. The late Honorable Senator (Dr.) Wilfred Machage passed away in Abuja, Nigeria on Saturday, 19<sup>th</sup> February, 2022, after a short illness, at the age of 65. He was born on 10<sup>th</sup> August, 1956.

The late Dr. Machage, attended Taranganya Secondary School for his O-level certificate and Chavakali High School for his A- level certificate.

He later pursued a career in the medical profession, in his early years having attained a Bachelor's degree in Medicine and Surgery from the University of Nairobi in 1983. The late Dr. Machage joined elective politics in 2003 when he was elected a Member of Parliament for Kuria Constituency in the then Migori District. He served in this position for two terms until 2012. During his time as a Member of the National Assembly, he served in various capacities in government including Minister for the East African Community, Assistant Minister for Home Affairs in the Office of the Vice President, Assistant Minister in the Office of the President, Assistant Minister in the Ministry of Health, and Assistant Minister for Roads and Transportation.

In 2013, the late Dr. Machage contested for and was elected to the Office of Senator for Migori County. He served as a Member of the Speaker's Panel and Chairperson of the Standing Committee on Health. Under his stewardship, the Health Bill of 2015 was passed into law.

The late Dr. Machage was an astute, humorous, humble, kind and distinguished leader. As a Member of the Speaker's Panel he was steadfast and a stickler to the Standing Orders and parliamentary practice. He possessed impeccable passion for public service, devotion not only to the people of Migori County, but to this nation, Kenya, whenever he was called upon to do so. He will be remembered for relentlessly advocating for the rights of minority groups and especially the Kuria people.

In 2018, the late Dr. Machage was appointed and posted as Kenya's High Commissioner to Nigeria covering Nigeria, Benin, Sierra Leone and Togo. During his tenure as the High Commissioner, the late Dr. Machage served with honor and distinction. Indeed this can be attested by Members of the Kenya delegation to the Commonwealth Parliamentary Association-Africa Region conference that was held in Abuja, Nigeria in November, 2021 where he effectively facilitated the delegation that was led by the Rt. Honorable Speaker of the National Assembly and the Chairperson of Commonwealth Parliamentary Association-Africa Region, Hon. Justin Muturi, EGH, MP.

Honourable Senators,

Today, we mourn the death of a patriot, colleague and a friend. We have indeed lost a humble man, a public servant, a selfless leader and a national statesman. On behalf of the Senate and on my own behalf, I take this opportunity to condole with the family of the late Senator Wilfred Gisuka Machage, the people of Migori County, the diplomatic corps and all his friends, in this most difficult time.

Honourable Senators,

In honour of our departed former colleague, I request that we all stand and observe a moment of silence.

I thank you."

#### 4. **PAPERS**

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

- i. Report on the MSMEs Credit Guarantee Scheme Performance by the National Treasury and Planning for the period 8<sup>th</sup> December 2020 to 31<sup>st</sup> December 2021.

- ii. Report of the Auditor General on the financial statement of County Assembly of Kisii for the year ended 30th June, 2020.
- iii. Report of the Auditor General on the financial statement of County Executive of Trans Nzoia for the year ended 30th June, 2020.
- iv. Report of the Auditor General on the financial statement of Garissa County Scholarship Fund for the year ended 30th June, 2020.
- v. Report of the Auditor General on the financial statement of Uasin Gishu County Alcoholic Drinks Control Fund for the year ended 30th June, 2020.
- vi. Report of the Auditor General on the financial statement of Nandi County Executive Fund for the year ended 30th June, 2020.
- vii. Report of the Auditor General on the financial statement of Nandi County Executive Committee Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2020.
- viii. Report of the Auditor General on the financial statement of Nithi Water and Sanitation Company for the year ended 30th June, 2020.
- ix. Report of the Auditor General on the financial statement of Kabiana Tea Farm Company Limited for the year ended 30th June, 2020.
- x. Report of the Auditor General on the financial statement of Marsabit County State Officers and other Public Officers Car Loan Scheme Fund for the year ended 30th June, 2020.
- xi. Report of the Auditor General on the financial statement of Marsabit County Education Fund for the year ended 30th June, 2020.
- xii. Report of the Auditor General on the financial statement of Marsabit County Enterprise Fund for the year ended 30th June, 2020.
- xiii. Report of the Auditor General on the financial statement of Embu County Executive Car Loan and Mortgage (Committee Members) Scheme Fund for the year ended 30th June, 2020.
- xiv. Report of the Auditor General on the financial statement of Kirinyaga County Facility Improvement Fund for the year ended 30th June, 2020.
- xv. Report of the Auditor General on the financial statement of Baringo County – Lake Bogoria Community Grant for the year ended 30th June, 2018.

