



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, MAY 02, 2024 AT 2.30 PM

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.

3. QUORUM OF THE SENATE

The Speaker, having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was no Quorum, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

And there being a Quorum before the expiry of the ten minutes;

The Speaker invited the Clerk to call out the Orders of the day.

4. COMMUNICATIONS FROM THE CHAIR

The Speaker conveyed the following Communications from the Chair –

i.) On the withdrawal of Published Senate Bills

“Honourable Senators,

As you may recall, on Tuesday, 5th March, 2024, I communicated that following the adoption of the Report of the National Dialogue Committee by the Senate on 21st February, 2024, the following legislative proposals recommended in the Report be introduced in the Senate: -

- i. The Elections Offences (Amendment) Bill, 2024;
- ii. The Elections (Amendment) Bill, 2024;
- iii. The Statutory Instruments (Amendment) Bill, 2024; and
- iv. The Political Parties (Amendment) Bill, 2024.

Given the importance of these Bills emanating from a Bipartisan process, the Senate Majority Leader and the Senate Minority Leader agreed to co- sponsor the Bills. The Bills were subsequently published on 7th March, 2024 and read a first time in the Senate on 20th March, 2024.

The Bills having been read a First Time were committed to the Standing Committee on Justice, Legal Affairs and Human Rights. In line with the requirements of Standing Order 145, the Committee published in two (2) newspapers of national circulation an advertisement on Friday, 19th April, 2024, calling for Submission of Memoranda on the said Bills, with the deadline for submission of the Memoranda being scheduled for Friday, 3rd May, 2024.

Honourable Senators,

On 22nd April, 2024, I received a letter from the Senate Minority Leader, Reference No. *SEN/MLS/SOS/2024/005* expressing concern as to the content of the following Bills as published;

- i. The Elections Offences (Amendment) Bill (Senate Bills No.9 of 2024);
- ii. The Elections (Amendment) Bill (Senate Bills No. 11 of 2024); and
- iii. The Political Parties (Amendment) Bill (Senate Bills No. 13 of 2024).

Given the gravity of this matter, the Senate Business Committee at its meeting held on Tuesday, 30th April, 2024 deliberated on the matter and resolved that corrective measures be taken as a matter of urgency in line with what had been agreed upon in the Report of the National Dialogue Committee.

Honourable Senators,

This being the case, I direct that further consideration of the three (3) aforementioned Bills be ceased in order to facilitate the corrective measures. For avoidance of doubt, the Standing Committee on Justice, Legal Affairs and Human Rights is directed to stop any form of Public Participation and the on- going receipt of Memoranda.

In this respect, I direct the Office of the Clerk to liaise with the Senate Majority Leader and the Senate Minority Leader to have the said Bills corrected and republished for introduction in the Senate.

I thank you.”

ii.)Visiting Representatives from Tumaini Victims and Survivors Association of the 1998 United States of America (USA) Embassy Bombing in Nairobi

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, representatives from Tumaini Victims and Survivors Association of the 1998 US Embassy bombing in Nairobi. The representatives are in the Senate on a courtesy call by the *Ad Hoc* Committee on compensation to the Kenyan victims of the 1998 bombing of the United States of America Embassy in Nairobi.

Honourable Senators,

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

I thank you.”

iii.)Visiting Delegation from the County Assembly of Kajiado

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of a delegation from the County Assembly of Kajiado. The delegation is undertaking benchmarking visit to the Bunge Regulated Non-Withdrawable Deposit-Taking SACCO. They are accompanied by officials of the SACCO.

Honourable Senators,

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

I thank you.”

iv.)Visiting Delegation from various County Assemblies

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, twenty (20) members of staff from the County Assemblies of Bungoma, Siaya, Mandera and officers from the Parliamentary Service Commission. The officers are undertaking a capacity building programme on Safety and Security Management in the Legislature at the Centre for Parliamentary Studies (CPST).

Honourable Senators,

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish you a fruitful visit.

I thank you.”

v.)Visiting Teachers and Students from Bishop Cavallera Girls High School in Marsabit County

“Honourable Senators,

In the Public gallery, we have thirty (30) students and two (2) teachers from Bishop Cavallera Girls High School in Marsabit County, who are undertaking a one-day education visit in the Senate.

