



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 28, 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 Deputy Speaker.

3. **QUORUM OF THE SENATE**

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

4. **COMMUNICATIONS FROM THE CHAIR –**

The Deputy Speaker conveyed the following Communications from the Chair –

a) Visiting delegation from the University of Denver's Josef Korbel, School of International Studies, United States

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, a visiting delegation from the University of Denver's Josef Korbel, School of International Studies, United States. The delegation is in Nairobi for a Research Practicum under the Department of Diplomacy and International Studies (DDIS) at the University of Nairobi. This delegation comprising graduate students and faculty members are in the Senate on a one-day study visit.

Honourable Senators,

I request each Member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition -

1. Dr. Abigail Kabandula Director, The Africa Center at the Josef Korbel School of International Studies, University of Denver
2. Prof. Singumbe Muyeba Assistant Professor of African Studies at the University of Denver's Josef Korbel School of International Studies
3. Grecia Fernanda Castel MA Student University of Denver's Josef Korbel School of International Studies
4. Alex Nelson MA Student University of Denver's Josef Korbel School of International Studies
5. Kaitlyn Victoria Tirado MA Student University of Denver's Josef Korbel School of International Studies
6. Julia Frangul MA Student University of Denver's Josef Korbel School of International Studies
7. Vincent Ziliak MA Student University of Denver's Josef Korbel School of International Studies
8. Porter Julia Montgomery MA Student University of Denver's Josef Korbel School of International Studies
9. Tobias Somers Ellison MA Student University of Denver's Josef Korbel School of International Studies
10. Jacob Matthew Tonozzi MA Student University of Denver's Josef Korbel School of International Studies
11. Olga Nseli Muanda MA Student University of Denver's Josef Korbel School of International Studies
12. Dr. Winnie Rugutt Lecturer – DDIS, The University of Nairobi
13. Noela Jerop MA Student University of Nairobi
14. Cynthia Wanjiru MA Student University of Nairobi

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

I thank you.”

b) Visiting Students’ Leaders from Kenyatta University

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, a visiting delegation of twenty-three (23) Students’ Leaders from the Kenyatta University. The delegation is in the Senate for a one-day academic exposition.

Honourable Senators,

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

I thank you.”

5. **PAPERS LAID**

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

- i. Report of the Standing Committee on Labour and Social Welfare on its consideration of the Provision of Sanitary Towels Bill (Senate Bills No. 7 of 2024).

(Sen. Mohamed Mwinyihaji, MP on behalf of the Chairperson, Standing Committee on Labour and Social Welfare)

- ii. Joint Report 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. Gerald Nyaoma Arita, the nominee for appointment to the position of Deputy Governor of the Central Bank of Kenya.

- iii. Report of the Standing Committee on Finance and Budget on its consideration of the Public Finance Management (Amendment) Bill (Senate Bills No. 27 of 2024).

(Sen. (Dr.) Boni Khalwale, MP on behalf of the Chairperson, Standing Committee on Finance and Budget)

- iv. Statement on the business of the Senate for the week commencing Tuesday, 3rd December, 2024.

(The Senate Majority Leader)

6. **QUESTIONS & STATEMENTS**

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

- i) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the status of redevelopment of estates in Likoni, Mombasa County.
- ii) Request for a Statement by the Senator for Lamu County (Sen. Joseph Githuku, MP) from the Standing Committee on Roads, Transportation and Housing regarding the basis for the maintenance of the Mkunumbi-Kibaoni road by the County Government of Lamu was **dropped** in the absence of the Senator.
- iii) Request for a Statement by the Senator for Lamu County (Sen. Joseph Githuku, MP) from the Standing Committee on Roads, Transportation and Housing regarding the routine maintenance of the Hindi-Kibokoni road in Lamu County was **dropped** in the absence of the Senator.
- iv) Request for a Statement by Nominated Senator (Sen. Gloria Orwoba, MP) from the Standing Committee on Finance and Budget regarding alleged unilateral investment of funds by the management of the Unclaimed Financial Assets Authority (UFAA) was **deferred** upon request by the Senator.

b) 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, 3rd December, 2024.

7. **MOTION – CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023)**

Order read;

Motion made and Question proposed;

THAT, the National Assembly amendments to the Cotton Industry Development Bill (Senate Bills No. 5 of 2023) be now considered.

*(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries –
27.11.2024 – Afternoon Sitting)*

Debate interrupted on Wednesday, 27th November, 2024 (Afternoon Sitting) resumed for the Question to be put;

Before the Question was put, and the Deputy Speaker having ascertained that there was a Quorum pursuant to Standing Order No. 84 (1), the Deputy Speaker ruled that the Motion does not affect Counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the National Assembly amendments to the Cotton Industry Development Bill (Senate Bills No. 5 of 2023) be now considered.

8. **MOTION - REPORT OF THE MEDIATION COMMITTEE ON THE DIVISION OF REVENUE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 38 OF 2024)**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Mediation Committee on the Division of Revenue (Amendment) Bill (National Assembly Bills No. 38 of 2024), laid on the table of the Senate on Tuesday, 26th November, 2024 and further that pursuant to Article 113 (2) of the Constitution and Standing Order 167 (3) of the Senate, approves the mediated version of the Bill.

(Sen. Danson Mungatana, MP on behalf of the Vice-Chairperson, Mediation Committee – 27.11.2024 – Morning Sitting)

Debate interrupted on Wednesday, 27th November, 2024 (Afternoon Sitting) resumed on a Division;

Before the Question was put and pursuant to Standing Order 84(2), the Deputy Speaker ruled that the matter affects Counties and that voting would be by County Delegations;

The Deputy Speaker 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 the ten minutes, the Deputy Speaker directed that the doors be locked and the bars 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 result of the Division was announced and pursuant to provisions of Standing Order 86(5), the Deputy Speaker allowed two (2) Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as **“Yes”** –

1. Sen. Kathuri Murungi, MP
2. Sen. Okoiti Andrew Omtatah, MP

The results of the Division were as follows: -

AYES – 26**NOES – 1****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. Chesang Allan Kiprotich, MP
7. Sen. Chute Mohamed Said, MP
8. Sen. Ekomwa James Lomenen, MP
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. Lelegwe Steve Ltumbesi, MP
14. Sen. Mandago Jackson Kiplagat, MP
15. Sen. Mundigi Alexander Munyi, MP
16. Sen. Mungatana Danson Buya, MP
17. Sen. Mwenda Gataya Mo Fire, MP
18. Sen. Mwinyihaji Mohamed Faki, MP
19. Sen. Ojienda Odhiambo Tom, MP
20. Sen. Okoiti Andrew Omtatah, MP – voted verbally
21. Sen. Roba Ali Ibrahim, MP
22. Sen. Seki Lenku Ole Kanar, MP
23. Sen. Wafula David Wakoli, MP
24. Sen. Wakili Hillary Kiprotich Sigei, MP
25. Sen. Wamatinga Wahome, MP
26. Sen. Wambua Enoch Kiio, MP

NOES

1. Sen. Methu John Muhia, MP

Question agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate adopts the Report of the Mediation Committee on the Division of Revenue (Amendment) Bill (National Assembly Bills No. 38 of 2024), laid on the table of the Senate on Tuesday, 26th November, 2024 and further that pursuant to Article 113 (2) of the Constitution and Standing Order 167 (3) of the Senate, approves the mediated version of the Bill.

9. **THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILLS NO. 36 OF 2024)**
(The Senate Majority Leader)

(Second Reading)

*(Resumption of debate interrupted on Wednesday, 20th November, 2024 –
Afternoon Sitting)
(Division)*

Order deferred.

10. **COMMITTEE OF THE WHOLE**
THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILLS
NO. 55 OF 2023)
(Sen. Mohamed Abass Sheikh, MP)

*(Resumption of debate interrupted on Tuesday, 19th November, 2024)
(Division)*

Order deferred.

11. **COMMITTEE OF THE WHOLE**
THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL (NATIONAL
ASSEMBLY BILLS NO. 44 OF 2023)
(The Senate Majority Leader)

*(Resumption of debate interrupted on Tuesday, 19th November, 2024)
(Division)*

Order deferred.

12. **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 Public Transport (Motorcycle Regulation) Bill (Senate Bills No. 38 of
2023)

Clause 3

Motion made and Question proposed;

THAT, Clause 3 be part of the Bill.

(Sen. (Dr.) Boni Khalwale, MP)

Clause 3 - vote deferred

Clause 4 - amendment proposed

THAT Clause 4 of the Bill be amended by deleting Clause 4 and substituting therefore the following new clause—

Appointment of Board 4. The County executive member may delegate the functions under section 3A to a Board.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Clause 4 - vote deferred

Clause 5 - amendment proposed

THAT Clause 5 of the Bill be amended by —

- (a) deleting paragraph (f);
- (b) deleting paragraph (g) and substituting therefor the following new paragraph—
 - (f) six persons appointed by the county executive committee member responsible for matters relating to transport as follows –
 - (i) two persons representing bodaboda riders;
 - (ii) two persons representing bodaboda owners; and
 - (iii) two persons representing Savings and Cooperative Societies in the county.