- xvi. Report of the Auditor General on the financial statement of Baringo County Executive Members Mortgage Scheme Fund for the year ended 30th June, 2019.
- xvii. Report of the Auditor General on the financial statement of Baringo County – Lake Bogoria Community Grant for the year ended 30th June, 2019.
- xviii. Report of the Auditor General on the financial statement of Baringo County – Lake Bogoria Community Grant for the year ended 30th June, 2020.
- xix. Report of the Auditor General on the financial statement of Baringo County Cooperative Development Fund for the year ended 30th June, 2020.
- xx. Report of the Auditor General on the financial statement of Baringo County Older Persons and Persons with severe Disability for the year ended 30th June, 2020.
- xxi. Report of the Auditor General on the financial statement of Baringo County Youth and Women Fund for the year ended 30th June, 2020.
- xxii. Report of the Auditor General on the financial statement of Baringo County Executive Car Loan Scheme Fund for the year ended 30th June, 2020.
- xxiii. Report of the Auditor General on the financial statement of Baringo County Executive Mortgage Scheme Fund for the year ended 30th June, 2020.
- xxiv. Report of the Auditor General on the financial statement of Baringo County Bursary and Scholarship Fund for the year ended 30th June, 2020.
- xxv. Report of the Auditor General on the financial statement of Kilifi County Micro-Finance (Mbegu) Fund for the year ended 30th June, 2020.
- xxvi. Report of the Auditor General on the financial statement of Municipality of Malindi for the eighteen months period ended 30th June, 2020.
- xxvii. Report of the Auditor General on the financial statement of Elgeyo Marakwet Alcoholic Drinks Control Fund for the year ended 30th June, 2020.
- xxviii. Report of the Auditor General on the financial statement of Kwale Municipality for the year ended 30th June, 2020.

- xxix. Report of the Auditor General on the financial statement of Kwale Water and Sewerage Company Limited for the year ended 30th June, 2020.

*(The Deputy Senate Majority Whip on behalf of the Senate Majority Leader)*

5. **NOTICE OF MOTION - RECOGNIZING AND APPRECIATING THE ELDERLY BY COUNTY GOVERNMENTS**

(Sen. Rose Nyamunga, MP)

**THAT, AWARE** that in 2006, the National Government initiated the Older Persons Cash Transfer (OPCT) Programme, popularly known as Pesa ya Wazee, which is an unconditional cash transfer programme to destitute elderly persons above the age of 65 years to cater for their subsistence needs;

**NOTING THAT** the beneficiaries receive a monthly stipend of Kshs. 2,000, delivered every two months through appointed payment agents, and also entitled to medical insurance through the National Health Insurance Fund (NHIF);

**CONCERNED HOWEVER THAT** the programme's credibility is marred by issues of delayed payments to beneficiaries, difficulties in processing of payments through the stipulated agents and payments to unregistered persons;

**NOW THEREFORE**, the Senate recommends that the County Governments complement the efforts of the National Government and assist in resolving these challenges by-

- (i) Developing legislation and policies to protect the elderly including ensuring all elderly persons in their counties are registered in the OPCT programme; and
- (ii) Organise value addition mechanisms such as financial training to help the beneficiaries of the programme to efficiently utilize this allowance.

