



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (FOURTH SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, APRIL 08, 2025 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. **COMMUNICATION FROM THE CHAIR - SUBSTANTIATION OF A STATEMENT MADE BY SEN. SAMSON CHERARKEY, MP DURING THE SITTING OF THE SENATE HELD ON THURSDAY, 3<sup>RD</sup> APRIL, 2025**

The Deputy Speaker conveyed the following Communication from the Chair:

“Honourable Senators,

As you may recall, at the Sitting of the Senate held on Thursday, 3<sup>rd</sup> April, 2025, the Temporary Speaker (Sen. Catherine Mumma, MP) directed Sen. Samson Cherarkey, MP, to substantiate utterances made in the course of his contribution to the Motion on extension of time of the Selection Panel for the recruitment of nominees for appointment as the Chairperson and Members of the Independent Electoral and Boundaries Commission (IEBC). The direction was as a result of a Point of Order by the Senator for Kitui County, Sen. Enoch Wambua, CBS, MP, pursuant to Standing Order 105.

Standing Order 105 provides that –

*“(1) A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly.*

*(2) If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiates the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order 121 (Disorderly conduct), unless the Senator withdraws the allegations and gives a suitable apology, if the Speaker so requires.”*

Honourable Senators,

In the Point of Order, Sen. Cherarkey, MP, was required to substantiate the statement that –

*“..... With tremendous respect, I will not mention the name. I saw his leader objecting the process. Why is it that opponents of President William Ruto fear having the IEBC in place? It is because they fear elections? They must allow it to happen...”*

Honourable Senators,

Sen. Cherarkey, MP, was not able to substantiate his statements as required pursuant to Standing Order 105(1), and subsequently requested the Temporary Speaker (Sen. Catherine Mumma, MP) to provide the evidence at the next sitting day in accordance with Standing Order 105 (2). Having acceded to the request, the Temporary Speaker (Sen. Catherine Mumma, MP) directed that the Senator substantiates the allegation at the next sitting day.

Pursuant to Standing Order 105 (2), I now invite Sen. Samson Cherarkey, MP to forthwith substantiate the claim, as raised in the Point of Order by Sen. Enoch Wambua, MP, failure to which, the Senator shall be deemed to be disorderly within the meaning of Standing Order 121. In the absence of such substantiation, the Senator will be required to withdraw the statement and apologize to the Senate.

I thank you.”

Thereupon, Sen. Samson Cherarkey, MP, withdrew the claim and apologized.

5. **MESSAGE FROM THE NATIONAL ASSEMBLY – EXTENSION OF THE TENURE OF THE SELECTION PANEL FOR THE RECRUITMENT OF PERSONS FOR APPOINTMENT AS THE CHAIRPERSON AND MEMBERS OF THE INDEPENDENT ELECTORAL & BOUNDARIES COMMISSION (IEBC)**

The Deputy Speaker conveyed the following Message from the National Assembly:

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3) and (4), I received the following Message from the Speaker of the National Assembly regarding a Resolution of the National Assembly on Extension of the tenure of the Selection Panel for the Recruitment of Persons for appointment as the Chairperson and Members of the Independent Electoral & Boundaries Commission (IEBC) passed on Wednesday, 2<sup>nd</sup> April, 2025.

The Message, dated 2<sup>nd</sup> April, 2025, was received in the Office of the Clerk of the Senate on Thursday, 3<sup>rd</sup> April, 2025.

Pursuant to the said Standing Order, I now report the Message-

*“PURSUANT to the provisions of Standing Order 41(1) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-*

*WHEREAS, vide Gazette Notice No. 715 of 27th January 2025, His Excellency the President appointed members of the Selection Panel for the Recruitment of Nominees for Appointment as the Chairperson and Members of the Independent Electoral and Boundaries Commission;*

*FURTHER WHEREAS, the Selection Panel is currently undertaking the interviews of the shortlisted candidates for the positions of Chairperson and Members of the IEBC, and that, given the interview schedule of all shortlisted applicants, the Panel has inadequate time to conclude the recruitment process;*

*APPRECIATING, the request by the Selection Panel for additional time to ensure the recruitment process complies with the constitutional principles of regional balance, representation of the youth and overall inclusivity, while ensuring that the interviews are conducted as far as is practicable, within official working days and hours;*