Honourable Senators,

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

I thank you.”

vi.)Visiting Lecturers and Students from Bomet University

“Honourable Senators,

In the Public gallery, we have fifty-eight (58) students and two (2) lecturers from Bomet University in Bomet County who are undertaking a one-day education visit in the Senate.

Honourable Senators,

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

I thank you.”

5. PAPERS LAID

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

- i) The Valuers (Forms and Fees) (Amendment) Rules, Legal Notice No. 69 of 2024.
- ii) The Survey (Electronic Cadastre Transactions) (Amendment) Regulations, Legal Notice No. 70 of 2024.

- iii) The Survey (Amendment) Regulations, Legal Notice No. 71 of 2024.
- iv) The Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024.
- v) The Community Land (Amendment) Regulations, Legal Notice No. 73 of 2024.
- vi) The Land (Amendment) Regulations, Legal Notice No. 74 of 2024.
- vii) The Land Registration (Revocation) Regulations, Legal Notice No. 75 of 2024.
- viii) The Land Adjudication (Amendment) Regulations, Legal Notice No. 76 of 2024.
- ix) The Land Registration (General) (Amendment) Regulations, Legal Notice No. 77 of 2024.
- x) Statement on the business of the Senate for the week commencing Tuesday, 7th May, 2024.

(The Senate Majority Leader)

- xi) Report of the Standing Committee on Education on its consideration of the Early Childhood Education (Amendment) Bill (Senate Bills No. 54 of 2023).

(The Chairperson, Standing Committee on Education)

- xii) Progress Report of the Ad Hoc Committee on the Compensation to the Kenyan Victims of the 1998 Bombing of the United States of America Embassy in Nairobi.

(Sen. Mohamed Chute, MP on behalf of the Chairperson, Ad Hoc Committee on the Compensation to the Kenyan Victims of the 1998 Bombing of the United States of America Embassy in Nairobi)

6. QUESTIONS AND STATEMENTS

a) Statement pursuant to Standing Order 52 (1)

The Senator for Nandi County (Sen. Samson Cherarkey, MP) made a Statement on a matter of national and general topical concern, namely; the Mai Mahiu floods tragedy that led to the death of over 45 people.

The Senator acknowledged the tragic events that unfolded in Mai Mahiu, Naivasha, where floods wreaked havoc, claiming the lives of over 45 individuals, injuring many others, and causing significant property damage and displacement. The incident, believed to have been triggered by water overflowing from a gulley in Kiambu County, had left the community reeling in grief and uncertainty.

The Senator urged all Kenyans to exercise caution amidst ongoing heavy rains across the nation. The Senator spoke of the need through investigations and for

prompt humanitarian aid to support the affected population, along with scrutiny of the Water Resource Management Authority's role in overseeing such infrastructure.

Drawing parallels with the Solai dam tragedy of 2018, the Senator raised called for accountability by government agencies such as the Water Resource Management Authority, National Environment Management Authority and National Construction Authority, and urged for comprehensive inspection reports on dams nationwide and measures to prevent similar incidents during the current rainy season. The Senator also criticized the Ministry of Transport and Housing for perceived neglect of infrastructure maintenance, particularly evident in deteriorating road conditions and inadequate drainage systems.

In conclusion, the Senator called for accountability and improved infrastructure management, reiterating that no more lives will be lost due to preventable circumstances, whether through individual responsibility or institutional failure.

b) Requests for Statements pursuant to Standing Order 53 (1)

- i) The Senator for Lamu County (Sen. Joseph Githuku, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the re-constitution of the Lamu County Lands Control Board.
- ii) The Senator for Lamu County (Sen. Joseph Githuku, MP) sought a Statement from the Standing Committee on Education regarding the completion status of the Lamu Technical Training Institute (TTI).
- iii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding the mismanagement and financial impropriety in the sports sector.
- iv) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Roads and Transportation concerning the non-adherence to construction plans for interchanges along the Nairobi Western bypass.
- v) Statement by the Nominated Senator (Sen. Gloria Orwoba, MP) to the Standing Committee on Land, Environment and Natural Resources regarding the recent surge in tree felling activities in Nairobi City County was deferred on the request of the Senator.
- vi) Nominated Senator (Sen. Crystal Asige, MP) sought a Statement from the Standing Committee on Finance and Budget regarding the lack of necessary frameworks in Nairobi and Mombasa Counties to benefit from the climate action funding under the Financing Locally-Led Climate Action (FLLoCA) Program.