6. **STATEMENT PURSUANT TO STANDING ORDER 51 (1) (a)**

The Vice-Chairperson, Standing Committee on Finance and Budget (Sen. (Dr.) Ochilo Ayacko, MP) made a statement concerning the delayed disbursement of equitable share to the county governments.

Thereupon, the Vice-Chairperson informed the House that the Public Finance Management Act section 17 (6)&(7) provides that the National Treasury shall, at the beginning of every month, and in any event not later than the fifteenth day from the commencement of the month, disburse monies to county governments for the expenditure of the following month. The disbursement should be done in accordance with a schedule prepared

by the National Treasury, approved by the Senate, and published in the *Gazette*.

He further informed the House that on 9<sup>th</sup> September, 2021, the Senate considered and approved the County Governments Cash Disbursement Schedule for the Financial Year 2021/22 and that the Schedule was approved as submitted by the National Treasury.

The Vice-Chairperson explained that Article 219 of the Constitution on transfer of equitable share provides that a county's share of revenue raised by the national government shall be transferred to the county without undue delay and without deduction, except when the transfer has been stopped. Further, Article 175(b) of the Constitution provides, as a central principle of devolution, that county governments shall have reliable sources of revenue to enable them to govern and deliver services effectively.

He further stated that the Council of County Governors had brought to the Committee's attention that the National Treasury as at 10<sup>th</sup> February, 2022 had failed to disburse-

- a) Ksh. 10.4 billion to 16 counties for the month of December 2021.
- b) Ksh. 30.8 billion to 46 counties for the month of January 2022.
- c) Ksh. 31.5 billion to all the counties for the month of February, 2022.

Thus, the National Treasury, in contravention of the relevant provisions of the Constitution and the Public Finance Management Act, had failed to transfer Ksh. 72.7 billion due to county governments under the law. This delay in disbursement undermined service delivery as envisioned in Article 175 and counties were unable to deliver essential services such as health during this period where county governments were on the frontline in efforts to contain COVID-19, including ensuring effective dissemination of vaccines.

The Vice-Chairperson concluded by informing the Senate that the delayed spending occasioned by the delayed disbursement by the National Treasury could lead to under-utilization or misappropriation of funds. He stated that the Standing Committee on Finance and Budget had planned a meeting with the Cabinet Secretary, National Treasury and Planning to deliberate on this matter and in furtherance of the Senate's constitutional duty to protect the interests of county governments.

7. **THE PRESERVATION OF HUMAN DIGNITY AND PROTECTION OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 21 OF 2021)**

Motion made and Question proposed;

THAT, the Preservation of Human Dignity and Protection of Economic and Social Rights Bill (Senate Bills No. 21 of 2021) be now read a Second Time.

*(Sen. Abshiro Halake, MP - 09.02.2022 )*

Debate interrupted on Wednesday, 9<sup>th</sup> February, 2022 resumed on a Division;

The Temporary Speaker, (Sen. Rose Nyamunga, MP) directed that a Roll Call Division be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17<sup>th</sup> April, 2020.

The Temporary Speaker, (Sen. Rose Nyamunga, MP) directed that the Division Bell be rung for three minutes;

Upon the expiry of the three minutes, the Temporary Speaker (Sen. Rose Nyamunga, MP) directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Farhiya, Haji, MP – AYES
2. Sen. Beatrice, Kwamboka, MP – NOES