(Sen. Godfrey Osotsi, MP)

Further amendment proposed

THAT Clause 5 of the Bill be amended—

- (a) by inserting the words “or their representative” immediately after the words “county attorney” in paragraph (d);
- (b) by deleting the word “four” and substituting therefor the word “two” in paragraph (f);
- (c) by deleting the word “two” and substituting therefor the word “four” in paragraph (g);
- (d) by renumbering the existing provision to subsection (1) and by inserting the following new subsection—
 - (2) While making the appointments under subsection (5), the county executive committee member shall —
 - (a) take in to consideration the one third gender rule and ensure that the youth and persons with disabilities are represented in the membership of the Board;
 - (b) ensure that two out of the four people appointed under paragraph (g) are active motorcycle riders; and
 - (c) consider the diversity in respect to the qualifications of the persons being appointed.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Further amendment withdrawn by the Mover.

Clause 5 - vote deferred

Clause 6 - amendment proposed

THAT Bill be amended by deleting Clause 6 and inserting therefor the following new clauses—

Qualifications for appointment.

6. (1) A person qualifies to be appointed as the Chairperson of the Board if that person—

- (a) holds a degree from a university recognized in Kenya;
- (b) has at least five years’ experience in matters relating to transport;
- (c) has resided in the county for a period of not less than five years.; and
- (d) meets the requirements of Chapter Six of the Constitution

(2) A person qualifies to be appointed as a member of the Board, if the person—

- (a) meets the requirements of Chapter Six of the Constitution;
- (b) has not been convicted of a criminal offence which attracts imprisonment for a term not exceeding six months;
- (c) has not been adjudged bankrupt or entered into a composition or arrangement with the creditors of the person;
- (d) is not disqualified under any other written law from appointment as such; and
- (e) in the case of a member under paragraph (f) has at least a post-secondary education qualification;
- (f) in the case of a member under paragraph (g) has at least a secondary school qualification.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Clause 6 - vote deferred

Clause 7 - amendment proposed

THAT Clause 7 of the Bill be amended—

- (a) by deleting Subclause (1);
- (b) in Subclause (2) by deleting the words “with the Board” and substituting therefor the words “in accordance to the Act”;
- (c) in Subclause (3) by deleting the word “Board” appearing immediately after the words “made to the” and substituting therefor the words “the county executive committee member”
- (d) in Subsection (4) by deleting the word “Board” appearing immediately after the word “The” at the beginning of the subclause and substituting therefor the words “county executive committee member”;
- (e) by inserting the following new subsection immediately after Subsection (5)—

(6) The county executive committee member shall submit a copy of the register to the Authority every three months.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Clause 7 - vote deferred

Clause 8 - amendment proposed

THAT the Bill be amended by deleting Clause 8.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Clause 8 - vote deferred

Clause 9 - amendment proposed

THAT the Bill be amended by deleting Clause 9 and substituting therefor the following new clause—

<p>Cooperative Societies Membership.</p>	<p>9. (1) A person who owns a motorcycle for commercial purposes shall register with a Cooperative Society recognised under the Cooperative Societies Act.</p>
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Cap. 490. (2) Each Cooperative Society shall provide proof of registration of an owner confirming their membership at the request of the county executive committee member.

(3) For purposes of this Act, the membership of an owner to a Cooperative Society shall not be for purposes of forming a gang or cartel by the owners or the riders who work for them.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Further amendment proposed

THAT Clause 9 of the Bill be amended in Subsection (1) by inserting the words “that relates to motorcycle riders and owners” immediately after the words “Savings and Cooperative Societies”.

(Sen. (Dr.) Boni Khalwale, MP on behalf of Sen. Godfrey Osotsi, MP)

Clause 9 - vote deferred

Clause 10 - amendment proposed

THAT Clause 10 of the Bill be amended—

- (a) in Subclause (1) by deleting the word “Board” appearing immediately after the words “approved by the” and substituting therefor the word “Authority”
- (b) in Subclause (2) by deleting the word “Board” appearing immediately after the word “The” and substituting therefor the word “Authority”
- (c) by inserting the following new subsection immediately after Subsection (3)—
 - (4) The county executive committee member may provide for the manner in which the training may be offered in the local languages in the county.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Clause 10 - vote deferred

Clause 11 - amendment proposed

THAT Clause 11 of the Bill be amended by inserting the following new subclause immediately after Subclause (2)—

- (3) Every owner shall ensure —

- (a) no structural modifications to the motorcycle are undertaken that may obstruct the visibility of the rear number plates;
- (b) no structural modifications to the motorcycle are undertaken that may affect the safe operation of the motorcycle;
- (c) no modifications to the exhaust system or any other noise abatement device of a motorcycle are done so as to cause the noise emitted by the motorcycle to be above that emitted by the motorcycle as originally manufactured.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Further amendment proposed

THAT clause 11 of the Bill be amended by inserting the following new subsection immediately after subsection (2)—

(3) The helmet and the reflector jacket provided for in Subsection (2) shall have the registration number of the motorcycle embossed on the helmet and jacket.

(Sen. (Dr.) Boni Khalwale, MP on behalf of Sen. Godfrey Osotsi, MP)

Clause 11 - vote deferred

Clause 12 - amendment proposed

THAT Clause 12 of the Bill be amended

(a) in Subsection (1)—

- (i) by deleting the word “Board” appearing immediately after the words “issued by the” in Paragraph (b) and substituting therefor the words “county executive committee member”;
- (ii) by deleting the word “person” appearing immediately after the words “more than one” in Paragraph (d) and substituting therefor the words “adult passenger”;
- (iii) by deleting the words “passengers are carried on a proper seat with foot rests securely fixed to the motorcycle behind the rider’s seat” appearing immediately after the words “ensure that” in Paragraph (e) and substituting therefor the words “a passenger is carried on a proper seat with foot rests securely fixed to the motorcycle behind the seat of the rider”; and
- (iv) by deleting the words “loads exceeding fifty kilograms and passengers” appearing immediately after the words “ensure that” in Paragraph (h) and substituting therefor the words “a load exceeding fifty kilograms and an adult passenger”

(b) in Subsection (2) by deleting the words “unless that person has a valid certificate of registration issued by the Board” appearing immediately after the words “not ride a motorcycle” in Paragraph (b) and substituting therefor the words “that has not been duly registered under this Act”.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Clause 12 - vote deferred

Clause 13 - amendment proposed

THAT Clause 13 of the Bill be amended in Subclause (2)—

- (i) by deleting Paragraph (a) and substituting therefor the following new paragraph—
 - (a) a child who is less than thirteen years old may be carried together with an adult passenger provided the child is seated between the rider and the adult passenger.
- (ii) by deleting Paragraph (b).

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Clause 13 - vote deferred

Clause 14 - amendment proposed

THAT Clause 14 of the Bill be amended in Subclause (3) by deleting the word “Board” appearing immediately after the word “The” and substituting therefor the following new words “county executive committee member”

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Further amendment proposed

THAT Clause 14 of the Bill be amended—

- (a) in Subsection (1) by deleting the word “employment” appearing immediately after the words “enter into a written”;
- (b) in Subsection (2) –
 - (i) by deleting the word “employment” appearing immediately after the word “The” in the introductory statement; and
 - (ii) in Paragraph (a) by deleting the word “employment” appearing immediately after “terms and conditions of employment”; and
- (c) in Subsection (3) by deleting the word “employment” appearing immediately after the words “shall develop model”.

(Sen. (Dr.) Boni Khalwale, MP on behalf of Sen. Godfrey Osotsi, MP)

Clause 14 - vote deferred

Clause 15 - amendment proposed

THAT Clause 15 of the Bill be amended by deleting the word “Board” appearing immediately after the words “authorised by the” and substituting therefor the following new words “county executive committee member”

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Clause 15 - vote deferred

Clause 16 - amendment proposed

THAT Clause 16 (3) of the Bill be amended by deleting the word “nine” appearing immediately after the words “is less than” and substituting therefor the word “thirteen”.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Clause 16 - vote deferred

Clause 17 - amendment proposed

THAT Clause 17 of the Bill be amended in Subclause (1) by deleting the word “thirty kilograms for a motorcycles whose carrying capacity does not exceed fifty cc and kilograms for a motorcycle whose carrying capacity does not exceed four hundred cc” appearing immediately after the words “is more than” in Paragraph (c) and substituting therefor the word “fifty kilograms”.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Clause 17 - vote deferred

Clause 18 - amendment proposed

THAT Clause 18 of the Bill be amended —

(a) in Subclause (1) by deleting the words “county transport and safety board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”; and

(b) in Subclause (6) “county transport and safety board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Clause 18 - vote deferred

Clause 19 - amendment proposed

THAT Clause 19 of the Bill be amended —

(a) in Subclause (1) by deleting the word “ Board” appearing immediately after the words “issued by the” and substituting therefor the words “county executive committee member”;

(b) in Subclause (2) “Board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”; and

(c) in Subclause (4) “Board” appearing at the beginning of the subclause and substituting therefor the words “The county executive committee member”.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Clause 19 - vote deferred

Clause 20

Motion made and Question proposed;

THAT, Clause 20 be part of the Bill.