- vii) Nominated Senator (Sen. Crystal Asige, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the arrest and physical assault on Simona Lemomo, a visually impaired human rights advocate at the Ongata Rongai Police Station.

c) Statement Pursuant to Standing Order 57(1)

The Senate Majority Leader issued a Statement on the business of the Senate for the week commencing Tuesday, 7th May, 2024.

d) Personal Statement pursuant to Standing Order 58

The Senator for Nandi County (Sen. Samson Cherarkey, MP) made a personal statement concerning the actions of social media platform X Corporation, formerly Twitter, in denying him assistance and access to his verified X account.

The Senator lamented the inaction of X Corporation since November 2023, which rendered his verified account on the platform inaccessible to over 329,700 Kenyan followers without explanation or resolution despite numerous attempts at contact.

The Senator added that X Corporation's silence amounted to the suppression of a vital channel of engagement between himself and the public, constituting a violation of freedom of speech and setting a perilous precedent. He argued that such actions disproportionately affect African nations and underscored the need for a robust response to prevent similar occurrences for Kenyan citizens in the future.

Proposing concrete actions to address the issue, the Senator called for an investigation by the Kenyan government into X Corporation's actions and urged diplomatic engagement with the American government to underscore the importance of ethical and responsible behaviour by multinational tech companies, especially when their services are paid for, irrespective of geographic location.

In conclusion, the Senator urged the Senate to support measures to protect the digital rights of every Kenyan, emphasizing that X Corporation's denial of access rights could and should be rectified promptly. He called for solidarity in ensuring that African voices are not silenced and that those attempting to do so are held accountable.

7. COMMITTEE OF THE WHOLE

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Wakili Hillary Sigei, MP) – in the Chair)

The Division of Revenue Bill (National Assembly Bills No. 14 of 2024)

Clauses 3, 4 and 5

Motion made and Question proposed;

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

(The Senate Majority Leader)

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Wakili Hillary Sigei, MP) directed that electronic voting be taken pursuant to Standing Order 86 (2) and that the Division bell be rung for ten minutes;

Upon the expiry of ten minutes, the Acting Chairperson (Sen. Wakili Hillary Sigei, MP) directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

The Acting Chairperson (Sen. Wakili Hillary Sigei, MP) put the Question and directed Senators to cast their votes by pressing either the “Yes”, “No” or “Abstain” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson allowed six (6) Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as “**Yes**”: -

1. Sen. Chesang Allan Kiprotich, MP
2. Sen. Khalwale Boni, MP
3. Sen. Madzayo Stewart Mwachiru, MP
4. Sen. Okoiti Andrew Omtatah, MP
5. Sen. Thangwa Paul Karungo, MP
6. Sen. Wakili Hillary Kiprotich Sigei, MP

The results of the Division were as follows: -

AYES – 30

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson Kiprotich, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chesang Allan Kiprotich, MP – voted verbally
6. Sen. Chute Mohamed Said, MP