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

The results of the Division were as follows:-

**AYES: 27**

**NOES: 0**

**ABSTENTIONS: 0**

AYES

1. Sen. Halake, Abshiro Soka- voted virtually on behalf of Isiolo County Delegation
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma- voted virtually
4. Sen. Cherarkey, Samson Kiprotich
5. Sen. Cheruiyot, Aaron Kipkirui- voted virtually
6. Sen. Haji, Abdul Mohammed- voted virtually
7. Sen. Imana, Malachy Charles Ekal- voted virtually
8. Sen. Kajwang, Moses Otieno - voted virtually
9. Sen. Kamar, Margaret Jepkoech- voted virtually
10. Sen. Kang'ata, Irungu
11. Sen. Khaniri, George - voted virtually
12. Sen. Kihika, Susan Wakarura- voted virtually
13. Sen. Kimani, Wamatangi Paul- voted virtually
14. Sen. Mahamud, Mohamed Maalim- voted virtually

15. Sen. Malalah, Cleophas Wakhungu- voted virtually
16. Sen. Mbogo, George Ochilo Ayacko
17. Sen. Seneta, Mary Yiane- voted on behalf of Kajiado County delegation
18. Sen. Murkomen, Onesimus Kipchumba
19. Sen. Muthama, Agnes Kavindu- voted virtually
20. Sen. Mutula, Kilonzo Junior- voted virtually
21. Sen. Mwangi, Paul Githiomi
22. Sen. Nderitu, John Kinyua
23. Sen. Onger, Samson Kegengo- voted virtually
24. Sen. Outa, Frederick Otieno
25. Sen. Sakaja, Johnson Arthur
26. Sen. Wambua, Enoch Kiio
27. Sen. Wetang'ula, Moses Masika

Question agreed to.

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

8. **THE IRRIGATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2021)**

Motion made and Question proposed;

THAT, the Irrigation (Amendment) Bill (National Assembly Bills No. 12 of 2021) be now read a Second Time.

*(The Senate Majority Leader - 10.02.2022 )*

Debate interrupted on Thursday, 10<sup>th</sup> February, 2022 resumed on a Division;

The Temporary Speaker, (Sen. Rose Nyamunga, MP) directed that a Roll Call Division be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17<sup>th</sup> April, 2020.

The Temporary Speaker, (Sen. Rose Nyamunga, MP) directed that the Division Bell be rung for three minutes;

Upon the expiry of the three minutes, the Temporary Speaker (Sen. Rose Nyamunga, MP) directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Farhiya, Haji, MP – AYES
2. Sen. Beatrice, Kwamboka, MP – NOES



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

The results of the Division were as follows:-

**AYES: 27**

**NOES: 0**

**ABSTENTIONS: 0**

**AYES**

1. Sen. Halake, Abshiro Soka- voted virtually on behalf of Isiolo County Delegation
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma- voted virtually
4. Sen. Cherarkey, Samson Kiprotich
5. Sen. Cheruiyot, Aaron Kipkirui- voted virtually
6. Sen. Haji, Abdul Mohammed- voted virtually
7. Sen. Imana, Malachy Charles Ekal- voted virtually
8. Sen. Kajwang, Moses Otieno - voted virtually
9. Sen. Kamar, Margaret Jepkoech- voted virtually
10. Sen. Kang'ata, Irungu
11. Sen. Khaniri, George - voted virtually
12. Sen. Kihika, Susan Wakarura- voted virtually
13. Sen. Kimani, Wamatangi Paul- voted virtually
14. Sen. Mahamud, Mohamed Maalim- voted virtually
15. Sen. Malalah, Cleophas Wakhungu- voted virtually
16. Sen. Mbogo, George Ochilo Ayacko
17. Sen. Seneta, Mary Yiane- voted on behalf of Kajiado County delegation
18. Sen. Murkomen, Onesimus Kipchumba
19. Sen. Muthama, Agnes Kavindu- voted virtually
20. Sen. Mutula, Kilonzo Junior- voted virtually
21. Sen. Mwangi, Paul Githiomi
22. Sen. Nderitu, John Kinyua
23. Sen. Onger, Samson Kegengo- voted virtually
24. Sen. Outa, Frederick Otieno
25. Sen. Sakaja, Johnson Arthur
26. Sen. Wambua, Enoch Kiio
27. Sen. Wetang'ula, Moses Masika

Question agreed to.

