



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, OCTOBER 03, 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 –

**(a) On the report by the National Treasury on all new loans by the Government from 1<sup>st</sup> May, 2024 to 31<sup>st</sup> August, 2024 and the report by the National Treasury and Planning on the Micro, Small And Medium Enterprises (MSMES) Credit Guarantee Scheme Performance Report for the period between 1<sup>st</sup> July, 2023 to 30<sup>th</sup> June, 2024**

“Honourable Senators,

As you may have noted, the Senate Majority Leader laid on the table of the Senate this afternoon, the following reports-

- (i) Report by the National Treasury and Economic Planning on all new loans contracted by the government of Kenya from 1<sup>st</sup> May, 2024 to 31<sup>st</sup> August, 2024; and

- (ii) Report on the Micro, Small and Medium Enterprises (MSMEs) Credit Guarantee Scheme Performance for the period between 1<sup>st</sup> July, 2023 to 30<sup>th</sup> June, 2024.

The report on all new loans contracted by the government of Kenya from 1st May, 2024 to 31st August, 2024 contains details on all new loans signed between the National Government and various creditors for the stated period. Section 31 (1) of the Public Finance Management Act states that-

*“The Cabinet Secretary shall submit to Parliament, every four months, a report of all loans made to the national government, national government entities and county governments, in accordance with Article 211(2) of the Constitution.”*

Pursuant to section 31 (3) of the Public Finance Management Act, the report submitted to Parliament contains-

- a) the names of the parties to the loan;*
- b) the amount of the loan and the currency in which it is expressed and in which it is repayable;*
- c) the terms and conditions of the loan, including interest and other charges payable and the terms of repayment;*
- d) the amount of the loan advanced at the time the report is submitted;*
- e) the purpose for which the loan was used and the perceived benefits of the loan; and such other information as the Cabinet Secretary may consider appropriate”.*

Honourable Senators,

On the other hand, the report on the Micro, Small and Medium Enterprises (MSMEs) Credit Guarantee Scheme Performance for the period between 1st July, 2023 to 30th June, 2024 contains credit guarantees issued to MSMEs for the stated period.

Section 59A of the Public Finance Management Act, states that-

- “(1) The Cabinet Secretary shall prepare a statement of the credit guarantees granted under section 58 (5) and a summary thereon in such detail as the Cabinet Secretary may determine.*
- (2) The Cabinet Secretary shall, at least once in every year, submit to Parliament the summary prepared under subsection (1) together with a report of—*
  - a) the total value of credit guarantees given during that period;*
  - b) the total value of credit guarantees liquidated during that period;*
  - c) the total value of outstanding credit guarantees on the date of the report;*

- d) *the risk assessment of the credit guarantees or classes of guarantees;*
- e) *information on the total value of credit guarantees, disaggregated into the number of enterprises owned by women, youth and persons with disabilities which have been guaranteed;*
- f) *information on the total value of credit guarantees, disaggregated into the number of micro, small and medium enterprises guaranteed and by the respective regions; and*
- g) *any other relevant information prescribed by regulations for the purposes of this section.”*

Honourable Senators,

Given the significance of national debt in our public finance management framework, and further, cognizant of the Motion passed by the Senate on 24th July, 2024 on the State of the Nation, calling on the Government to take action to reduce the national debt, including undertaking an independent audit of the same by the Standing Committee on Finance and Budget, I hereby commit the report by the National Treasury and Economic Planning on all new loans contracted by the government of Kenya from 1st May, 2024 to 31st August, 2024; and the report on the Micro, Small and Medium Enterprises (MSMEs) Credit Guarantee Scheme Performance for the period between 1st July, 2023 to 30th June, 2024 to the said Committee for consideration.

I thank you.”

**(b) On the conduct to be observed by Honourable Senators on the proposed removal from Office by impeachment of H.E Rigathi Gachagua, the Deputy President of the Republic of Kenya and the Honourable (Dr.) Erick Kipkoech Mutai, the Governor of Kericho County**

“Honourable Senators,

I have a Communication to make relating to a Motion that has been filed in the National Assembly on the proposed removal from office by impeachment of a state officer, and on the proposed removal from office by impeachment of the Hon. (Dr.) Erick Kipkoech Mutai, the Governor of Kericho County.

