



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, APRIL 30, 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. **PETITION**

Pursuant to Standing Order 236(2)(b), the Speaker reported a Petition to the Senate by Mr. Laban Omusundi regarding restricting county governments from hiring law firms for legal representation in court cases.

Pursuant to Standing Order 238(1), the Speaker committed the Petition to the Standing Committee on Devolution and Intergovernmental Relations for consideration.

5. **PAPERS LAID**

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

- i) A Statement relating to the activities of the Standing Committee on Roads, Transportation and Housing for the period, January to March, 2024.
(The Chairperson, Standing Committee on Roads, Transportation and Housing)

- ii) A Statement relating to the activities of the County Public Accounts Committee for the period, January to March, 2024.
(The Chairperson, County Public Accounts Committee)
- iii) A Statement relating to the activities of the County Public Investments and Special Funds Committee for the period, January to March, 2024.
(The Chairperson, County Public Investments and Special Funds Committee)
- iv) A Statement relating to the activities of the Committee on Delegated Legislation for the period, January to March, 2024.
(The Chairperson, Committee on Delegated Legislation)

6. **NOTICE OF MOTION - COUNTY GOVERNMENTS TO SET ASIDE LAND FOR THE PLANTING OF INDIGENOUS TREES**
(Sen. Richard Onyonka, MP)

THAT, AWARE of the crucial role played by indigenous trees in purification of air and combating of climate change, protection against floods and water pollution, in the field of medicine, nutrition and timber production, among other roles;

APPRECIATING that the National Government, through the National Landscape and Ecosystem Restoration Programme, plans to increase the national forest cover to 30% by planting fifteen (15) billion trees and, in furtherance of the programme, gazetted 13th November, 2023 as a Public Holiday to allow Kenyans to plant trees;

CONCERNED that the Government is yet to establish elaborate measures for the growing and protecting of indigenous trees and to involve such crucial players as the County Governments, hence impeding the sustainability of the programme;

NOW, THEREFORE, the Senate urges the 47 county Governments to set aside land and resources to be used in the planting and protection of indigenous trees, in support of the initiatives by the National Government.

7. **QUESTIONS AND STATEMENTS**

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

- i) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding the mishandling, mismanagement and lack of proper coordination of the Kenya National Walking Race team at the World Athletics Race Walking Championship.
- ii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding the failure by Shop & Deliver Limited, trading as Betika, to pay out winnings, in breach of the betting rules.

- iii) Nominated Senator (Sen. Gloria Orwoba, MP) sought a Statement from the Standing Committee on Devolution and Intergovernmental Relations on the ongoing flood situation in Nairobi City County.
- iv) The Senator for Kakamega County (Sen. (Dr.) Boni Khalwale, MP) sought a Statement from the Standing Committee on Labour and Social Welfare concerning the status of the County Pension Fund for employees of the Kakamega County Government.
- v) The Senator for Nyamira County (Sen. Okong’o Mogeni, SC, MP) sought a Statement from the Standing Committee on Finance and Budget concerning the utilization of conditional grants for the Financial Year (FY) 2020/2021.
- vi) The Senator for Garissa County (Sen. Abdul Haji, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the management of ongoing country-wide floods and disaster measures particularly in Garissa and Tana River Counties.

b) Statements pursuant to Standing Order 56 (1) (b)

- v) The Chairperson, Standing Committee on Roads, Transportation and Housing made a Statement relating to the activities of the Committee for the period, January to March, 2024.
- vi) The Chairperson, County Public Accounts Committee made a Statement relating to the activities of the Committee for the period, January to March, 2024.
- vii) The Chairperson, County Public Investments and Special Funds Committee made a Statement relating to the activities of the Committee for the period, January to March, 2024.
- viii) The Chairperson, Committee on Delegated Legislation made a Statement relating to the activities of the Committee for the period, January to March, 2024.

8. **THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 3 OF 2024)**

(Sen. Ledama Olekina, MP and Sen. William Kisang, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Devolution and Intergovernmental Relations.

9. **THE COUNTY CIVIC EDUCATION BILL (SENATE BILLS NO. 4 OF 2024)**

(Sen. Esther Okenyuri, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Justice, Legal Affairs and Human Rights.