(Sen. (Dr.) Boni Khalwale, MP)

Clause 20 - vote deferred

Clause 21 - amendment proposed

THAT the Bill be amended by deleting Clause 21.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Clause 21 - vote deferred

Clause 22

Motion made and Question proposed;

THAT, Clause 22 be part of the Bill.

(Sen. (Dr.) Boni Khalwale, MP)

Clause 22 - vote deferred

Clause 23 - amendment proposed

THAT Clause 23 of the Bill be amended —

- (a) in Subclause (1) by deleting the word “Board” appearing immediately after the words “device approved by” and substituting therefor the words “the county executive committee member”
- (b) in Subsection (2) by inserting the word “(1)” immediately after the words “to in sub-section”
- (c) in Subsection (3) by deleting the word “Board” appearing immediately after the words “The” and substituting therefor the words “the county executive committee member”
- (d) in Subclause (4) by deleting the word “Board” appearing immediately after the words “device to the” and substituting therefor the words “the county executive committee member”.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Clause 23 - vote deferred

Clause 24 - amendment proposed

THAT Clause 24 of the Bill be amended by deleting Subsection (3).

(Sen. (Dr.) Boni Khalwale, MP on behalf of Sen. Godfrey Osotsi, MP)

Amendment withdrawn by the Mover

Clause 24 - vote deferred

Clause 25 - amendment proposed

THAT Clause 25 of the Bill be amended by deleting Subsection (3).

((Sen. (Dr.) Boni Khalwale, MP on behalf of Sen. Godfrey Osotsi, MP)

Amendment withdrawn by the Mover

Clause 25 - vote deferred

Clause 26 - amendment proposed

THAT Clause 26 of the Bill be amended by deleting the word “County Transport and Safety Board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Further amendment proposed

THAT Clause 26 of the Bill be amended by deleting Subsection (2).

(Sen. (Dr.) Boni Khalwale, MP on behalf of Sen. Godfrey Osotsi, MP)

Further amendment withdrawn by the Mover

Clause 26 - vote deferred

Clause 27 - amendment proposed

THAT Clause 27 of the Bill be deleted.

(Sen. (Dr.) Boni Khalwale, MP on behalf of Sen. Godfrey Osotsi, MP)

Amendment withdrawn by the Mover

Further amendment proposed

THAT Clause 27 of the Bill be amended by deleting the word “these” appearing immediately after the words “any provision of” and substituting therefor the word “this”.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Clause 27 - vote deferred

Clause 28

Motion made and Question proposed;

THAT, Clause 28 be part of the Bill.

(Sen. (Dr.) Boni Khalwale, MP)

Clause 28 - vote deferred

Clause 29

Motion made and Question proposed;

THAT, Clause 29 be part of the Bill.

(Sen. (Dr.) Boni Khalwale, MP)

Clause 29 - vote deferred

New Clause 3A - insertion of new clause proposed

THAT, the Bill be amended by inserting the following new clause—

Roles of the County executive committee member.

3A. (1) The county executive committee member shall be responsible for the regulation, management, and coordination of all matters relating to the motorcycle transport sector within the county.

(2) Without prejudice to the generality of Sub-section (1), the county executive committee member shall—

- (a) develop policies, regulations, and guidelines on motorcycle transport and safety matters within the county;
- (b) manage and control motorcycle transport services within the county, including registration and licensing of motorcycle riders, designate parking and routes;
- (c) ensure compliance with the provisions of this Act and any other laws related to the transport sector within the county;
- (d) conduct research and collect data on transport and safety matters within the county; and
- (e) develop and implement programs to promote road safety, including training and civic education of riders and passengers.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Motion made and Question proposed;

THAT, New Clause 3A be now read a Second Time.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

New Clause 3A

- vote deferred

New Clause 6A

- insertion of new clause proposed

THAT, the Bill be amended by inserting the following new clause—

Tenure
of office.

6A. (1) The Chairperson and members of the Board, shall hold office for a term of three years and may be eligible for re-appointment for an additional final term of three years.

(2) Notwithstanding the provisions of subsection (1), the Chairperson or a member of the Board may be removed from office if that person—

(a) has been absent from three consecutive meetings of the Committee without justifiable cause or the written permission of the Chairperson;

(b) is adjudged bankrupt or enters into a composition or arrangement with the creditors of the person;

(c) is convicted of an offence involving anti-economic crimes or corruption;

(d) becomes incapable of carrying out the functions of their office due to an infirmity of mind or body;

(e) violates Chapter Six of the Constitution; or

(f) fails to disclose any interest in a matter under consideration by the Committee as provided for under this Act.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Motion made and Question proposed;

THAT, New Clause 6A be now read a Second Time.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

New Clause 6A

- vote deferred

New Clause 6B

- insertion of new clause proposed

THAT, the Bill be amended by inserting the following new clause—

Remuneration
of the Board.

(g) 6B. The Chairperson and the members of the Board shall be paid such sitting allowances or other remuneration for expenses as recommended by the Salaries and Remuneration Commission.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Motion made and Question proposed;

THAT, New Clause 6B be now read a Second Time.

(The Chairperson, Standing Committee on Roads, Transportation and Housing)

New Clause 6B

- vote deferred

New Clause 6C

- insertion of new clause proposed

THAT, the Bill be amended by inserting the following new clause—

Vacancy.

6C. (1) The office of the Chairperson or a member of the Board shall become vacant if the holder—

- (a) dies;
- (b) resigns from office in writing addressed to the county executive committee member;
- (c) is absent from three consecutive meetings of the Board without good cause; or
- (d) is removed from office under subsection (2).

(2) A person may be removed as a chairperson or member of the Board if that person—

- (a) is absent without permission of the Chairperson or the county executive committee member from three consecutive meetings of the Board;
- (b) contravenes the provisions Chapter Six of the Constitution;
- (c) is incapacitated by prolonged physical or mental illness and is

- unable to discharge the duties of his or her office;
- (d) is convicted of an offence and imprisoned for a term of more than six months;
- (e) fails to comply with the provisions of the Act relating to disclosure of interest; or
- (f) is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Motion made and Question proposed;

THAT, New Clause 6C be now read a Second Time.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

New Clause 6C - vote deferred

New Clause 6D - insertion of new clause proposed

THAT, the Bill be amended by inserting the following new clause—

- | | |
|--------------------------|---|
| Committees of the Board. | (g) 6D. The Board may establish such committees as it may consider necessary for the performance of its functions and the exercise of its powers under the Act. |
|--------------------------|---|

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Motion made and Question proposed;

THAT, New Clause 6D be now read a Second Time.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

New Clause 6D - vote deferred

New Clause 6E - insertion of new clause proposed

THAT, the Bill be amended by inserting the following new clause—

Conduct of affairs and business of the County Committee.

6E. (1) The conduct of affairs and business of the Board shall be in accordance with the First Schedule of this Act.

(h) (2) Subject to subsection (1), the Board may amend its own procedures for the better carrying out of its functions.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Motion made and Question proposed;

THAT, New Clause 6E be now read a Second Time.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

New Clause 6E

- vote deferred

New Clause 7A

- insertion of new clause proposed

THAT, the Bill be amended by inserting the following new clause immediately after clause 7 –

Power to suspend or revoke certificate of registration.

7A. (1) The county executive committee member may suspend or revoke any certificate of registration issued under this Act on the grounds that the owner of the motorcycle or the rider of the motorcycle has failed or neglected to comply with the provisions of the Act.

(2) Prior to suspension of the certificate of registration under subsection (1) the county executive committee member shall—

(a) inform the holder of a registration certificate of the reasons for the proposed suspension or revocation; and

(b) give the holder of a registration certificate an opportunity to be heard in respect to the proposed suspension or revocation.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Motion made and Question proposed;

THAT, New Clause 7A be now read a Second Time.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

New Clause 7A - vote deferred

New Clause 28A - insertion of new clause proposed

THAT, the Bill be amended by inserting the following new clause—

County 28A. Nothing in this Act shall preclude county
legislation. governments from enacting legislation related to
regulation of motorcycles within its county.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Further amendment proposed

THAT the Bill be amended by inserting the following new clause immediately after Clause 28—

County 28A. Each county may enact legislation setting out
legislation. the framework for motorcycle regulation in
the county.

(Sen. (Dr.) Boni Khalwale, MP on behalf of Sen. Godfrey Osotsi, MP)

Further amendment withdrawn by the Mover

Motion made and Question proposed;

THAT, New Clause 28A be now read a Second Time.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

New Clause 28A - vote deferred

New Clause 30 - insertion of new clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 29 –

Consequential 30. Section 21 and 22 of the National
amendments. Transport and Safety Act are repealed.