- 7. Sen. Ekomwa James Lomenen, MP
- 8. Sen. Ogolla Beatrice Akinyi-voted on behalf of Homa Bay County delegation
- 9. Sen. Kamau Joseph Githuku, MP
- 10. Sen. Kathuri Murungi, MP
- 11. Sen. Khalwale Boni, MP – voted verbally
- 12. Sen. Kisang William Kepkemoi, MP
- 13. Sen. Maanzo Daniel Kitonga, MP
- 14. Sen. Madzayo Stewart Mwachiru, MP – voted verbally
- 15. Sen. Methu John Muhia, MP
- 16. Sen. Mundigi Alexander Munyi, MP
- 17. Sen. Mwaruma Johnes Mwashushe, MP
- 18. Sen. Mwenda Gataya Mo Fire, MP
- 19. Sen. Mwinyihaji Mohamed Faki, MP
- 20. Sen. Nyutu Joe, MP
- 21. Sen. Ojienda Odhiambo Tom, MP
- 22. Sen. Okoiti Andrew Omtatah, MP – voted verbally
- 23. Sen. Osotsi Godfrey Atieno, MP
- 24. Sen. Recha Julius Murgor, MP
- 25. Sen. Roba Ali Ibrahim, MP
- 26. Sen. Seki Lenku Ole Kanar, MP
- 27. Sen. Sifuna Edwin Watanya, MP
- 28. Sen. Thangwa Paul Karungo, MP – voted verbally
- 29. Sen. Wakili Hillary Kiprotich Sigei, MP – voted verbally
- 30. Sen. Wambua Enoch Kioo, MP

Clauses 3, 4 and 5 - agreed to

The Schedule - amendment proposed;

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

SCHEDULE (s.4)

ALLOCATION OF REVENUE RAISED NATIONALLY BETWEEN THE NATIONAL GOVERNMENT AND COUNTY GOVERNMENTS FOR THE 2024/25 FINANCIAL YEAR.

Type/Level of allocation	Amount in KSh.	Percentage (%) of 2020/21 audited and approved Revenue i.e. KSh. 1,570,562,945,014
A. Total Sharable Revenue	2,948,123,505,582	
B. National Government	2,524,318,490,857	

C. Equalization Fund	7,852,814,725	0.50%
D. County equitable share	415,952,200,000	26.48%

(The Chairperson, Standing Committee on Finance and Budget)

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Wakili Hillary Sigei, MP) directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for ten minutes;

Upon the expiry of ten minutes, the Acting Chairperson (Sen. Wakili Hillary Sigei, MP) directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

The Acting Chairperson (Sen. Wakili Hillary Sigei, MP) put the Question and directed Senators to cast their votes by pressing either the “Yes”, “No” or “Abstain” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson allowed three (3) Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **“Yes”**: -

1. Sen. Okoiti Andrew Omtatah, MP
2. Sen. Sifuna Edwin Watenya, MP
3. Sen. Wakili Hillary Kiprotich Sigei, MP

The results of the Division were as follows: -

AYES – 30

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson Kiprotich, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chesang Allan Kiprotich, MP
6. Sen. Chute Mohamed Said, MP
7. Sen. Ekomwa James Lomenen, MP
8. Sen. Ogolla Beatrice Akinyi - voted on behalf of Homa Bay County delegation
9. Sen. Kamau Joseph Githuku, MP
10. Sen. Kathuri Murungi, MP

11. Sen. Khalwale Boni, MP – voted verbally
12. Sen. Kisang William Kepkemoi, MP
13. Sen. Maanzo Daniel Kitonga, MP
14. Sen. Madzayo Stewart Mwachiru, MP
15. Sen. Methu John Muhia, MP
16. Sen. Mundigi Alexander Munyi, MP
17. Sen. Mwaruma Johnes Mwashushe, MP
18. Sen. Mwenda Gataya Mo Fire, MP
19. Sen. Mwinyihaji Mohamed Faki, MP
20. Sen. Nyutu Joe, MP
21. Sen. Ojienda Odhiambo Tom, MP
22. Sen. Okoiti Andrew Omtatah, MP – voted verbally
23. Sen. Osotsi Godfrey Atieno, MP
24. Sen. Recha Julius Murgor, MP
25. Sen. Roba Ali Ibrahim, MP
26. Sen. Seki Lenku Ole Kanar, MP
27. Sen. Sifuna Edwin Watanya, MP – voted verbally
28. Sen. Thangwa Paul Karungo, MP
29. Sen. Wakili Hillary Kiprotich Sigei, MP – voted verbally
30. Sen. Wambua Enoch Kiio, MP

The Schedule (as amended) - agreed to;

Clause 2, The Title and Clause 1

Motion made and Question proposed;

THAT, Clause 2, The Title and Clause 1 be part of the Bill

(The Senate Majority Leader)

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Wakili Hillary Sigei, MP) directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for ten minutes;