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

9. **THE COMMUNITY GROUPS REGISTRATION BILL (NATIONAL ASSEMBLY BILLS NO. 20 OF 2021)**

Motion made and Question proposed;

THAT, the Community Groups Registration Bill (National Assembly Bills No. 20 of 2021) be now read a Second Time.

*(The Senate Majority Leader - 10.02.2022 )*

Debate interrupted on Thursday, 10<sup>th</sup> February, 2022 resumed on a Division;

The Temporary Speaker, (Sen. Rose Nyamunga, MP) directed that a Roll Call Division be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17<sup>th</sup> April, 2020.

The Temporary Speaker, (Sen. Rose Nyamunga, MP) directed that the Division Bell be rung for three minutes;

Upon the expiry of the three minutes, the Temporary Speaker (Sen. Rose Nyamunga, MP) directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Farhiya, Haji, MP – AYES
2. Sen. Beatrice, Kwamboka, MP – NOES

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

The results of the Division were as follows:-

**AYES: 27**

**NOES: 0**

**ABSTENTIONS: 0**

**AYES**

1. Sen. Halake, Abshiro Soka- voted virtually on behalf of Isiolo County Delegation
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma- voted virtually
4. Sen. Cherarkey, Samson Kiprotich
5. Sen. Cheruiyot, Aaron Kipkirui- voted virtually
6. Sen. Haji, Abdul Mohammed- voted virtually
7. Sen. Imana, Malachy Charles Ekal- voted virtually
8. Sen. Kajwang, Moses Otieno - voted virtually
9. Sen. Kamar, Margaret Jepkoech- voted virtually
10. Sen. Kang'ata, Irungu
11. Sen. Khaniri, George - voted virtually
12. Sen. Kihika, Susan Wakarura- voted virtually
13. Sen. Kimani, Wamatangi Paul- voted virtually
14. Sen. Mahamud, Mohamed Maalim- voted virtually

15. Sen. Malalah, Cleophas Wakhungu- voted virtually
16. Sen. Mbogo, George Ochilo Ayacko
17. Sen. Seneta, Mary Yiane- voted on behalf of Kajiado County delegation
18. Sen. Murkomen, Onesimus Kipchumba
19. Sen. Muthama, Agnes Kavindu- voted virtually
20. Sen. Mutula, Kilonzo Junior- voted virtually
21. Sen. Mwangi, Paul Githiomi
22. Sen. Nderitu, John Kinyua
23. Sen. Ongeru, Samson Kegengo- voted virtually
24. Sen. Outa, Frederick Otieno
25. Sen. Sakaja, Johnson Arthur
26. Sen. Wambua, Enoch Kiio
27. Sen. Wetang'ula, Moses Masika

Question agreed to.

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

10. **THE SPECIAL NEEDS EDUCATION BILL (SENATE BILLS NO. 44 OF 2021)**

Motion made and Question proposed;

THAT, the Special Needs Education Bill (Senate Bills No. 44 Of 2021) be now read a Second Time.

*(Sen. (Dr.) Getrude Musuruve, MP and Sen. (Prof.) Margaret Kamar, MP  
15.02.2022 )*

Debate interrupted on Tuesday, 15<sup>th</sup> February, 2022 resumed on a Division;

The Temporary Speaker, (Sen. Rose Nyamunga, MP) directed that a Roll Call Division be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17<sup>th</sup> April, 2020.