Motion made and Question proposed;

THAT, New Clause 30 be now read a Second Time.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

New Clause 30

- vote deferred

New Schedule

- insertion of new schedule proposed

CONDUCT OF BUSINESS AND AFFAIRS
OF BOARD

Meetings of the Board.

1. (1) The Board shall meet at least once in every three months to conduct the business of the Board.

(2) The Chairperson shall convene the ordinary meetings of the Board.

(3) Despite the provisions of subparagraph (1), the Chairperson shall, upon a written request by at least five members, convene a special meeting of the Board at any time where the chairperson considers it expedient for the transaction of the business.

(4) Unless three quarters of the total number of the members of the Board otherwise agree, at least fourteen days written notice of every meeting shall be given to every by the respective Secretary.

(5) The quorum for the conduct of the business of the Board shall be five members.

(6) The chairperson shall preside at every meeting of the Board at which the Chairperson is present and in the Chairperson’s absence, the members present shall elect one person from their number to preside over the meeting and that person shall have all the powers of the Chairperson.

(7) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairperson or person presiding over the meeting shall have a casting vote.

(8) The proceedings of the Board shall not be invalidated by reason of a vacancy within its membership.

(9) Subject to provisions of this Schedule, the Board may determine its own procedure and for the attendance of other persons at its meetings thereof.

Disclosure of Interest.

2. (1) If a member of the Board is directly or indirectly interested in any matter before the Council or the county e-waste committee and is present at the respective meeting at which the matter is the subject of consideration, that member shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the member’s interest in the matter and shall not take part in the deliberations relating to the matter, or vote on, the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

Motion made and Question proposed;

THAT, the New Schedule be now read a Second Time.

(Sen. Mohammed Chute, MP on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

New schedule - vote deferred

Clause 2 - amendment proposed

THAT clause 2 of the Bill is amended by deleting the definition of the term “employment contract” and substituting therefor the following new definition—

“contract” means a written or oral agreement between the owner of a motorcycle and a rider which provides the terms and conditions of engagement, including wages, working hours, duties and responsibilities and other relevant matters.

(Sen. (Dr.) Boni Khalwale, MP on behalf of Sen. Godfrey Osotsi, MP)

Amendment withdrawn by the Mover

Clause 2 - vote deferred

The Title and Clause 1

Motion made and Question proposed;

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

(Sen. (Dr.) Boni Khalwale, MP)

The Title and Clause 1 - vote deferred

Progress Report

Motion made –

THAT, the Committee of the Whole House do report to the Senate its consideration of the Public Transport (Motorcycle Regulation) Bill (Senate Bills No. 38 of 2023) and seek leave to sit again tomorrow

(Sen. (Dr.) Boni Khalwale, 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 does not affect counties;

Question put and agreed to.

13. **HOUSE RESUMED** – (Temporary Speaker (Sen. Wakili Hillary Sigei, MP) – in the Chair)

14. **THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL (SENATE BILLS NO. 38 OF 2023)**

Progress reported;

Motion made and Question proposed;

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

(Sen. (Dr.) Boni Khalwale, MP)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84(1), the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) ruled that the Motion does not affect counties.

Question put and agreed to.

15. **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 Public Finance Management (amendment) Bill (Senate Bills No. 40 of 2023)

Clause 2 - amendment proposed

THAT the Bill be amended by deleting clause 2 and substituting therefore the following new clause-

Insertion of new sections in Cap. 412A 2. The principal Act is amended by inserting the following new sections immediately after section 160 —

- Establishment of Committee. Revenue Collection System Committee which shall consist of-
- (a) the Cabinet Secretary or a person designated in writing;
 - (b) the Principal Secretary for matters related to Devolution;
 - (c) the Controller of Budget or a person designated in writing;
 - (d) the Commissioner General of the Kenya Revenue Authority or a person designated in writing; and
 - (e) two persons nominated by the Council of Governors.

(2) The Committee shall, within nine months of the coming into force of this Act, design, develop and coordinate integrated county revenue system which shall—

- (a) be transparent, efficient, effective and verifiable;
- (b) ensure data accuracy and protection;
- (c) respect and promote the distinctiveness of the national and county governments;
- (d) be adequately secure to prevent any fraud, losses or leakages; and
- (e) provide for separate accounting and reporting

(3) Within three months of the development of the system under subsection (3), each county government shall adopt and implement the integrated county revenue management system

Reports. 160B. (1) A county treasury shall prepare and submit a quarterly report on the status of the adoption and implementation of the integrated county revenue management system.

(2)A report under subsection (1) shall be submitted to the respective county assembly, the Senate and the Controller of Budget.

(Sen. Hamida Kibwana, MP, on behalf of the Chairperson, Standing Committee on Finance and Budget)

Clause 2 - vote deferred

Clause 3 - amendment proposed

THAT clause 3 of the Bill be amended in the proposed new section 191F (1) by inserting the words “in consultation with the respective county executive committee member” immediately after the words “Cabinet Secretary shall”.

(Sen. Hamida Kibwana, MP, on behalf of the Chairperson, Standing Committee on Finance and Budget)

Clause 3 - vote deferred

The Title and Clause 1

Motion made and Question proposed;

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

(Sen. Hamida Ali Kibwana, MP)

The Title and Clause 1 - vote deferred

Progress report;

Motion made;

THAT, the Committee of the Whole do report to the Senate its consideration of the Public Finance Management (amendment) Bill (Senate Bills No. 40 of 2023) and seek leave to sit again tomorrow.

(Sen. Hamida Ali Kibwana, 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 does not affect counties;

Question put and agreed to.

16. **HOUSE RESUMED** – (Temporary Speaker (Sen. Wakili Hillary Sigei, MP) – in the Chair)

17. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2023)**

Progress reported;

Motion made and Question proposed;

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

(Sen. Hamida Ali Kibwana, MP)

And there being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1), the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) ruled that the Motion does not affect counties.

Question put and agreed to.

18. **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 Intergovernmental Relations (Amendment) Bill (Senate Bills No. 12 of 2024)

Clause 3 - amendment proposed

THAT clause 3 of the Bill be amended—

- (a) in paragraph (d) in the proposed new sub-section (4) (a) by inserting—
 - i. the words “in law, humanities or social sciences” immediately after the words “a Master’s degree”;
 - ii. the following new paragraph immediately after paragraph (c)

(d) has at least 15 years working experience, ten of which should have been held in a managerial position;
 (b) in paragraph (e) by deleting the proposed new section 5(b) and substituting therefor the following new paragraph –

(b) has knowledge and experience of at least ten years in matters relating to —

- i. law;
- ii. public administration;
- iii. alternative Dispute Resolution;
- iv. economics;
- v. finance;
- vi. human rights;
- vii. management; or
- viii. social sciences;

(The Senate Majority Leader on behalf of the Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

Clause 3 -vote deferred

Clause 4 -amendment proposed

THAT clause 4 of the Bill be amended—

(a) by deleting paragraph (a) and substituting therefor the following new paragraph-

(a) The Agency shall be responsible for the day to day administration of the Summit and in particular—

- (i). facilitate the activities of the Summit; and
- (ii). implement the decisions of the Summit.

(b) in paragraph (b) by inserting the following new paragraph immediately after paragraph (ci)—

(cj) undertake research on intergovernmental matters.

(The Senate Majority Leader on behalf of the Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

Clause 4 -vote deferred

Clause 5

Motion made and Question proposed;

THAT, Clause 5 be part of the Bill.

(The Senate Majority Leader)

Clause 5 -vote deferred

Clause 6

-amendment proposed

THAT clause 6 of the Bill be deleted and substituted with the following new clause—

6. Section 13 of the principal Act, is amended-

- (i). in subsection (1) by deleting the words “Technical Committee” appearing at the beginning of the subsection and substituting therefor the word “Agency”;
- (ii). by inserting the following new subsection immediately after subsection (1)—

1A. The Council of Governors may establish and convene sector forums on sectoral issues of common interest among county governments.

(The Senate Majority Leader on behalf of the Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

Clause 6

-vote deferred

Clauses 7, 8, 9, 10 and 11

Motion made and Question proposed;

THAT, Clauses 7, 8, 9, 10 and 11 be part of the Bill.

(The Senate Majority Leader)

Clauses 7, 8, 9, 10 and 11

-vote deferred

Clause 12

-amendment proposed

THAT clause 12 of the Bill be amended in the proposed new Section 20A (1) by inserting the following new paragraph immediately after paragraph (a)—

(aa) Monies allocated annually by Parliament for the purposes of the Council.