As you may recall, at the Sitting of the Senate held on Wednesday, 2<sup>nd</sup> October, 2024, the Senate Majority Leader rose on a Point of Order seeking the guidance of the Speaker on how Senators should conduct themselves pending the determination of a Motion in the National Assembly, which may find its way to the Senate. Two more Senators

namely; Sen. Samson Cherarkey, MP and Sen. Enoch Wambua, MP rose in support of the Point of Order.

In the point of order, the Senate Majority Leader expressed concern that some Senators may have made utterances at various fora on the matter, and further that some Senators may also have proceeded to express their view on the matter, one way or the other.

Honourable Senators,

It is in the public domain that a Motion has been filed in the National Assembly on the proposed removal from office by impeachment of H.E Rigathi Gachagua, EGH, the Deputy President of the Republic of Kenya. In accordance with Articles 145 and 150 of the Constitution, this is a matter that may be referred to the Senate for consideration and determination. However, as this matter is currently before the National Assembly, Standing Order 101 (5) provides that; It shall be out of order for a Senator to criticize or call to question the proceedings in the National Assembly. As such therefore, I caution all Honourable Senators to desist on commenting on the proceedings in the National Assembly on this matter.

With respect to general comments of Honourable Senators on the proposed removal from office by impeachment of the Deputy President, I refer Honourable Senators to the requirements of Article 145 (2) which requires the Speaker of the National Assembly to notify the Speaker of the Senate, if a Motion to remove from office by impeachment of the Deputy President is supported by at least two-thirds of all members of the National Assembly. Action will be required of the Senate on the resolution pursuant to Article 145 (3) of the Constitution.

The Senate, being the trial chamber on the proposed removal from office by impeachment of the Deputy President, will be sitting as a quasi-judicial body to hear and determine the matter. Comments made, whether written or spoken, may prejudice the just outcome of the process not only in the Senate but also in the National Assembly, as this is a function undertaken by both Houses of Parliament.

Honourable Senators,

Earlier today, I received documents from the County Assembly of Kericho on the proposed removal from office, by impeachment of Hon. (Dr.) Erick Kipkoech Mutai, the Governor of Kericho County. At an appropriate time, I will communicate the Message received from the Kericho County Assembly on the proposed removal from office by impeachment of the Governor of Kericho County.

On the impeachment procedure of a county governor, this will be the sixth hearing that the Senate will undertake in the Thirteenth

Parliament. I expect that Honourable Senators are familiar with the rules of procedure Pursuant to Section 33 of the County Governments Act and Standing Order 80 of the Senate. Like the hearing and determination of the proposed removal of the Deputy President, the trial chamber for such removal of a governor is the Senate.

Similarly, comments made on the matter, whether written or spoken, in relation to the proposed removal from office of the Governor of Kericho County, may prejudice the just outcome of the process and the fair determination of the hearing.

Honourable Senators,

I urge you to remain cognizant that comments on the impeachment process by Honourable Senators may be relied on by parties here in the Senate and in courts of law, as was the case in High Court Petition E425 of 2020 (Mike Sonko Mbuvi Gideon Kioko vs Office of the Attorney General and the Independent Electoral and Boundaries Commission and six others). In this instance, the Petitioner sought to argue that remarks made by an Honourable Member of the Senate had eroded the capacity of the Senate as an adjudicating body in terms of Article 47 of the Constitution.

I cannot therefore emphasize enough that comments by Senators on matters that may come before the Senate or are already before the Senate will certainly attract some measure of scrutiny; some of which may be construed to mean that an outcome, one way or the other, has already been determined.

As such therefore, during the pendency of these impeachment processes in Parliament and in the Senate, I wish to caution Honourable Senators to desist from publicly commenting on the merits or demerits of the matters. Doing so would amount to anticipation of debate, which is an infringement of Standing Order 99 of the Senate. It will also amount to grossly disorderly conduct within the meaning of Standing Order 122 (1) (a) of the Senate Standing Orders.

I thank you.”

## 5. PAPERS LAID

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

- i) Report of the National Treasury and Economic Planning on all new loans contracted by the Government of Kenya from 1<sup>st</sup> May, 2024 to 31<sup>st</sup> August, 2024.