Upon the expiry of ten minutes, the Acting Chairperson (Sen. Wakili Hillary Sigei, MP) directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

The Acting Chairperson (Sen. Wakili Hillary Sigei, MP) put the Question and directed Senators to cast their votes by pressing either the “Yes”, “No” or “Abstain” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson allowed six (6) Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as “Yes”: -

1. Sen. Chesang Allan Kiprotich, MP
2. Sen. Khalwale Boni, MP
3. Sen. Madzayo Stewart Mwachiru, MP
4. Sen. Okoiti Andrew Omtatah, MP
5. Sen. Thangwa Paul Karungo, MP
6. Sen. Wakili Hillary Kiprotich Sigei, MP

The results of the Division were as follows: -

AYES – 30

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson Kiprotich, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chesang Allan Kiprotich, MP – voted verbally
6. Sen. Chute Mohamed Said, MP
7. Sen. Ekomwa James Lomenen, MP
8. Sen. Ogolla Beatrice Akinyi - voted on behalf of Homa Bay County delegation
9. Sen. Kamau Joseph Githuku, MP
10. Sen. Kathuri Murungi, MP
11. Sen. Khalwale Boni, MP – voted verbally
12. Sen. Kisang William Kepkemoi, MP
13. Sen. Maanzo Daniel Kitonga, MP
14. Sen. Madzayo Stewart Mwachiru, MP – voted verbally
15. Sen. Methu John Muhia, MP
16. Sen. Mundigi Alexander Munyi, MP
17. Sen. Mwaruma Johnes Mwashushe, MP
18. Sen. Mwenda Gataya Mo Fire, MP
19. Sen. Mwinyihaji Mohamed Faki, MP
20. Sen. Nyutu Joe, MP
21. Sen. Ojienda Odhiambo Tom, MP
22. Sen. Okoiti Andrew Omtatah, MP – voted verbally
23. Sen. Osotsi Godfrey Atieno, MP
24. Sen. Recha Julius Murgor, MP
25. Sen. Roba Ali Ibrahim, MP
26. Sen. Seki Lenku Ole Kanar, MP
27. Sen. Sifuna Edwin Watanya, MP
28. Sen. Thangwa Paul Karungo, MP – voted verbally
29. Sen. Wakili Hillary Kiprotich Sigei, MP – voted verbally
30. Sen. Wambua Enoch Kiio, MP

Report -

Motion made and Question proposed: -

THAT, the Committee of the Whole House do report to the Senate, its consideration of the Division of Revenue Bill (National Assembly Bills No. 14 of 2024), and its approval thereof with amendments;

(The Senate Majority Leader)

Before the Question was put and pursuant to Standing Order 84(1), the Acting Chairperson (Sen. Wakili Hillary Sigei, MP) ruled that, the Question did not affect counties;

Question put and agreed to

8. **HOUSE RESUMED** – (Deputy Speaker – in the Chair)

9. **THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 14 OF 2024)**

Bill reported with amendments;

Motion made and Question proposed -

THAT, the Senate do agree with the Committee of the Whole in the said report.

(The Senate Majority Leader)

And there being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84(1), the Deputy Speaker ruled that the Question did not affect counties;

Question put and agreed to.

Motion made and Question proposed: -

THAT, the Division of Revenue Bill (National Assembly Bills No. 14 of 2024) be now read a Third Time.

(The Senate Majority Leader)

And there being no Senator wishing to contribute;

The Senate proceeded to a Division on the Third Reading of the Bill;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 86(2) and directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

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

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson allowed one (1) Senator to record his vote verbally.