(The Senate Majority Leader on behalf of the Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

Clause 12

-vote deferred

Clause 13

-amendment proposed

THAT clause 13 of the Bill be amended-

- (a) in the new proposed new section 23C by deleting the words “the it can only be staff of the council secretariat” appearing in the marginal note;

(b) by inserting a new Section immediately after the proposed new section 23C-

23CA. The staff serving in the Council shall at the commencement of this Act be deemed to be staff of the Council as provided for under section 23C;

(c) in the proposed new section 23E (3)-

(i). by inserting the following new paragraph immediately after paragraph (b)-

(ba). a Secretary General who shall be a member of a County Assembly;

(ii). by deleting the word “seven” appearing at the beginning of paragraph (c) and substituting therefor the word “Six” ;

(d) in the proposed new section 23F(1) –

(i). by inserting the word “resolution” immediately after the words “facilitating disputes” in paragraph (c);

(ii). by inserting the following new paragraphs immediately after paragraph (e)-

(f). representing County Assemblies in all engagements with Intergovernmental Forums;

(g). considering reports from other intergovernmental forums on matters affecting County Governments;

(e) in the proposed new Section 23G (1) by inserting the following new paragraph immediately after paragraph (a)—

(aa) Monies allocated annually by Parliament for the purposes of the Forum.

(f) In the proposed new Section 23K by deleting the words “for— - where has this entity come from?” appearing immediately after the words “conditions of service”.

(The Senate Majority Leader on behalf of the Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

Clause 13

-vote deferred

Clauses 14, 15 and 16

Motion made and Question proposed;

THAT, Clauses 14, 15 and 16 be part of the Bill.

(The Senate Majority Leader)

Clauses 14, 15 and 16

-vote deferred

Clause 17

-deletion proposed

THAT clause 17 of the Bill be deleted.

(The Senate Majority Leader on behalf of the Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

Clause 17

-vote deferred

New Clause 11A - insertion of new clause proposed;

THAT the Principal Act is amended by inserting the following new sections immediately after Section 19-

11A. Establishment of Pension Scheme

(1) Employees and staff of a county government shall subscribe to an existing pension scheme for officers and staff of county governments prescribed under this Act.

(2) The pension scheme shall be one which is-

- (a) established under irrevocable trusts or under regulations made under section 19D;
- (b) registered under the Retirement Benefits Act prior to the Commencement of this Act;
- (c) a retirement benefit scheme which offers lifetime periodical pension;
- (d) a defined contribution (umbrella) pension scheme;
- (e) subscribed to by a majority of employees in all the county governments in Kenya as at the coming into force of this section; and
- (f) not a defined benefits pension scheme.

(3) The Scheme shall be one administered by an administrator of the Scheme appointed by the Trustees.

(4) The benefits entitlement shall not be less than those provided for under a Scheme existing at the commencement of this Act.

(The Senate Majority Leader on behalf of Sen. Wakili Hillary Sigei, MP)

Motion made and Question proposed;

THAT, New Clause 11A be now read a Second Time.

(The Senate Majority Leader on behalf of Sen. Wakili Hillary Sigei, MP)

New Clause 11A

-vote deferred

New Clause 11B

-insertion of new clause proposed;

11B. Trustees of the Scheme.

- (1) There shall be a Board of Trustees which shall be a body corporate registered as such under the Trustees (Perpetual Succession) Act.
- (2) The Scheme shall have at least four and not more than nine trustees.

- (3) The Council shall ensure that at least one of the nine trustees is an independent trustee who-
 - (a) shall be sourced through a competitive recruitment process by the Council; and
 - (b) possesses all relevant qualifications required of trustees under the Retirement Benefits Act.

(The Senate Majority Leader on behalf of Sen. Wakili Hillary Sigei, MP)

Motion made and Question proposed;

THAT, New Clause 11B be now read a Second Time.

(The Senate Majority Leader on behalf of Sen. Wakili Hillary Sigei, MP)

New Clause 11B -vote deferred

New Clause 11C -insertion of new clause proposed

11C. The Schemes shall have reciprocal arrangements for purposes of portability of benefits with a contributory scheme for national government public service and any other registered pension scheme in Kenya and compatible schemes in any foreign country.

(The Senate Majority Leader on behalf of Sen. Wakili Hillary Sigei, MP)

Motion made and Question proposed;

THAT, New Clause 11C be now read a Second Time.

(The Senate Majority Leader on behalf of Sen. Wakili Hillary Sigei, MP)

New Clause 11C -vote deferred

New Clause 11D -insertion of new clause proposed;

11D. Any law or regulation on retirement benefits for counties which existed at the commencement of this Act shall within one year be amended to conform to this Act.

(The Senate Majority Leader on behalf of Sen. Wakili Hillary Sigei, MP)

Motion made and Question proposed;

THAT, New Clause 11D be now read a Second Time.

(The Senate Majority Leader on behalf of Sen. Wakili Hillary Sigei, MP)

New Clause 11D -vote deferred

New Clause 11E

-insertion of new clause proposed;

THAT the principal Act is amended in Section 20 subsection (1) by inserting the following new paragraphs immediately after paragraph (i) —

(j) coordinate the appointment of Trustees to the Schemes upon receipt of nomination by relevant stakeholders and appoint independent trustees in accordance with the Retirement Benefits Act;

(k) perform such other coordination functions as may be necessary for the efficient functioning of the Schemes; and

(l) ensure the respective counties perform their responsibilities as sponsors of the scheme effectively for the best interest of their employees and in accordance with the Retirement Benefits Act.

(The Senate Majority Leader on behalf of Sen. Wakili Hillary Sigei, MP)

Motion made and Question proposed;

THAT, New Clause 11E be now read a Second Time.

(The Senate Majority Leader on behalf of Sen. Wakili Hillary Sigei, MP)

New Clause 11E

-vote deferred

Clause 2

-amendment proposed

THAT, the Principal Act be amended in Section 2 by inserting the following new definitions in their proper alphabetical order —

“agency” means the Intergovernmental Relations Agency established under section 11;

“Administrator” has the meaning assigned to it under the Retirement Benefits Act;

“Existing scheme” means a retirement benefit pension scheme which existed prior to the setting up of county governments and meets the criteria stipulated under Section 19A of this Act;

“liabilities” means pension debts owing to a retirement benefit scheme as a result of unremitted contributions, and may include principal debt, actuarial deficits, interests or penalties and profits;

“Pension Scheme” means a retirement benefit scheme for the payment of regular or periodical payments of benefits to the members or employees when

they leave employment or to the dependants of members or employees on the death of those employees;

“Umbrella Scheme” means a retirement benefits scheme grouping with members employed by several employers, in which employees and employer's contributions are paid into the fund established for that purpose;

“Scheme rules” means regulations made under section 19D providing for establishment of a pension scheme for county government employees and related purposes;

“Trustees” means the trustees of the Scheme;

(The Senate Majority Leader on behalf of Sen. Wakili Hillary Sigei, MP)

Clause 2

-vote deferred

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)

The Title and Clause 1

-vote deferred

Progress report;

Motion made;

THAT, the Committee of the Whole do report to the House its consideration of the Intergovernmental Relations (Amendment) Bill (Senate Bills No. 12 of 2024) and seek leave to sit again tomorrow.

(Sen. Danson Mungatana, MP on behalf of 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.

19. **HOUSE RESUMED** – (Temporary Speaker (Sen. Wakili Hillary Sigei, MP) – in the Chair)

20. **THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2024)**

Progress reported;

Motion made and Question proposed;

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

(Sen. Danson Mungatana, MP on behalf of the Senate Majority Leader)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1), the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) ruled that the Motion does not affect counties.

Question put and agreed to.

21. **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 Political Parties (Amendment) (No.2) Bill, 2024 (Senate Bills No. 26 of 2024)

Clauses 3 and 4

Motion made and Question proposed;

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

(The Senate Majority Leader)

Clauses 3 and 4

-vote deferred

Clause 5

-amendment proposed

THAT the Bill be amended by deleting clause 5 and substituting therefor the following new clause –

Repeal and replacement of section 33 of Cap. 7D

5. The principal Act is amended by repealing section 33 and substituting therefor the following new sections—

Establishment of the Independent

33. (1) There is established a Commission known as the Independent Political Parties Regulatory Commission.

Political Parties Regulatory Commission.

(2) The Commission shall be a body corporate with perpetual succession and a seal, and shall be capable, in its own name of—
(a) acquiring and disposing of property;
(b) suing and being sued; and
(c) doing or performing all such acts and things as a body corporate may by law do or perform.

Functions of the Commission.

33A. (1) The Commission is responsible for —
(a) the registration of political parties and their office holders;
(b) the management of the Political Parties’ Fund established under this Act;
(c) ensuring the publication of audited annual accounts of political parties;
(d) the verification and making publicly available the list of all members of political parties;
(e) keeping and maintaining a register of members of registered political parties;
(f) maintaining a register of political parties and the symbols of the political parties;
(g) ensuring and verifying that no person is a member of more than one political party and notifying the Independent Electoral and Boundaries Commission of its findings;
(h) certifying that an independent candidate in an election is not a member of any registered political party;
(i) certifying that the symbol intended to be used by an independent candidate in an election does not resemble the symbol of a registered political party;
(j) certifying that the names appearing in a party list are the names of members of the political party; presenting the party list;
(k) regulating political party nominations in accordance with this Act;
(l) training political party election agents upon the request and financing by the political party;
(m) investigating complaints received under this Act; and
(n) such other functions as may be conferred on the Commission by national legislation.