- ii) Annual Performance Report by the National Treasury and Economic Planning for the Micro, Small and Medium Enterprises (MSMEs) Credit Guarantee Scheme for the financial year 2023 2024.

*(The Deputy Senate Majority Whip)*

- iii) Report of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on an inquiry into the diversity and inclusivity in the staff composition of state agencies in Kenya.

*(Sen. Raphael Chimera, MP on behalf of the Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration)*

- iv) Statement on the business of the Senate for the week commencing Tuesday, 8<sup>th</sup> October, 2024.

*(The Senate Majority Leader)*

6. **NOTICE OF MOTION - PROGRESS REPORT OF THE STANDING COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL INTEGRATION INTO AN INQUIRY ON THE DIVERSITY AND INCLUSIVITY IN THE STAFF COMPOSITION OF STATE AGENCIES IN KENYA**

(The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration)

THAT, the Senate adopts Progress Report of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration into an inquiry on the diversity and inclusivity in the staff composition of state agencies in Kenya, laid on the Table of the Senate on Thursday, 3<sup>rd</sup> October, 2024.

7. **NOTICE OF MOTION- REPORTS OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF VARIOUS WATER, SANITATION AND SEWERAGE SERVICE COMPANIES FOR THE FINANCIAL YEARS 2018/2019 (VOLUME VI), 2019/2020 (VOLUME VII) AND 2020/2021 (VOLUME IX)**

(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 Financial Years 2018/2019 (Volume VI), 2019/2020 (Volume VII) and 2020/2021(Volume IX), for Eldama Ravine, Eldoret, Embu, Githunguri, Homabay, Kahuti, Kakamega Kapenguria, Kapsabet, Nandi, Karuri, Kericho, Kiambu, Kibwezi-Makindu, Kikuyu, Kitui, Lamu, Limuru, Mathira, Matungulu – Kangundo, Mbooni, Meru, Municipal Council of

Machakos, Murangá, Murang'a South, Naivasha, Nakuru Rural, Nakuru, Narok, Olkalou, Olkejuado, Othaya Mukurweini, Ruiru-Juja, Siboi, Tavevo, Tetu Aberdare and Wote Water, Sanitation and Sewerage Service Companies laid on the table of the Senate on Wednesday, 2<sup>nd</sup> October, 2024.

## 8. **STATEMENTS**

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

- (i) Nominated Senator (Sen. Raphael Chimera, MP) on behalf of the Senator for Bungoma County (Sen. David Wakoli, MP) sought a Statement from the Standing Committee on Trade, Industrialization and Tourism regarding the management of Kitinda Dairy Farmers Cooperative Society in Bungoma County.
- (ii) Nominated Senator (Sen. Hezena Lemaletian, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding mining activities in Samburu County.
- (iii) Nominated Senator (Sen. Hezena Lemaletian, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the dilapidated state of roads and budget distribution towards road projects in Samburu County.
- (iv) Nominated Senator (Sen. Tabitha Mutinda, MP) on behalf of Nominated Senator (Sen. Beth Syengo, MP) sought a Statement from the Standing Committee on Education concerning the registration and licensing of Early Childhood Development and Education (ECDE) centres across the country.
- (v) Nominated Senator (Sen. Tabitha Mutinda, MP) on behalf of Nominated Senator (Sen. Hamida Kibwana, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the rise of entertainment joints and nightclubs in residential areas within Nairobi City County.
- (vi) The Senator for Uasin Gishu County (Sen. Jackson Mandago, MP) sought a statement from the Standing Committee on Education regarding the placement of students in public and private universities.

### **b) Statement pursuant to Standing Order 56 (1) (a)**

- (i) The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights made a Statement on the amendments proposed to the Houses of Parliament (Bicameral Relations) Bill (National Assembly Bills No. 44 of 2023).

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

- (i) The Chairperson, Standing Committee on Roads, Transportation and Housing, made a Statement relating to the activities of the Committee for the period, April to August, 2024.
- (ii) The Chairperson, Standing Committee on Land, Environment and Natural Resources made a Statement relating to the activities of the Committee for the period, April to August, 2024.
- (iii) The Chairperson, Select Committee on County Public Investments and Special Funds made a Statement relating to the activities of the Committee for the period, April to August, 2024.
- (iv) The Chairperson, Select Committee on Delegated Legislation, made a Statement relating to the activities of the Committee for the period, April to August, 2024.