Thereupon, the following Senator recorded his vote as “**Yes**”: -

1. Sen. Kathuri Murungi, MP

The results of the Division were as follows: -

AYES - 30

NOES - 0

ABSTENTION - 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson Kiprotich, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chesang Allan Kiprotich, MP
6. Sen. Chute Mohamed Said, MP
7. Sen. Ekomwa James Lomenen, MP
8. Sen. Ogolla Beatrice Akinyi – voted on behalf of Homa Bay County delegation
9. Sen. Kamau Joseph Githuku, MP
10. Sen. Kathuri Murungi, MP – voted verbally
11. Sen. Khalwale Boni, MP
12. Sen. Kisang William Kepkemoi, MP
13. Sen. Maanzo Daniel Kitonga, MP
14. Sen. Madzayo Stewart Mwachiru, MP
15. Sen. Methu John Muhia, MP
16. Sen. Mundigi Alexander Munyi, MP
17. Sen. Mwaruma Johnes Mwashushe, MP
18. Sen. Mwenda Gataya Mo Fire, MP
19. Sen. Mwinyihaji Mohamed Faki, MP
20. Sen. Nyutu Joe, MP
21. Sen. Ojienda Odhiambo Tom, MP
22. Sen. Okoiti Andrew Omtatah, MP
23. Sen. Osotsi Godfrey Atieno, MP
24. Sen. Recha Julius Murgor, MP
25. Sen. Roba Ali Ibrahim, MP
26. Sen. Seki Lenku Ole Kanar, MP

- 27. Sen. Sifuna Edwin Watenya, MP
- 28. Sen. Thangwa Paul Karungo, MP
- 29. Sen. Wakili Hillary Kiprotich Sigei, MP
- 30. Sen. Wambua Enoch Kiio, MP

Question agreed to;

Bill Read a Third Time and passed.

10. **COMMITTEE OF THE WHOLE**
THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)

(The Senate Majority Leader)

Order for Committee read;

Order deferred.

11. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Wakili Hillary Sigei, MP) – in the Chair)

The County Governments (Amendment) Bill (Senate Bills No. 25 of 2023)

Clause 2

THAT, Clause 2 be part of the Bill.

(Sen. Samson Cherarkey, MP)

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Wakili Hillary Sigei, MP) directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for ten minutes;

Upon the expiry of ten minutes, the Acting Chairperson (Sen. Wakili Hillary Sigei, MP) directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

The Acting Chairperson (Sen. Wakili Hillary Sigei, MP) put the Question and directed Senators to cast their votes by pressing either the “Yes”, “No” or “Abstain” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson allowed four (4) Senators recorded their votes verbally.

Thereupon, the following Senators recorded their vote as **“Yes”**: -

1. Sen. Kathuri Murungi, MP
2. Sen. Okoiti Andrew Omtatah, MP
3. Sen. Recha Julius Murgor, MP
4. Sen. Wakili Hillary Sigei, MP

The results of the Division were as follows: -

AYES – 30

NOES - 0

ABSTENTION – 0

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chesang Allan Kiprotich, MP
6. Sen. Chute Mohamed Said, MP
7. Sen. Ekomwa James Lomenen, MP
8. Sen. Ogolla Beatrice Akinyi, MP- voted on behalf of Homa Bay County delegation
9. Sen. Kamau Joseph Githuku, MP
10. Sen. Kathuri Murungi, MP – voted verbally
11. Sen. Khalwale Boni, MP
12. Sen. Kisang William Kipkemoi, MP
13. Sen. Maanzo Daniel Kitonga, MP
14. Sen. Madzayo Stewart Mwachiru, MP
15. Sen. Methu John Muhia, MP
16. Sen. Mundigi Alexander Munyi, MP
17. Sen. Mwaruma Johnes Mwashushe, MP
18. Sen. Mwenda Gataya Mo Fire, MP
19. Sen. Mwinyihaji Mohamed Faki, MP
20. Sen. Nyutu Joe, MP
21. Sen. Ojienda Odhiambo Tom, MP
22. Sen. Okoiti Andrew Omtatah, MP – voted verbally
23. Sen. Osotsi Godfrey Atieno, MP
24. Sen. Recha Julius Murgor, MP – voted verbally
25. Sen. Roba Ali Ibrahim, MP
26. Sen. Seki Lenku Ole Kanar, MP
27. Sen. Sifuna Edwine Watanya, MP
28. Sen. Thangwa Paul Karungo, MP
29. Sen. Wakili Hillary Kiprotich Sigei, MP – voted verbally
30. Sen. Wambua Enoch Kiio, MP

Clause 2

- agreed to;

The Title and Clause 1

Motion made and Question proposed;

THAT, the Title and Clause 1 be part of the Bill.