The Temporary Speaker, (Sen. Rose Nyamunga, MP) directed that the Division Bell be rung for three minutes;

Upon the expiry of the three minutes, the Temporary Speaker (Sen. Rose Nyamunga, MP) directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Farhiya, Haji, MP – AYES
2. Sen. Beatrice, Kwamboka, MP – NOES

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

The results of the Division were as follows:-

**AYES: 27**

**NOES: 0**

**ABSTENTIONS: 0**

**AYES**

1. Sen. Halake, Abshiro Soka- voted virtually on behalf of Isiolo County Delegation
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma- voted virtually
4. Sen. Cherarkey, Samson Kiprotich
5. Sen. Cheruiyot, Aaron Kipkirui- voted virtually
6. Sen. Haji, Abdul Mohammed- voted virtually
7. Sen. Imana, Malachy Charles Ekal- voted virtually
8. Sen. Kajwang, Moses Otieno - voted virtually
9. Sen. Kamar, Margaret Jepkoech- voted virtually
10. Sen. Kang'ata, Irungu
11. Sen. Khaniri, George - voted virtually
12. Sen. Kihika, Susan Wakarura- voted virtually
13. Sen. Kimani, Wamatangi Paul- voted virtually
14. Sen. Mahamud, Mohamed Maalim- voted virtually
15. Sen. Malalah, Cleophas Wakhungu- voted virtually
16. Sen. Mbogo, George Ochilo Ayacko
17. Sen. Seneta, Mary Yiane- voted on behalf of Kajiado County delegation
18. Sen. Murkomen, Onesimus Kipchumba
19. Sen. Muthama, Agnes Kavindu- voted virtually
20. Sen. Mutula, Kilonzo Junior- voted virtually
21. Sen. Mwangi, Paul Githiomi
22. Sen. Nderitu, John Kinyua
23. Sen. Ongeru, Samson Kegengo- voted virtually
24. Sen. Outa, Frederick Otieno
25. Sen. Sakaja, Johnson Arthur
26. Sen. Wambua, Enoch Kiio
27. Sen. Wetang'ula, Moses Masika

Question agreed to.

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

11. **THE COUNTY RESOURCE DEVELOPMENT BILL (SENATE BILLS NO. 45 OF 2021)**

Motion made and Question proposed;

THAT, the County Resource Development Bill (Senate Bills No. 45 of 2021) be now read a Second Time.

*(Sen. Rose Nyamunga, MP- 16.02.2022 )*

Debate interrupted on Wednesday, 16<sup>th</sup> February, 2022 resumed on a Division;

The Temporary Speaker, (Sen. Rose Nyamunga, MP) directed that a Roll Call Division be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17<sup>th</sup> April, 2020.

The Temporary Speaker, (Sen. Rose Nyamunga, MP) directed that the Division Bell be rung for three minutes;

Upon the expiry of the three minutes, the Temporary Speaker (Sen. Rose Nyamunga, MP) directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Farhiya, Haji, MP – AYES
2. Sen. Beatrice, Kwamboka, MP – NOES

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

The results of the Division were as follows:-

**AYES: 27**

**NOES: 0**

**ABSTENTIONS: 0**

AYES

1. Sen. Halake, Abshiro Soka- voted virtually on behalf of Isiolo County Delegation
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma- voted virtually
4. Sen. Cherarkey, Samson Kiprotich
5. Sen. Cheruiyot, Aaron Kipkirui- voted virtually
6. Sen. Haji, Abdul Mohammed- voted virtually
7. Sen. Imana, Malachy Charles Ekal- voted virtually
8. Sen. Kajwang, Moses Otieno - voted virtually
9. Sen. Kamar, Margaret Jepkoech- voted virtually
10. Sen. Kang'ata, Irungu
11. Sen. Khaniri, George - voted virtually
12. Sen. Kihika, Susan Wakarura- voted virtually
13. Sen. Kimani, Wamatangi Paul- voted virtually
14. Sen. Mahamud, Mohamed Maalim- voted virtually

15. Sen. Malalah, Cleophas Wakhungu- voted virtually
16. Sen. Mbogo, George Ochilo Ayacko
17. Sen. Seneta, Mary Yiane- voted on behalf of Kajiado County delegation
18. Sen. Murkomen, Onesimus Kipchumba
19. Sen. Muthama, Agnes Kavindu- voted virtually
20. Sen. Mutula, Kilonzo Junior- voted virtually
21. Sen. Mwangi, Paul Githiomi
22. Sen. Nderitu, John Kinyua
23. Sen. Ongeru, Samson Kegengo- voted virtually
24. Sen. Outa, Frederick Otieno
25. Sen. Sakaja, Johnson Arthur
26. Sen. Wambua, Enoch Kiio
27. Sen. Wetang'ula, Moses Masika

Question agreed to.