**d) 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, 8<sup>th</sup> October, 2024.

**9. THE DIVISION OF REVENUE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 38 OF 2024)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Division of Revenue (Amendment) Bill (National Assembly Bills No. 38 of 2024) be now read a Second Time.

*(The Senate Majority Leader- 19.09.2024)*

Debate interrupted on Wednesday, 25<sup>th</sup> September, 2024 (Afternoon sitting) resumed on a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Speaker directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The 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 Speaker allowed one (1) Senator to record her vote verbally.



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

1. Sen. Kipkorir William Cheptumo, MP

The results of the Division were as follows:-

**AYES - 29**

**NOES - 0**

**ABSTENTION - 0**

**AYES**

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson , MP
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Ekomwa James Lomenen, MP
7. Sen. Haji Abdul Mohammed, MP
8. Sen. Kamau Joseph Githuku, MP
9. Sen. Kathuri Murungi, MP
10. Sen. Kipkiror William Cheptumo, MP – Voted verbally
11. Sen. Lelegwe Steve Ltumbesi, MP
12. Sen. Mandago Jackson Kiplagat, MP
13. Sen. Methu John Muhia, MP
14. Sen. Mogeni Erick Okong’o, MP
15. Sen. Mundigi Alexander Munyi, MP
16. Sen. Muthama Agnes Kavindu, MP
17. Sen. Mwenda Gataya Mo Fire, MP
18. Sen. Mwinyihaji Mohamed Faki, MP
19. Sen. Nderitu John Kinyua, MP
20. Sen. Oketch Eddy Gicheru, MP
21. Sen. Olekina Ledama, MP
22. Sen. Osotsi Godfrey Atieno, MP
23. Sen. Roba Ali Ibrahim, MP
24. Sen. Seki Lenku Ole Kanar, MP
25. Sen. Sifuna Edwin Watanya, MP
26. Sen. Thangwa Paul Karungo, MP
27. Sen. Wakili Sigei Kiprotich, MP
28. Sen. Wamatinga Wahome, MP
29. Sen. Wambua Enoch Kiio, MP

Question, agreed to;

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

10. **COMMITTEE OF THE WHOLE**

Order for the Committee read;

**IN THE COMMITTEE**

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

**The Division of Revenue (Amendment) Bill (National Assembly Bills No. 38 of 2024)**

Clause 2

- amendment proposed

THAT, the Bill be amended by deleting clause 2 and substituting therefor the following new clause—

Object.        2. The object of this Act is to amend the Division of Revenue Act (hereinafter referred to as the “principal Act”) to provide for the downward revision of projected ordinary revenue.

*(The Chairperson, Standing Committee on Finance and Budget)*

And there being no other Senator wishing to contribute.

The Committee proceeded to a division;

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

Upon the expiry of five minutes, the Acting Chairperson (Sen. Hillary Sigei Wakili, 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. Hillary Sigei Wakili, 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 (Sen. Hillary Sigei Wakili, MP) allowed five (5) Senators to record their vote verbally.

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

1. Sen. Boy Issa Juma, MP
2. Sen. Kamau Joseph Githuku, MP
3. Sen. Madzayo Stewart Mwachiru, MP
4. Sen. Mogeni Erick Okong’o, MP
5. Sen. Thangwa Paul Karungo, MP