(Sen. Samson Cherarkey, MP)

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Wakili Hillary Sigei, MP) directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for ten minutes;

Upon the expiry of ten minutes, the Acting Chairperson (Sen. Wakili Hillary Sigei, MP) directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

The Acting Chairperson (Sen. Wakili Hillary Sigei, MP) put the Question and directed Senators to cast their votes by pressing either the “Yes”, “No” or “Abstain” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson allowed four (4) Senators recorded their votes verbally.

Thereupon, the following Senators recorded their vote as **“Yes”**: -

1. Sen. Kathuri Murungi, MP
2. Sen. Okoiti Andrew Omtatah, MP
3. Sen. Recha Julius Murgor, MP
4. Sen. Wakili Hillary Sigei, MP

The results of the Division were as follows: -

AYES – 30

NOES - 0

ABSTENTION – 0

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chesang Allan Kiprotich, MP
6. Sen. Chute Mohamed Said, MP
7. Sen. Ekomwa James Lomenen, MP
8. Sen. Ogolla Beatrice Akinyi, MP - voted on behalf of Homa Bay County delegation
9. Sen. Kamau Joseph Githuku, MP
10. Sen. Kathuri Murungi, MP – voted verbally
11. Sen. Khalwale Boni, MP
12. Sen. Kisang William Kipkemoi, MP
13. Sen. Maanzo Daniel Kitonga, MP
14. Sen. Madzayo Stewart Mwachiru, MP
15. Sen. Methu John Muhia, MP

16. Sen. Mundigi Alexander Munyi, MP
17. Sen. Mwaruma Johnes Mwashushe, MP
18. Sen. Mwenda Gataya Mo Fire, MP
19. Sen. Mwinyihaji Mohamed Faki, MP
20. Sen. Nyutu Joe, MP
21. Sen. Ojienda Odhiambo Tom, MP
22. Sen. Okoiti Andrew Omtatah, MP – voted verbally
23. Sen. Osotsi Godfrey Atieno, MP
24. Sen. Recha Julius Murgor, MP – voted verbally
25. Sen. Roba Ali Ibrahim, MP
26. Sen. Seki Lenku Ole Kanar, MP
27. Sen. Sifuna Edwine Watanya, MP
28. Sen. Thangwa Paul Karungo, MP
29. Sen. Wakili Hillary Kiprotich Sigei, MP – voted verbally
30. Sen. Wambua Enoch Kiiio, MP

The Title and Clause 1 - agreed to;

Report -

Motion made and Question proposed;

THAT, the Committee of the Whole House do report to the Senate, its consideration of the County Governments (Amendment) Bill (Senate Bills No. 25 of 2023), and its approval thereof without amendments

(Sen. Samson Cherarkey, MP)

Before the Question was put and pursuant to Standing Order 84(1), the Acting Chairperson (Sen. Wakili Hillary Sigei, MP) ruled that the Question did not affect counties;

Question put and agreed to.

12. **THE SENATE RESUMED** – Deputy Speaker – in the Chair

13. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 25 OF 2023)**

Bill reported **without** amendments;

Motion made and Question proposed: -

THAT, the Senate do agree with the Committee of the Whole in the said report.

(Sen. Samson Cherarkey, MP)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1), the Deputy Speaker ruled that the Motion did not affect counties;

Question put and agreed to.

Motion made and Question proposed: -

THAT, the County Governments (Amendment) Bill (Senate Bills No. 25 of 2023) be now read a Third Time.

(Sen. Samson Cherarkey, MP)

There being no Senator wishing to contribute;

The Senate proceeded to a Division on the Third Reading of the Bill;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 86 (2) and that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

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

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson allowed one (1) Senator to record his vote verbally.