(2) The Commission, in the performance of its functions, shall be independent and not subject to the direction or control of any person or authority.

Membership of the Commission.

33B. (1) The Commission shall comprise of five members nominated in accordance with subsection

(2) and appointed by the President with the approval of Parliament.

(2) The members of the Commission shall be nominated as follows —

- (a) two members, one man and one woman, nominated by the majority party or coalition of parties in Parliament;
- (b) two members, one man and one woman, nominated by the minority party or coalition of parties in Parliament;
- (c) one member nominated by the Parliamentary Service Commission being a representative of non-parliamentary registered political parties.

(3) The members of the Commission shall elect a chairperson and vice chairperson from among themselves—

- (a) at the first sitting of the Commission; and
- (b) whenever it is necessary to fill a vacancy in the office of the chairperson and vice-chairperson.

(4) The chairperson and vice chairperson of the Commission shall not be of the same gender.

Qualifications for appointment as member of the Commission.

33C. (1) A person is qualified for appointment as member of the Commission if that person—

- (a) holds a degree from a university recognised in Kenya;
- (b) has proven knowledge and experience in any of the following fields—
 - i) finance;
 - i) management;
 - i) political science;
 -) electoral matters
 -) law;
 - i) governance; or
 - i) public administration;
- (c) has at least ten years post qualification experience in the relevant areas of expertise; and
- (d) meets the requirements of Chapter Six of the Constitution.

(2) A person is not qualified for appointment as a member of the Commission if the person –

- (a) has, at any time within the preceding five years, held office or stood for election for any elective position in Kenya or as a member of a governing body of a political party;
- (b) is an undischarged bankrupt; or
- (c) has been removed from office for contravening the provisions of the Constitution or any other law.

(3) A person who serves as a member of the Commission is not eligible to contest for any elective

position or as a member of a governing body of a political party within five years of the person ceasing to be a member of the Commission.

Tenure of office.

33D. (1) The members of the Commission shall be appointed for a single term of six years and are not eligible for re-appointment.

(2) The members of the Commission shall serve on a full-time basis.

Vacancy in the office of a member of the Commission.

33E. (1) The office of a member of the Commission shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice in writing addressed to the President; or
- (c) is removed from office in accordance with section 33F.

(2) The President shall publish a notice of a vacancy in the Gazette within seven days of the occurrence of such vacancy.

(3) Whenever a vacancy arises under subsection (1), the nominating body shall, within sixty days from the date of publication of the vacancy, competitively recruit and submit the name of the nominee to the President for appointment.

(4) The members of the Commission shall, before assuming office, take and subscribe to the oath or affirmation prescribed in the Fourth Schedule.

Removal from office.

33F. (1) A member of the Commission may be removed from office only on grounds of—

- (a) serious violation of the Constitution or of this Act;
- (b) gross misconduct whether in the performance of the member's or office holder's functions or otherwise;
- (c) physical or mental incapacity to perform the functions of office;
- (d) bankruptcy; or
- (e) incompetence.

(2) A person desiring the removal of a member of the Commission shall present a petition to the Public Service Commission which shall be in writing, setting out the alleged facts constituting the grounds for the removal of the member.

(3) The Public Service Commission shall consider the petition and, if it is satisfied that it discloses the existence of a ground under subsection (1), send the petition to the President.

(4) On receipt and examination of the petition, the President shall—

- (a) suspend the member pending the outcome of the petition; and
- (b) appoint a tribunal in accordance with subsection (5).

(5) The President shall appoint a tribunal consisting of—

- (a) a chairperson who shall be nominated by the Judicial Service Commission and who shall be a person who is qualified to hold office as a judge of a superior court;
- (b) two other persons, a man and a woman, who shall be nominated by the Law Society of Kenya and who shall be qualified to hold office as a judge of a superior court; and
- (c) two persons, a man and a woman, who shall be nominated by the Association of Professional Societies in East Africa and who have knowledge and experience in public affairs and are competent to assess the facts in respect of the particular ground for removal.

(6) The tribunal shall, within thirty days, investigate the matter and report on the facts to the President who shall act in accordance with the recommendation.

(7) A person who is suspended under this section shall continue, while on suspension, to receive one-half of the remuneration and benefits of the office.

Procedure of the Commission.

33G. (1) The business and affairs of the Commission shall be conducted in accordance with the Sixth Schedule.

(2) Except as provided in the Sixth Schedule, the Commission may regulate its own procedure.

Terms and conditions of service.

33H. The salaries and allowances payable to, and other terms and conditions of service of the members of the Commission shall be determined by the Salaries and Remuneration Commission.

Appointment of the secretary.

33I. (1) There shall be a secretary to the Commission who shall be competitively recruited and appointed by the Commission.

- (2) The secretary shall be –
 - (a) the chief executive officer of the Commission; and
 - (b) the head of the secretariat and shall be responsible to the Commission.

(3) A person is qualified for appointment as a secretary to the Commission if the person—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has had at least ten years proven experience at management level;
- (d) has extensive experience in public administration; and
- (e) meets the requirements of Chapter Six of the Constitution.

(4) The secretary shall hold office for a term of five years and shall be eligible for re-appointment for a further term of five years.

Removal of the secretary.

33J. (1) The secretary may be removed from office by the Commission in accordance with the terms and conditions of service for—

- (a) inability to perform the functions of the office of secretary arising out of physical or mental incapacity;
- (b) gross misconduct;
- (c) incompetence or neglect of duty;
- (d) violation of the Constitution; or
- (e) any other ground that would justify removal from office under the terms and conditions of service.

(2) Before the secretary is removed under subsection (1), the Secretary shall be given—

- (a) sufficient notice of the allegations made against him or her; and
- (b) an opportunity to present his or her defence against the allegations.

Powers of the Commission to appoint staff.

33K. The Commission shall have the power to appoint such other staff as may be necessary for the proper discharge of its functions under this Act and on such terms and conditions of service as the Commission may determine in consultation with the Salaries and Remuneration Commission.

(Sen. Danson Mungatana, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 5

-vote deferred

Further amendment proposed

THAT clause 5 of the Bill be amended –

- (a) in the proposed new section 33(2) by –
 - (i) deleting paragraph (e); and
 - (ii) deleting paragraph (k).

- (b) in the proposed new section 33B by –
 - (i) deleting the words “the National Assembly” appearing immediately after the words “approval of the” in subsection (1) and substituting therefor the word “Parliament”; and
 - (ii) inserting the words “and on part-time basis” immediately after the words “six years” in subsection (3);

(c) by deleting the proposed new section 33C and substituting therefor the following new sections –

Vacancy in the office of a member of the Commission. 33C. (1) The office of a member of the Commission shall become vacant if the holder—

- (d) dies;
- (e) resigns from office by notice in writing addressed to the President; or
- (f) is removed from office for –
 - (i) serious violation of the Constitution or any other law;
 - (ii) gross misconduct whether in the performance of the member’s or office holder’s functions or otherwise;
 - (iii) physical or mental incapacity to perform the functions of office;
 - (iv) incompetence; or
 - (v) bankruptcy.

(2) The President shall publish a notice of a vacancy in the Gazette within seven days of the occurrence of such vacancy.

(3) Whenever a vacancy arises under subsection (1), the nominating body shall, within sixty days from the date of publication of the vacancy, competitively recruit and submit the name of the nominee to the President for appointment.

Appointment of the secretary. 33D. (1) There shall be a secretary to the Commission who shall be competitively recruited and appointed by the Commission.

(2) The secretary shall be –

- (c) the chief executive officer of the Commission; and
- (d) the head of the secretariat and shall be responsible to the Commission.

(3) A person shall be qualified for appointment as a secretary to the Commission if the person—

- (f) is a citizen of Kenya;
- (g) holds a degree from a university recognized in Kenya;

- (h) has had at least ten years proven experience at management level;
- (i) has extensive experience in public administration; and
- (j) meets the requirements of Chapter Six of the Constitution.

(4) The secretary shall hold office for a term of five years and shall be eligible for re-appointment for a further term of five years.

Removal of the secretary.

33E. (1) The secretary may be removed from office by the Commission in accordance with the terms and conditions of service for—

- (f) inability to perform the functions of the office of secretary arising out of physical or mental incapacity;
- (g) gross misconduct or misbehaviour;
- (h) incompetence or neglect of duty;
- (i) violation of the Constitution; or
- (j) any other ground that would justify removal from office under the terms and conditions of service.

(2) Before the secretary is removed under subsection (1), the Secretary shall be given—

- (c) sufficient notice of the allegations made against him or her; and
- (d) an opportunity to present his or her defence against the allegations.

Powers of the Commission to appoint staff.

33F. The Commission shall have the power to appoint such other staff as may be necessary for the proper discharge of its functions under this Act and on such terms and conditions of service as the Commission may determine in consultation with the Salaries and Remuneration Commission.

(Sen. Godfrey Osotsi, MP)

Further amendment dropped in the absence of the Mover

Clause 5

-vote deferred

Clause 6

Motion made and Question proposed;

THAT, Clause 6 be part of the Bill.