The results of the Division were as follows: -

**AYES – 28**

**NOES - 0**

**ABSTENTION – 0**

**AYES**

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Boy Issa Juma, MP – voted verbally
3. Sen. Cherarkey Samson, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Haji Abdul Mohammed, MP
6. Sen. Ekomwa James Lomenen, MP
7. Sen. Kamau Joseph Githuku, MP – voted verbally
8. Sen. Kathuri Murungi, MP
9. Sen. Kipkiror William Cheptumo, MP
10. Sen. Lelegwe Steve Ltumbesi, MP
11. Sen. Madzayo Stewart Mwachiru, MP – voted verbally
12. Sen. Mogeni Erick Okong’o, MP – voted verbally
13. Sen. Methu John Muhia, MP
14. Sen. Mundigi Alexander Munyi, MP
15. Sen. Muthama Agnes Kavindu, MP
16. Sen. Mwenda Gataya Mo Fire, MP
17. Sen. Mwinyihaji Mohamed Faki, MP
18. Sen. Nderitu John Kinyua, MP
19. Sen. Seki Lenku Ole Kanar, MP
20. Sen. Oketch Eddy Gicheru, MP
21. Sen. Osotsi Godfrey Atieno, MP
22. Sen. Roba Ali Ibrahim, MP
23. Sen. Sifuna Edwin Watanya, MP
24. Sen. Thangwa Paul Karungo, MP – voted verbally
25. Sen. Wafula David Wakoli, MP
26. Sen. Wakili Hillary Kiprotich Sigei, MP
27. Sen. Wamatinga Wahome, MP
28. Sen. Wambua Enoch Kiio, MP

Clause 2 (as amended)

- agreed to;

Clause 3

-deletion proposed

THAT, Clause 3 be deleted.

*(The Chairperson, Standing Committee on Finance and Budget)*

And there being no other Senator wishing to contribute;

The Committee proceeded to a division;

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

Upon the expiry of five minutes, the Acting Chairperson (Sen. Hillary Sigei Wakili, 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. Hillary Sigei Wakili, 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 (Sen. Hillary Sigei Wakili, MP) allowed three (3) Senator to record his vote verbally.

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

1. Sen. Boy Issa Juma, MP
2. Sen. Cherarkey Samson, MP
3. Sen. Haji Abdul Mohammed, MP

The results of the Division were as follows: -

**AYES – 29**

**NOES - 0**

**ABSTENTION – 0**

**AYES**

1. Sen. Adan Dullo Fatuma, MP
2. Sen. Abass Sheikh Mohamed, MP
3. Sen. Boy Issa Juma, MP – voted verbally
4. Sen. Cherarkey Samson, MP – voted verbally
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Haji Abdul Mohammed, MP – voted verbally
7. Sen. Ekomwa James Lomenen, MP
8. Sen. Kamau Joseph Githuku, MP
9. Sen. Kathuri Murungi, MP
10. Sen. Kipkiror William Cheptumo, MP
11. Sen. Lelegwe Steve Ltumbesi, MP
12. Sen. Madzayo Stewart Mwachiru, MP
13. Sen. Mogeni Erick Okong’o, MP
14. Sen. Methu John Muhia, MP
15. Sen. Mundigi Alexander Munyi, MP
16. Sen. Muthama Agnes Kavindu, MP
17. Sen. Mwenda Gataya Mo Fire, MP
18. Sen. Mwinyihaji Mohamed Faki, MP
19. Sen. Nderitu John Kinyua, MP
20. Sen. Seki Lenku Ole Kanar, MP
21. Sen. Oketch Eddy Gicheru, MP
22. Sen. Osotsi Godfrey Atieno, MP
23. Sen. Roba Ali Ibrahim, MP
24. Sen. Sifuna Edwin Watanya, MP
25. Sen. Thangwa Paul Karungo, MP
26. Sen. Wafula David Wakoli, MP

- 27. Sen. Wakili Hillary Kiprotich Sigei, MP
- 28. Sen. Wamatinga Wahome, MP
- 29. Sen. Wambua Enoch Kiio, MP

Clause 3 - deleted;

Clause 4 - amendment proposed

THAT, clause 4 of the Bill be amended by deleting the proposed new schedule and substituting therefor the following 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 FY 2020/21 audited and approved Revenue i.e. KSh. 1,570,562,945,014
A. Total Sharable Revenue	2,631,418,000,000	
B. National Government	2,223,301,211,853	
C. Equalization Fund	8,000,000,000	
<i>Of which: a). 0.5 Per Centum</i>	<i>7,852,814,725</i>	<i>0.50%</i>
<i>b). Arrears</i>	<i>147,185,275</i>	
D. County equitable share	400,116,788,147	25.48%

*(The Chairperson, Standing Committee on Finance and Budget)*

And there being no other Senator wishing to contribute;

The Committee proceeded to a division;

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

Upon the expiry of five minutes, the Acting Chairperson (Sen. Hillary Sigei Wakili, 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. Hillary Sigei Wakili, 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 (Sen. Hillary Sigei Wakili, MP) allowed five (5) Senators to record their vote verbally.