Thereupon, the Senator recorded his vote as “**Yes**”: -

Sen. Kathuri Murungi, MP

The results of the Division were as follows: -

AYES – 30

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chesang Allan Kiprotich, MP
6. Sen. Chute Mohamed Said, MP
7. Sen. Ekomwa James Lomenen, MP
8. Sen. Ogolla Beatrice Akinyi, MP - voted on behalf of Homa Bay County delegation
9. Sen. Kamau Joseph Githuku, MP
10. Sen. Kathuri Murungi, MP – voted verbally
11. Sen. Khalwale Boni, MP

12. Sen. Kisang William Kipkemoi, MP
13. Sen. Maanzo Daniel Kitonga, MP
14. Sen. Madzayo Stewart Mwachiru, MP
15. Sen. Methu John Muhia, MP
16. Sen. Mundigi Alexander Munyi, MP
17. Sen. Mwaruma Johnes Mwashushe, MP
18. Sen. Mwenda Gataya Mo Fire, MP
19. Sen. Mwinyihaji Mohamed Faki, MP
20. Sen. Nyutu Joe, MP
21. Sen. Ojienda Odhiambo Tom, MP
22. Sen. Okoiti Andrew Omtatah, MP
23. Sen. Osotsi Godfrey Atieno, MP
24. Sen. Recha Julius Murgor, MP
25. Sen. Seki Lenku Ole Kanar, MP
26. Sen. Sifuna Edwine Watanya, MP
27. Sen. Thangwa Paul Karungo, MP
28. Sen. Wakili Hillary Kiprotich Sigei, MP
29. Sen. Wambua Enoch Kiio, MP

Question, agreed to.

Bill Read a Third Time and passed.

14. **MOTION - STATUS OF PENDING BILLS IN COUNTIES**

Order read;

Motion made and Question proposed;

AWARE THAT, as at 31st December, 2023, according to the County Governments Budget Implementation Review report for the first half of the financial year 2023/2024, County Governments had accumulated a total of Ksh.156.34 Billion shillings in pending bills with Nairobi City County accumulating the largest share of Ksh.107, 037,053,000 followed by Kiambu and Mombasa Counties at Kshs. 5,711,614,412 and Kshs. 3,922,131,877 respectively;

CONCERNED THAT, the accumulated pending bills in Counties have significantly affected service providers in the counties leading to closure of businesses, stalling of county projects, adversely affecting economic growth in counties, service delivery and ultimately slowing down the country's economic growth;

FURTHER CONCERNED, that most of the service providers in the counties are battling court cases lodged against them by their financiers and suppliers while others are languishing in poverty exacerbated by the increased cost of living, with increased mental health disease incidences and others dying as a result of the effects of colossal amounts of debt owed to them by county governments;

NOW THEREFORE, the Senate-

1. recommends that all County Governments pay verified pending bills amounting to less than Ksh. 1 Billion by the end of this financial year and those above Ksh.1 Billion by the end of the financial year 2024/2025; and
2. Resolves that-
 - i. Pursuant to the provisions of Regulation 41(2) & (3) of the Public Finance Management (County Governments) Regulations, 2015, County Governments prioritize payment of pending bills as a first charge on the County Revenue Fund failure to which the subsequent quotas budget releases will not be done;
 - ii. County Governments shall only pay pending Bills contained in their respective procurement plans pursuant to Regulation 50 (2) & (3) of the Public Finance Management (County Governments) Regulations;
 - iii. Supplementary budgets for county governments are prepared in the 3rd Quarter to curb instances of arbitrary re-allocations out of the approved budget estimates; and
 - iv. County governments shall conduct public participation while formulating supplementary budgets, failure to which the Controller of Budget (CoB) shall not approve the supplementary budgets.

(Sen. Ledama Olekina, MP – 28.03.2024)

Debate interrupted on Wednesday, 24th April, 2024 (Morning Sitting) resumed;

And there being no other Senator wishing to contribute;

And in the absence of the Mover;

The Deputy Speaker directed that the Mover replies when the Order is next scheduled on the Order Paper.

15. **THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)**

Order Read;

Motion made and Question proposed;

THAT, the Maternal, Newborn and Child Health Bill (Senate Bills No. 17 of 2023) be now read a second time.

(Sen. Beatrice Ogolla, MP)

Debate Arising;

And the time being thirty minutes past six O'clock, the Temporary Speaker (Sen. Veronica Maina, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

16. SENATE ROSE - at thirty minutes past six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, May 07, 2024 at 2.30 p.m.*

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