10. **THE COUNTY STATISTICS BILL (SENATE BILLS NO. 5 OF 2024)**
(Sen. Ali Roba Ibrahim, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Finance and Budget.

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

Order read;

Motion made and Question proposed;

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

(The Senate Majority Leader – 25.04.2024)

Debate interrupted on Thursday, 25th April, 2024 resumed;

And there being no other Senator wishing to contribute;

The Mover replied;

The Senate proceeded to a Division;

The Temporary Speaker (Sen. Wakili Hillary Sigei, MP) directed that electronic voting be taken pursuant to Standing Order 86(2) and the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Temporary Speaker (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 Temporary Speaker (Sen. Wakili Hillary Sigei, MP) allowed one (1) Senator to record his vote verbally.

Thereupon, Sen. Wakili Hillary Sigei, MP recorded his vote as **“Yes”**-
The results of the Division were as follows-

AYES - 25

NOES - 0

ABSTENTION - 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Cherarkey Samson, MP

3. Sen. Cheruiyot Aaron Kipkirui, MP
4. Sen. Chesang Allan Kiprotich, MP
5. Sen. Ekomwa James Lomenen, MP
6. Sen. Kajwang' Moses Otieno, MP
7. Sen. Kamau Joseph Githuku, MP
8. Sen. Khalwale Boni, MP
9. Sen. Maanzo Daniel Kitonga, MP
10. Sen. Madzayo Stewart Mwachiru, MP
11. Sen. Methu John Muhia, MP
12. Sen. Mogeni Erick Okong'o, MP
13. Sen. Mundigi Alexander Munyi, MP
14. Sen. Mwenda Gataya Mo Fire, MP
15. Sen. Mwinyihaji Mohamed Faki, MP
16. Sen. Oginga Oburu, MP
17. Sen. Oketch Eddy Gicheru, MP
18. Sen. Okoiti Andrew Omtatah, MP
19. Sen. Osotsi Godfrey Atieno, MP
20. Sen. Roba Ali Ibrahim, MP
21. Sen. Sifuna Edwin Watanya, MP
22. Sen. Thangwa Paul Karungo, MP
23. Sen. Wafula David Wakoli, MP
24. Sen. Wakili Hillary Kiprotich Sigei, MP- voted verbally
25. Sen. Wambua Enoch Kiio, MP

Question- **agreed to;**

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

12. **THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)**
(Sen. Beatrice Ogolla, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 16th April, 2024)

Order deferred.

13. **MOTION – STATUS OF PENDING BILLS IN COUNTIES**
(Sen. Ledama Olekina, MP)

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.

***(Resumption of debate interrupted on Wednesday, 24th April, 2024
Morning Sitting – Balance of time 1 hour 8 minutes)***

Order deferred.

14. **HOJA - KUIDHINISHWA KWA RUZUKU YA MASHARTI KWA UJENZI WA UWANJA WA MANISPAA YA MOMBASA**
(Seneta Mohamed Mwinyihaji Faki, Mbunge)

KUFAHAMU KWAMBA Sehemu ya 2 ya Ratiba ya Nne ya Katiba ya Kenya inazipa Serikali za Kaunti jukumu la kuendeleza, kuanzisha, kusimamia na kudumisha vifaa vya michezo na kitamaduni ambavyo ni pamoja na viwanja, viwanja vya michezo, vituo vya kitamaduni, na miundombinu mingine inayohusiana;

IKIKUMBUKWA KUWA ukanda mzima wa Pwani Nchini hauna uwanja wa kisasa uliojengwa kwa viwango vya kimataifa, hivyo kuwanyima wananchi manufaa yanayotokana na viwanja na vifaa vya michezo;

WASIWASI kwamba ujenzi wa uwanja wa michezo wa Manispaa ya Mombasa umekumbwa na ucheleweshaji na vikwazo tangu kuanzishwa kwa mradi huo mwaka wa 2019 kutokana na matatizo ya kifedha, ambayo yameathiri utekelezaji wa mradi na kunyima jamii eneo hilo uwanja unohitajika sana;

KWA HIVYO SASA Bunge la Seneti linaazimia kwamba Hazina ya Kitaifa na Wizara ya Masuala ya Vijana, Uchumi Ubunifu na Michezo itengee Serikali ya Kaunti ya Mombasa ruzuku ya masharti ya Shilingi bilioni 1.7 kwa ajili ya kukamilisha ujenzi wa Uwanja wa Manispaa ya Mombasa.