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

1. Sen. Boy Issa Juma, MP
2. Sen. Kamau Joseph Githuku, MP
3. Sen. Madzayo Stewart Mwachiru, MP
4. Sen. Mogeni Erick Okong’o, MP
5. Sen. Thangwa Paul Karungo, MP

The results of the Division were as follows: -

**AYES – 28**

**NOES - 0**

**ABSTENTION – 0**

**AYES**

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Boy Issa Juma, MP – voted verbally
3. Sen. Cherarkey Samson, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Haji Abdul Mohammed, MP
6. Sen. Ekomwa James Lomenen, MP
7. Sen. Kamau Joseph Githuku, MP – voted verbally
8. Sen. Kathuri Murungi, MP
9. Sen. Kipkiror William Cheptumo, MP
10. Sen. Lelegwe Steve Ltumbesi, MP
11. Sen. Madzayo Stewart Mwachiru, MP – voted verbally
12. Sen. Mogeni Erick Okong’o, MP – voted verbally
13. Sen. Methu John Muhia, MP
14. Sen. Mundigi Alexander Munyi, MP
15. Sen. Muthama Agnes Kavindu, MP
16. Sen. Mwenda Gataya Mo Fire, MP
17. Sen. Mwinyihaji Mohamed Faki, MP
18. Sen. Nderitu John Kinyua, MP
19. Sen. Seki Lenku Ole Kanar, MP
20. Sen. Oketch Eddy Gicheru, MP
21. Sen. Osotsi Godfrey Atieno, MP
22. Sen. Roba Ali Ibrahim, MP
23. Sen. Sifuna Edwin Watanya, MP
24. Sen. Thangwa Paul Karungo, MP – voted verbally
25. Sen. Wafula David Wakoli, MP
26. Sen. Wakili Hillary Kiprotich Sigei, MP
27. Sen. Wamatinga Wahome, MP
28. Sen. Wambua Enoch Kiio, MP

Clause 4 (as amended)

- agreed to;

The Title and Clause 1

Motion made and Question proposed;

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

*(The Senate Majority Leader)*

And there being no other Senator wishing to contribute;

The Committee proceeded to a division;

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

Upon the expiry of five minutes, the Acting Chairperson (Sen. Hillary Sigei Wakili, 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. Hillary Sigei Wakili, 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 (Sen. Hillary Sigei Wakili, MP) allowed two (2) Senators to record their vote verbally.

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

1. Sen. George Mbugua, MP – on behalf of the Nyandarua County Delegation
2. Sen. Thangwa Paul Karungo, MP

The results of the Division were as follows: -

**AYES – 28**

**NOES - 0**

**ABSTENTION – 0**

**YES**

1. Sen. Adan Dullo Fatuma, MP
2. Sen. Abass Sheikh Mohamed, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson, MP
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Haji Abdul Mohammed, MP
7. Sen. Ekomwa James Lomenen, MP
8. Sen. Kamau Joseph Githuku, MP
9. Sen. Kathuri Murungi, MP
10. Sen. Kipkiror William Cheptumo, MP
11. Sen. Lelegwe Steve Ltumbesi, MP
12. Sen. Madzayo Stewart Mwachiru, MP

13. Sen. Mogeni Erick Okong’o, MP
14. Sen. George Mbugua, MP – voted verbally on behalf of the Nyandarua County Delegation
15. Sen. Mundigi Alexander Munyi, MP
16. Sen. Muthama Agnes Kavindu, MP
17. Sen. Mwenda Gataya Mo Fire, MP
18. Sen. Mwinyihaji Mohamed Faki, MP
19. Sen. Nderitu John Kinyua, MP
20. Sen. Seki Lenku Ole Kanar, MP
21. Sen. Oketch Eddy Gicheru, MP
22. Sen. Osotsi Godfrey Atieno, MP
23. Sen. Roba Ali Ibrahim, MP
24. Sen. Sifuna Edwin Watanya, MP
25. Sen. Thangwa Paul Karungo, MP – voted verbally
26. Sen. Wakili Hillary Kiprotich Sigei, MP
27. Sen. Wamatinga Wahome, MP
28. Sen. Wambua Enoch Kiio, MP

The Title and Clause 1

- agreed to;

**Motion made –**

THAT, the Committee of the Whole House do report to the Senate, its consideration of the Division of Revenue (Amendment) Bill (National Assembly Bills No. 38 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 does not affect counties;

Question put and agreed to.