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

12. **THE ELECTIONS (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2021**

Motion made and Question proposed;

THAT, the Elections (Amendment) Bill (Senate Bills No. 42 of 2021) be now read a Second Time.

*(Sen. Kipchumba Murkomen, MP - 16.02.2022 )*

Debate interrupted on Wednesday, 16<sup>th</sup> February, 2022 resumed on a Division;

The Temporary Speaker, (Sen. Rose Nyamunga, MP) directed that a Roll Call Division be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17<sup>th</sup> April, 2020.

The Temporary Speaker,(Sen. Rose Nyamunga, MP) directed that the Division Bell be rung for three minutes;

Upon the expiry of the three minutes, the Temporary Speaker (Sen. Rose Nyamunga, MP) directed that the doors be locked and the bars be drawn; The names of the Tellers were announced as follows;

1. Sen. Farhiya, Haji, MP – AYES
2. Sen. Beatrice, Kwamboka, MP – NOES

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

The results of the Division were as follows:-

**AYES: 27**

**NOES: 0**

**ABSTENTIONS: 0**

**AYES**

1. Sen. Halake, Abshiro Soka- voted virtually on behalf of Isiolo County Delegation
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma- voted virtually
4. Sen. Cherarkey, Samson Kiprotich
5. Sen. Cheruiyot, Aaron Kipkirui- voted virtually
6. Sen. Haji, Abdul Mohammed- voted virtually
7. Sen. Imana, Malachy Charles Ekal- voted virtually
8. Sen. Kajwang, Moses Otieno - voted virtually
9. Sen. Kamar, Margaret Jepkoech- voted virtually
10. Sen. Kang'ata, Irungu
11. Sen. Khaniri, George - voted virtually
12. Sen. Kihika, Susan Wakarura- voted virtually
13. Sen. Kimani, Wamatangi Paul- voted virtually
14. Sen. Mahamud, Mohamed Maalim- voted virtually
15. Sen. Malalah, Cleophas Wakhungu- voted virtually
16. Sen. Mbogo, George Ochilo Ayacko
17. Sen. Seneta, Mary Yiane- voted on behalf of Kajiado County delegation
18. Sen. Murkomen, Onesimus Kipchumba
19. Sen. Muthama, Agnes Kavindu- voted virtually
20. Sen. Mutula, Kilonzo Junior- voted virtually
21. Sen. Mwangi, Paul Githiomi
22. Sen. Nderitu, John Kinyua
23. Sen. Ongeru, Samson Kegengo- voted virtually
24. Sen. Outa, Frederick Otieno
25. Sen. Sakaja, Johnson Arthur
26. Sen. Wambua, Enoch Kiio
27. Sen. Wetang'ula, Moses Masika

Question agreed to.

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

**13. THE ELECTIONS (AMENDMENT) (NO. 3) BILL (SENATE BILLS NO. 48 OF 2021)**

Motion made and Question proposed;

THAT, the Elections (Amendment) (No.3) Bill (Senate Bills No. 48 of 2021) be now read a Second Time.

*(Sen. (Eng.) Ephraim Maina, MP - 17.02.2022)*

Debate interrupted on Thursday, 17<sup>th</sup> February, 2022 resumed on a Division;

The Temporary Speaker, (Sen. Rose Nyamunga, MP) directed that a Roll Call Division be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17<sup>th</sup> April, 2020.