(The Senate Majority Leader)

Clause 6

-vote deferred

Clause 7

-amendment proposed

THAT the Bill be amended by deleting clause 7 and substituting therefor the following new clause –

Amendment of section 34C of Cap 7D.

- 7. Section 34C of the principal Act is amended –
 - (a) in subsection (1) by deleting the words “or is deemed to have resigned from the political party and the Registrar has been notified of the resignation” appearing in paragraph (c); and
 - (b) by deleting subsection (4) and substituting therefor the following new subsection –
 - (4) A political party that is dissatisfied by the decision of the Commission under subsection (1) may appeal to the High Court.

(Sen. Danson Mungatana, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 7

-vote deferred

Clause 8

-amendment proposed

THAT the Bill be amended by deleting clause 8 and substituting therefor the following new clause –

Savings and transition.

- 8. On the commencement of this Act –
 - (a) all the funds, assets and other property movable and immovable which immediately before that day, were held in the name of the Office of the Registrar of Political Parties shall, without further assurance, vest in the Commission;
 - (b) all rights, powers, liabilities and duties, whether arising under any written law or otherwise, which immediately before that day were vested in, imposed on or enforceable by or against the Office of the Registrar of Political Parties shall, be transferred to, vested in, imposed on or enforceable by or against the Commission;
 - (c) all actions, suits or legal proceedings pending by, against or before the Office of the Registrar of Political Parties shall be carried on or

- prosecuted by, against or before the Commission;
- (d) all records kept, certificate issued, actions taken and decisions made by the Office of the Registrar of Political Parties shall, deemed to have been kept, issued or made by the Commission;
- (e) a person who immediately before that day was a member of staff of the Office of the Registrar of Political Parties shall be deemed to be a member of staff of the Commission and shall continue to serve under the same terms and conditions.

(Sen. Danson Mungatana, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 8

-vote deferred

New Clause 2A

-insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after clause 2 –

Amendment of 2A. Section 21 of the principal Act is amended section 21 of Cap. 7D. by deleting subsection (7) and substituting therefor the following new subsection –

(7) A political party which is dissatisfied with the decision of the Commission under subsections (1) or (2) may appeal to the High Court against the decision.

(Sen. Danson Mungatana, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Motion made and Question proposed;

THAT, New Clause 2A be now read a Second Time.

(Sen. Danson Mungatana, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

New Clause 2A

-vote deferred

New Clause 4A

-insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after clause 4 –

Amendment
of section
32 of Cap.
7D.

4A. Section 32 of the principal Act is amended by –
(a) deleting subsection (1) and substituting therefor the following new subsection –
(1) The Commission shall keep proper books of account of the income, expenditure and assets of the Commission.
(b) by deleting subsection (2) and substituting therefor the following new subsection –
(2) Within a period of three months after the end of a financial year, the Commission shall submit to the Auditor-General, the accounts of the Commission together with—
(a) a statement of the income and expenditure of the Commission during that year; and
(b) a statement of the assets and liabilities of the Commission during that year.

(Sen. Danson Mungatana, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Motion made and Question proposed;

THAT, New Clause 4A be now read a Second Time.

(Sen. Danson Mungatana, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

New Clause 4A

-vote deferred

New Clause 6A

-insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after clause 6 –

Repeal of section 34A of Cap. 7D. 6A. The principal Act is amended by repealing section 34A.

(Sen. Danson Mungatana, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Further amendment proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 6 –

Repeal of section 6A. The principal Act is amended by repealing section 34A.

Motion made and Question proposed;

THAT, New Clause 7B be now read a Second Time.

(Sen. Danson Mungatana, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

New Clause 7B

-vote deferred

New Clause 7C

-insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clauses immediately after clause 7 –

Amendment 7C. Section 38 of the principal Act is amended in subsection of section (3) by inserting the words “Independent Electoral and 38 of Cap Boundaries” immediately after the words “between the 7D. Registrar”.

(Sen. Danson Mungatana, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Motion made and Question proposed;

THAT, New Clause 7C be now read a Second Time.

(Sen. Danson Mungatana, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

New Clause 7C

-vote deferred

New Clause 7D

-insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clauses immediately after clause 7 –

Amendment 7D. Section 40 of the principal Act is amended in subsection of section 40 (1) by deleting paragraph (f). of Cap. 7D.

(Sen. Danson Mungatana, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Motion made and Question proposed;

THAT, New Clause 7D be now read a Second Time.

(Sen. Danson Mungatana, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

New Clause 7D

-vote deferred

New Clause 7E

-insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clauses immediately after clause 7 –

Repeal and substituting of the Sixth Schedule.

7E. The principal Act is amended by repealing the Sixth Schedule and substituting therefor the following new schedule –

SIXTH SCHEDULE (s. 33G)

MEETINGS AND PROCEDURE OF THE COMMISSION

1. Meetings

(1) The Commission shall decide when and where it meets and the meetings shall be convened by the chairperson.

(2) The Commission shall have at least four meetings in every financial year and not more than four months shall elapse between one meeting and the next meeting.

(3) Unless three members otherwise agree, at least seven days’ notice in writing of a meeting shall be given to every member.

(4) A meeting shall be presided over by the chairperson or in the absence of the chairperson, by the vice-chairperson.

(7) The Commission may invite any person to attend any of its meetings and to participate in its deliberations, but such person shall not have a vote in any decision of the Commission.

2. Committees of the Commission

(1) The Commission may, from time to time, establish committees for the better carrying out of its functions.

(2) The Commission may—

(a) co-opt into the membership of a committee established under subsection (1) other persons whose knowledge and skills are necessary for the functions of the Commission;

(b) hire such experts or consultants as are necessary for the functions of the Commission.

3. Conflict of interest

(1) If any person has a personal or fiduciary interest in any matter before the Commission, and is present at a

meeting of the Commission or any committee at which any such matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A person who contravenes subparagraph (1) commits an offence.

(4) No member or staff of the Commission shall transact any business or trade with the Commission.

3. Quorum

Subject to subparagraph (2), the quorum of the meeting shall be three members.

4. Voting

A question before the Commission shall be decided with a supporting vote majority of the members present.

5. Rules of procedure and minutes

The Commission shall—

(a) determine rules of procedure for the conduct of its business; and
keep minutes of its proceedings and decisions.

(Sen. Danson Mungatana, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Motion made and Question proposed;

THAT, New Clause 7E be now read a Second Time.

(Sen. Danson Mungatana, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

New Clause 7E

-vote deferred

Clause 2

-amendment proposed

THAT clause 2 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph –

(a) deleting the definition of the word “Commission” and substituting therefor the following new definition -

“Commission” means the Independent Political Parties Regulatory Commission established under section 33.

(Sen. Danson Mungatana, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 2

-vote deferred

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)

The Title and Clause 1

-vote deferred

Progress report;

Motion made;

THAT, the Committee of the Whole do report to the House its consideration of the Meteorology Bill (Senate Bills No. 45 of 2023) and seek leave to sit again tomorrow.

(Sen. Danson Mungatana, MP on behalf of the Senate Majority Leader)

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

Question put and agreed to.

22. **HOUSE RESUMED** – (Temporary Speaker (Sen. Wakili Hillary Sigei, MP) – in the Chair)
23. **THE POLITICAL PARTIES (AMENDMENT) (NO. 2) BILL, 2024 (SENATE BILLS NO. 26 OF 2024)**

Progress reported;

Motion made and Question proposed;

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

(Sen. Danson Mungatana, MP on behalf of the Senate Majority Leader)

There being no Senator wishing to contribute;

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

Question put and agreed to.

24. **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 Elections (Amendment) (No. 2) Bill (Senate Bills No. 29 of 2024)

Clause 3 -amendment proposed

THAT clause 3 of the Bill be amended by deleting paragraph (c)

(Sen. Danson Mungatana, MP, on behalf of the Chairperson, Standing Committee on Justice Legal Affairs and Human Rights)

Clause 3 -vote deferred

Clause 4 -amendment proposed

THAT clause 4 of the Bill be amended in paragraph (a) by—

- (a) deleting the introductory clause of the proposed new subsection 1A and substituting therefor the following new introductory clause –
 - (1A) The Commission may revise the particulars of voters at any time except –
- (b) inserting the words “within the affected electoral area” immediately after the words “such by-election” in the proposed new subsection (1A) (b).

(Sen. Danson Mungatana, MP, on behalf of the Chairperson, Standing Committee on Justice Legal Affairs and Human Rights)

Clause 4 -vote deferred

Clauses 5, 6, 7, 8, 9, 10, 11, 12 and 13

Motion made and Question proposed;

THAT, Clauses 5, 6, 7, 8, 9, 10, 11, 12 and 13 be part of the Bill.

(The Senate Majority Leader)

Clauses 5, 6, 7, 8, 9, 10, 11, 12 and 13 -vote deferred

Clause 14 -amendment proposed

Clauses 17, 18, 19 and 20

Motion made and Question proposed;

THAT, Clauses 17, 18, 19 and 20 be part of the Bill.