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

12. **THE DIVISION OF REVENUE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 38 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)*



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 does not affect counties;

Question put and agreed to.

Motion made and Question proposed: -

THAT, the Division of Revenue (Amendment) Bill (National Assembly Bills No. 38 of 2024), be now read a Third Time.

*(The Senate Majority Leader)*

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 Division bell be rung for five minutes;

Upon the expiry of five minutes, the Deputy Speaker 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;

The results of the Division were as follows: -

**AYES – 29**                      **NOES - 0**                      **ABSTENTION – 0**

The results of the Division were as follows: -

**AYES – 29**                      **NOES - 0**                      **ABSTENTION – 0**

**AYES**

1. Sen. Adan Dullo Fatuma, MP
2. Sen. Abass Sheikh Mohamed, MP
3. Sen. Boy Issa Juma, MP – voted verbally
4. Sen. Cherarkey Samson, MP – voted verbally
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Haji Abdul Mohammed, MP – voted verbally
7. Sen. Ekomwa James Lomenen, MP
8. Sen. Kamau Joseph Githuku, MP
9. Sen. Kathuri Murungi, MP
10. Sen. Kipkiror William Cheptumo, MP
11. Sen. Lelegwe Steve Ltumbesi, MP
12. Sen. Madzayo Stewart Mwachiru, MP

13. Sen. Mogeni Erick Okong'o, MP
14. Sen. Methu John Muhia, MP
15. Sen. Mundigi Alexander Munyi, MP
16. Sen. Muthama Agnes Kavindu, MP
17. Sen. Mwenda Gataya Mo Fire, MP
18. Sen. Mwinyihaji Mohamed Faki, MP
19. Sen. Nderitu John Kinyua, MP
20. Sen. Seki Lenku Ole Kanar, MP
21. Sen. Oketch Eddy Gicheru, MP
22. Sen. Olekina Ledama, MP
23. Sen. Osotsi Godfrey Atieno, MP
24. Sen. Roba Ali Ibrahim, MP
25. Sen. Sifuna Edwin Watanya, MP
26. Sen. Thangwa Paul Karungo, MP
27. Sen. Wakili Hillary Kiprotich Sigei, MP
28. Sen. Wamatinga Wahome, MP
29. Sen. Wambua Enoch Kiio, MP

Question, agreed to.

Bill Read a Third Time and passed.

13. **MOTION - REPORT OF THE 66<sup>TH</sup> COMMONWEALTH PARLIAMENTARY CONFERENCE HELD IN ACCRA, GHANA FROM 30<sup>TH</sup> SEPTEMBER – 6<sup>TH</sup> OCTOBER, 2023**

Order read;

Motion made and Question proposed;

THAT, the Senate notes the Report of the 66<sup>th</sup> Commonwealth Parliamentary Conference held in Accra, Ghana from 30<sup>th</sup> September – 6<sup>th</sup> October, 2023 laid on the Table of the Senate on 15<sup>th</sup> February, 2024.

*(Sen. (Prof.) Margaret Kamar, MP- 24.07.2024)*

Debate interrupted on Wednesday, 2<sup>nd</sup> October, 2024 (Morning Sitting) resumed for the Question to be put;

Before the Question was put, and pursuant to Standing Order No. 84 (1), the Deputy Speaker informed the House that the Motion does not affect Counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

THAT, the Senate notes the Report of the 66<sup>th</sup> Commonwealth Parliamentary Conference held in Accra, Ghana from 30<sup>th</sup> September – 6<sup>th</sup> October, 2023 laid on the Table of the Senate on 15<sup>th</sup> February, 2024.