***(Mjadala uliokatizwa Jumane, 23 Aprili, 2024 kuendelezwa –
Muda uliosalia – Lisaa limoja na dakika hamsini na tisa)***

Shughuli kuahirishwa.

15. **MOTION - REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE STATUS OF IMPLEMENTATION OF PROJECTS FUNDED BY THE CONDITIONAL GRANT FOR THE CONSTRUCTION OF COUNTY HEADQUARTERS**

(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the status of implementation of projects funded by the Conditional Grant for the construction of County Headquarters laid on the Table of the Senate on Thursday, 28th March, 2024.

Order deferred.

16. **MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF THE WATER SERVICE PROVIDERS FOR THE YEAR ENDED 30TH JUNE, 2019, 30TH JUNE, 2020 AND 30TH JUNE, 2021**

(The Chairperson, Committee on County Public Investments and Special Funds)

THAT, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the year ended, 30th June, 2019, 30th June, 2020 and 30th June, 2021 of the following Water Service Providers-

- i.) Amatsi Water Services Company Limited - Vihiga County;
- ii.) Bomet Water Company Limited – Bomet County;
- iii.) Gusii Water and Sanitation Company Limited – Kisii/Nyamira Counties;
- iv.) Kisumu Water and Sanitation Company Limited –Kisumu County;
- v.) Kwale Water and Sewerage Company Limited – Kwale County;and
- vi.) Nyeri Water and Sanitation Company Limited – Nyeri County

and the Audit Report of the Wajir Water and Sewerage Company Limited for the year ended 30th June, 2021, laid on the Table of the Senate on Thursday, 23rd November, 2023.

Order deferred.

17. **MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON ITS CONSIDERATION OF THE REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF THARAKA NITHI, HOMA BAY, KAKAMEGA, KIRINYAGA, MAKUENI, MERU, BOMET, MURANG'A, NANDI, NYAMIRA, NYERI, SIAYA, VIHIGA, WAJIR AND SAMBURU COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2019/2020**
(The Chairperson, County Public Accounts Committee)

THAT, the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the Reports of the Auditor General on the Financial Statements of Tharaka Nithi, Homa Bay, Kakamega, Kirinyaga, Makueni, Meru, Bomet, Murang'a, Nandi, Nyamira, Nyeri, Siaya, Vihiga, Wajir and Samburu County Executives for the Financial Year 2019/2020 laid on the table of the Senate on Tuesday, 5th March, 2024.

Order deferred

18. **MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON ITS CONSIDERATION OF THE REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF WEST POKOT COUNTY ASSEMBLY FOR THE FINANCIAL YEAR 2018/2019 AND REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF ISIOLO, KIAMBU, KITUI, MARSABIT, NAROK, NYAMIRA, TRANS NZOIA, WEST POKOT AND MURANG'A COUNTY ASSEMBLIES FOR THE FINANCIAL YEAR 2019/2020**

Order read;

Motion made;

THAT, the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the Report of the Auditor General on the financial statements of West Pokot County Assembly for the financial year 2018/2019 and Reports of the Auditor General on the financial statements of Isiolo, Kiambu, Kitui, Marsabit, Narok, Nyamira, Trans Nzoia, West Pokot and Murangá County Assemblies for the financial year 2019/2020 laid on the table of the Senate on Thursday, 7th March, 2024.

(The Chairperson, County Public Accounts Committee)

And the time being thirty Minutes past Six O'clock, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

19. **SENATE ROSE** - thirty Minutes past Six O'clock.

M E M O R A N D U M

The Speaker will take the Chair on

(No.038)

TUESDAY, 30 APRIL, 2024

(1024)

Thursday, May 2, 2024 at 2.30 p.m.

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