(The Senate Majority Leader)

Clauses 17, 18, 19 and 20

-vote deferred

Clause 21

-amendment proposed

THAT the Bill be amended by deleting clause 21 and substituting therefor the following new clause –

Amendment of section 38A of Act No. 24 of 2011.	21. Section 38A of the principal Act be amended by – (a) renumbering it 38B; and (b) by deleting the words “not exceed seven hundred” appearing immediately after the words “polling station shall not exceed” and substituting therefor the words “be between fifty and one thousand”.
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(Sen. Danson Mungatana, MP, on behalf of the Chairperson, Standing Committee on Justice Legal Affairs and Human Rights)

Clause 21

-vote deferred

Clause 22

Motion made and Question proposed;

THAT, Clause 22 be part of the Bill.

(The Senate Majority Leader)

Clause 22

-vote deferred

Clause 23

-amendment proposed

THAT clause 23 of the Bill be amended in the proposed new subsection (4A) by inserting the following new paragraph immediately after paragraph (iii)—

(iv) processing of data is only effected through a server or a data centre located in Kenya.

(Sen. Danson Mungatana, MP, on behalf of the Chairperson, Standing Committee on Justice Legal Affairs and Human Rights)

Clause 23 -vote deferred

Clause 24

Motion made and Question proposed;

THAT, Clause 24 be part of the Bill.

(The Senate Majority Leader)

Clause 24 -vote deferred

Clause 25 -amendment proposed

THAT the Bill be amended by deleting clause 25 and substituting thereof the following new clause—

- Amendment of section 45 of Act No. 24 of 2011.
- 25. Section. 45 of the principal Act be amended by—
 - (a) deleting subsection (2) and substituting therefore the following new subsection—
 - (2) A member may be recalled on the following grounds—
 - (a) misconduct likely to bring hatred, ridicule, contempt or disrepute to the office; and,
 - (b) persistent desertion of the electorate without reasonable cause.
 - (b) deleting subsection (3); and
 - (c) deleting subsection (6).

(Sen. Danson Mungatana, MP, on behalf of the Chairperson, Standing Committee on Justice Legal Affairs and Human Rights)

Clause 25 -vote deferred

Clauses 26, 27, 28 and 29

Motion made and Question proposed;

THAT, Clauses 26, 27, 28 and 29 be part of the Bill.

(The Senate Majority Leader)

Clauses 26, 27, 28 and 29 -vote deferred

Clause 30 -amendment proposed

THAT the Bill be amended by deleting clause 30.

(Sen. Danson Mungatana, MP, on behalf of the Chairperson, Standing Committee on Justice Legal Affairs and Human Rights)

Clause 30 -vote deferred

Clause 31 -amendment proposed

THAT clause 31 of the Bill be amended in the proposed new section 82A by inserting the following new subsection immediately after subsection (4) —

(5) The Commission shall, in ensuring access to information, ensure that the information is in accessible formats for persons with disability where such a request is made or where the information is required to be made available to the general public.

(Sen. Danson Mungatana, MP, on behalf of the Chairperson, Standing Committee on Justice Legal Affairs and Human Rights)

Clause 31 -vote deferred

Clauses 32 and 33

Motion made and Question proposed;

THAT, Clauses 32 and 33 be part of the Bill.

(The Senate Majority Leader)

Clauses 32 and 33 -vote deferred

Clause 2 -amendment proposed

THAT clause 2 of the Bill be amended—

- (a) in paragraph (c) by deleting the proposed new definition of the word “political party” and substituting therefor the following definition—
 - “political party” has the meaning assigned to it under Article 260 of the Constitution; and
- (c) in paragraph (e) by inserting words “and is cleared by” immediately after the words “applies to”.

(Sen. Danson Mungatana, MP, on behalf of the Chairperson, Standing Committee on Justice Legal Affairs and Human Rights)

Clause 2 -vote deferred

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)

The Title and Clause 1 - vote deferred

Progress report;

Motion made;

THAT, the Committee of the Whole do report to the House its consideration of the Elections (Amendment) (No. 2) Bill (Senate Bills No. 29 of 2024) and seek leave to sit again tomorrow.

(Sen. Danson Mungatana, MP on behalf of 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.

- 25. **HOUSE RESUMED** – (Temporary Speaker (Sen. Hillary Wakili Sigei, MP) – in the Chair)
- 26. **THE ELECTIONS (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 29 OF 2024)**

Progress reported;

Motion made and Question proposed;

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

(Sen. Danson Mungatana, MP on behalf of the Senate Majority Leader)

There being no Senator wishing to contribute;

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

Question put and agreed to.

- 27. **THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)**

Order read;

Motion made and Question proposed;

THAT the County Assembly Services (Amendment) Bill (Senate Bills No. 34 of 2023) be now read a Second Time.

(Sen. Mohamed Chute, MP)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) to defer putting of the Question to a later date;

And the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) acceding to the request, deferred the putting of the Question to a later date.

28. **THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL (SENATE BILLS NO. 14 OF 2024)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 20th November, 2024 – Afternoon Sitting)

Order deferred.

29. **THE ENVIRONMENT LAWS (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2024)**

(Sen. Abdul Haji, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 31st October, 2024)

Order deferred.

30. **MOTION - REPORT OF THE STANDING COMMITTEE ON EDUCATION ON A PETITION TO THE SENATE REGARDING THE DISCRIMINATION BY TEACHERS SERVICE COMMISSION (TSC) ON PAYMENT OF HARDSHIP AND ENHANCED HOUSE ALLOWANCES TO SOME TEACHERS IN KILIFI AND TAITA TAVETA COUNTIES**

(The Chairperson, Standing Committee on Education)

THAT, the Senate adopts the Report of the Standing Committee on Education on a Petition to the Senate regarding the discrimination by Teachers Service Commission (TSC) on payment of hardship and enhanced

house allowances to some teachers in Kilifi and Taita Taveta counties, laid on the Table of the Senate on Tuesday, 8th October, 2024.

Order deferred.

31. **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.

32. **MOTION - REPORTS OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF VARIOUS WATER SERVICE COMPANIES FOR THE FINANCIAL YEARS 2018/2019, 2019/2020 AND 2020/2021**

(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 Financial Years 2018/2019 (Volume IV), 2019/2020 (Volume V) and 2020/2021 (Volume VI), for the following Water Service Companies laid on the table of the Senate on Wednesday, 29th May, 2024;

- i) Busia Water and Sewerage Services Company Limited;
- ii) Iten- Tambach Water and Sewerage Company Limited;
- iii) Kirinyaga Water and Sanitation Company Limited;
- iv) Malindi Water and Sewerage Company Limited;
- v) Mandera Water and Sewerage Company Limited;
- vi) Migori Water and Sanitation Company Limited;
- vii) Mombasa Water and Sanitation Company Limited;
- viii) Nanyuki Water and Sanitation Company Limited; and
- ix) Nithi Water and Sanitation Company Limited.

Order deferred.

33. **MOTION - REPORT OF THE STANDING COMMITTEE ON ENERGY ON ITS INQUIRY INTO THE LIQUEFIED PETROLEUM GAS (LPG) EXPLOSION IN MRADI AREA, EMBAKASI, NAIROBI CITY COUNTY**

(The Chairperson, Standing Committee on Energy)

THAT, the Senate adopts the Report of the Standing Committee on Energy on its inquiry into the Liquefied Petroleum Gas (LPG) explosion in Mradi Area, Embakasi, Nairobi City County, laid on the Table of the Senate on Thursday, 8th August, 2024.

Order deferred.

34. **THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)**
(The Chairperson, Standing Committee on Labour and Social Welfare)

(Second Reading)

Order deferred.

35. **THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)**
(Sen. Miraj Abdillahi Abdulrahman, MP)

(Second Reading)

Order deferred.

36. **THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2023)**
(Sen. Johnes Mwaruma, MP)

(Second Reading)

Order deferred.

37. **THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 49 OF 2023)**
(Sen. Lenku Ole Kanar Seki, MP)

(Second Reading)

Order deferred.

38. **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, Sibbo, Tavevo, Tetu Aberdare and Wote Water, Sanitation and Sewerage Service Companies laid on the table of the Senate on Wednesday, 2nd October, 2024.

Order deferred.

39. **MOTION - REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE ON AN INQUIRY INTO THE WELFARE OF WORKERS IN EXPORT PROCESSING ZONES (EPZS) IN MOMBASA AND KILIFI COUNTIES**
(The Chairperson, Standing Committee of Labour and Social Welfare)

THAT, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on an inquiry into the plight of workers in the Export Processing Zones (EPZs) in Mombasa and Kilifi Counties, laid on the Table of the Senate on Tuesday, 1st October, 2024.

Order deferred.

And there being no other business in the Order Paper, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) adjourned the Senate at one minute past Six O'clock without Question put, pursuant to the Standing Orders.

40. **SENATE ROSE** – at one minute past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, December 03, 2024 at 2:30 pm*

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