14. **MOTION - REPORT OF THE JOINT SITTINGS OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING OF THE NATIONAL ASSEMBLY, AND THE STANDING COMMITTEE ON FINANCE AND BUDGET OF THE SENATE, ON APPROVAL HEARING OF MR. DAVID KIBET KEMEI, NOMINEE FOR APPOINTMENT TO THE POSITION OF DIRECTOR-GENERAL OF THE COMPETITION AUTHORITY**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Joint Sittings of the Departmental Committee on Finance and National Planning of the National Assembly and the Standing Committee on Finance and Budget of the Senate, on the approval hearing of Mr. David Kibet Kemei, nominee for appointment as the Director-General of the Competition Authority, laid on the Table of the Senate on Thursday, 26th September 2024; and that pursuant to Section 12(1) of the Competition Act and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, the Senate approves the nomination of Mr. David Kibet Kemei for appointment as the Director-General of the Competition Authority.

*(The Chairperson, Standing Committee on Finance and Budget – Co  
Chairperson- 01.10.2024)*

Debate interrupted on Wednesday, 2<sup>nd</sup> October, 2024 (Afternoon Sitting) resumed for the Question to be put.

Before the Question was put, and pursuant to Standing Order No. 84 (1), the Deputy Speaker informed the House that the Motion does not affect Counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

THAT, the Senate adopts the Report of the Joint Sittings of the Departmental Committee on Finance and National Planning of the National Assembly and the Standing Committee on Finance and Budget of the Senate, on the approval hearing of Mr. David Kibet Kemei, nominee for appointment as the Director-General of the Competition Authority, laid on the Table of the Senate on Thursday, 26th September 2024; and that pursuant to Section 12(1) of the Competition Act and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, the Senate approves the nomination of Mr. David Kibet Kemei for appointment as the Director-General of the Competition Authority.

15. **COMMITTEE OF THE WHOLE**  
**THE GAMBLING CONTROL BILL (NATIONAL ASSEMBLY BILLS NO. 70 OF 2023)**  
(The Senate Majority Leader)  
  
*(Resumption of debate interrupted on Wednesday, 15<sup>th</sup> May, 2024 –  
Afternoon Sitting)  
(Division)*
- Order deferred.
16. **COMMITTEE OF THE WHOLE**  
**THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)**  
(Sen. Beatrice Ogolla, MP)
- Order deferred.
17. **COMMITTEE OF THE WHOLE**  
**THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)**  
(The Senate Majority Leader)
- Order deferred.
18. **COMMITTEE OF THE WHOLE**  
**THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)**  
(The Senate Majority Leader)
- Order deferred.
19. **COMMITTEE OF THE WHOLE**  
**THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)**  
(Sen. Samson Cherarkey, MP – Co- Sponsor)
- Order deferred.
20. **COMMITTEE OF THE WHOLE**  
**THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2023)**  
(Sen. Hamida Ali Kibwana, MP)
- Order deferred.
21. **THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL (SENATE BILLS NO. 14 OF 2024)**  
(The Senate Majority Leader)

*(Second Reading)*

Order deferred.

22. **THE POLITICAL PARTIES (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 26 OF 2024)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Political Parties (Amendment) (No. 2) Bill (Senate Bills No. 26 of 2024) be now read a Second Time.

*(The Senate Majority Leader)*

Debate arising;

**Quorum of the Senate**

Rising on a Point of Order pursuant to Standing Order 41, the Senator for Kisumu County (Sen. Tom Ojienda, MP) drew the attention of the Temporary Speaker (Sen. Veronica Maina, MP) to the fact that there was no quorum in the Senate;

And the Temporary Speaker (Sen. Veronica Maina, MP) having counted the Senators present and confirmed that there was no quorum in the Senate, ordered the quorum bell to be rung for ten minutes;

And there being no Quorum after the expiry of ten minutes, the Temporary Speaker (Sen. Veronica Maina, MP) adjourned the Senate at seventeen minutes past Six O'clock pursuant to Standing Order 41 (2) without Question put.

23. **SENATE ROSE** - at seventeen minutes past six O'clock.

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

*The Speaker will take the Chair on  
Tuesday, October 08, 2024 at 2.30 p.m.*

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