The Temporary Speaker, (Sen. Rose Nyamunga, MP) directed that the Division Bell be rung for three minutes;

Upon the expiry of the three minutes, the Temporary Speaker (Sen. Rose Nyamunga, MP) directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Farhiya, Haji, MP – AYES
2. Sen. Beatrice, Kwamboka, MP – NOES

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

The results of the Division were as follows:-

**AYES: 27**

**NOES: 0**

**ABSTENTIONS: 0**

AYES

1. Sen. Halake, Abshiro Soka- voted virtually on behalf of Isiolo County Delegation
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma- voted virtually
4. Sen. Cherarkey, Samson Kiprotich
5. Sen. Cheruiyot, Aaron Kipkirui- voted virtually
6. Sen. Haji, Abdul Mohammed- voted virtually
7. Sen. Imana, Malachy Charles Ekal- voted virtually
8. Sen. Kajwang, Moses Otieno - voted virtually
9. Sen. Kamar, Margaret Jepkoech- voted virtually
10. Sen. Kang'ata, Irungu
11. Sen. Khaniri, George - voted virtually
12. Sen. Kihika, Susan Wakarura- voted virtually
13. Sen. Kimani, Wamatangi Paul- voted virtually
14. Sen. Mahamud, Mohamed Maalim- voted virtually
15. Sen. Malalah, Cleophas Wakhungu- voted virtually
16. Sen. Mbogo, George Ochilo Ayacko
17. Sen. Seneta, Mary Yiane- voted on behalf of Kajiado County delegation
18. Sen. Murkomen, Onesimus Kipchumba
19. Sen. Muthama, Agnes Kavindu- voted virtually



- 20. Sen. Mutula, Kilonzo Junior- voted virtually
- 21. Sen. Mwangi, Paul Githiomi
- 22. Sen. Nderitu, John Kinyua
- 23. Sen. Onger, Samson Kegengo- voted virtually
- 24. Sen. Outa, Frederick Otieno
- 25. Sen. Sakaja, Johnson Arthur
- 26. Sen. Wambua, Enoch Kiio
- 27. Sen. Wetang'ula, Moses Masika

Question agreed to.

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

14. **COMMITTEE OF THE WHOLE**  
**THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 22 OF 2021)**  
(Sen. (Dr.) Alice Milgo, MP)

*(Resumption of debate interrupted on Tuesday, 25<sup>th</sup> January, 2022)*

*(Division)*

Order deferred.

15. **COMMITTEE OF THE WHOLE**  
**THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 17 OF 2021)**  
(Sen. Ledama Olekina, MP)

*(Resumption of debate interrupted on Wednesday, 22<sup>nd</sup> December, 2021 – Morning Sitting)*

*(Division)*

Order deferred.

16. **COMMITTEE OF THE WHOLE**  
**THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2021)**  
(Sen. Moses Kajwang', MP)

*(Resumption of debate interrupted on Wednesday, 22<sup>nd</sup> December, 2021 – Morning Sitting)*

*(Division)*

Order deferred.

17. **COMMITTEE OF THE WHOLE**  
**THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2021)**  
(Sen. Naomi Shiyonga, MP)

Order deferred.

18. **THE COUNTY E-HEALTH BILL (SENATE BILLS NO. 39 OF 2021)**

(Sen. Judith Pareno, MP)

*(Second Reading)*

Order deferred.

19. **THE ELECTIONS (AMENDMENT) (NO.2) BILL (SENATE BILLS NO. 43 OF 2021)**

(Sen. Ledama Olekina, MP)

*(Second Reading)*

Order read.

Order dropped in the absence of the Mover pursuant to Standing Order 59 (3).

20. **THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2021)**

(The Senate Majority Leader)

*(Second Reading)*

Order deferred.

And there being no other business and the time being twenty-four minutes past five O'clock the Temporary Speaker (Sen. John Kinyua, MP) adjourned the Senate without Question put, pursuant to Standing Order 31(2).

21. **SENATE ROSE** - at twenty-four minutes past five O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Wednesday, February 23, 2022 at 10:00 a.m.*

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