*AND WHEREAS, by a resolution passed on Wednesday, 2nd April 2025 pursuant to the provisions of paragraph 6(2) of the First Schedule to the Independent Electoral and Boundaries Commission Act, CAP 7C, the National Assembly resolved to extend the tenure of the Selection Panel for the Recruitment of Persons for appointment as Chairperson and Members of the Independent Electoral and Boundaries Commission by a period of fourteen (14) days from 28th April, 2025;*

*NOW THEREFORE, in accordance with the provisions of Standing Order 41(1) of the National Assembly Standing Orders, I hereby convey the said Resolution of the National Assembly and seek the concurrence of the Senate.”*

Honourable Senators,

As you will recall, on Thursday, 3rd April, 2025, the Senate considered and passed a Resolution to extend the tenure of the Selection Panel for the recruitment of persons for appointment as Chairperson and Members of the Independent Electoral and Boundaries Commission (IEBC) by a period of fourteen (14) days, from 28th April, 2025.

The Senate became seized of this matter following a request by the Chairperson of the Selection Panel to the Parliamentary Service Commission. The Commission subsequently deliberated on the matter and resolved to recommend to the two Houses of Parliament that the Panel's tenure be extended by fourteen (14) days, pursuant to Paragraph 6(2) of the First Schedule to the IEBC Act, in order to enable the Panel to finalize the recruitment process.

The Senate's decision has since been communicated to both the National Assembly and the Parliamentary Service Commission.

I thank you.”

## **6. QUESTIONS AND STATEMENTS**

### **Statements Pursuant to Standing Order 53 (1)**

- i) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Health regarding the response to the recent outbreaks of malaria and other diseases in Kisumu County.
- ii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Health regarding the state of blood storage infrastructure in Kenya.
- iii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Tourism, Trade, and Industrialization regarding the demolitions of structures and stalls belonging to small-scale traders in Kapsabet town, Nandi County.
- iv) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Education regarding discriminative practices in sports for school-going children.

- v) The Senator for Nyeri County (Sen. Wahome Wamatinga, MP) sought a Statement from the Standing Committee on Land, Environment, and Natural Resources regarding alleged transfer of parcels of land belonging to the Kenya Veterinary Vaccine Production Institute (KEVEVAPI) to private entities in Nairobi City and Kiambu Counties.
- vi) The Senator for Wajir County (Sen. Abass Mohamed, MP) sought a Statement from the Standing Committee on Health regarding the alarming increase in cancer cases in Wajir County and its possible link to allegations of nuclear waste dumping in north eastern parts of Kenya.
- vii) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning increasing cases of insecurity in Isiolo County.
- viii) Request for a statement by the Senator for Kisii County (Sen. Richard Onyonka, MP) from the Standing Committee on Roads, Transportation, and Housing regarding the proposed establishment of the Riruta–Ngong Commuter Railway Line was dropped in the absence of the Senator
- ix) Request for a statement by Nominated Senator (Sen. Hamida Kibwana, MP) from the Standing Committee on Trade, Industrialization and Tourism regarding the state of Kenya’s local textile industry was dropped in the absence of the Senator.

7. **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**

Order read;

Motion made and Question proposed;

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, 8<sup>th</sup> August, 2024.

*(The Chairperson, Standing Committee on Energy – 03.04.2025)*

Debate interrupted on Thursday, 3<sup>rd</sup> April, 2025 resumed for the Question to be put;

Before the Question was put, and pursuant to Standing Order No. 84 (2), the Deputy Speaker ruled that the Motion does not affect counties;

And the Deputy Speaker having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and agreed to.

**RESOLVED ACCORDINGLY**

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, 8<sup>th</sup> August, 2024.

8. **THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 10 OF 2024)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Statutory Instruments (Amendment) Bill (Senate Bills No. 10 of 2024) be now read a Second Time.

*(The Senate Majority Leader and the Senate Minority Leader – 01.04.2025)*

Debate interrupted on Tuesday, 1<sup>st</sup> April, 2025 resumed on a Division;

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

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

And the Deputy Speaker having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

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

Before the results of the Division were announced and pursuant to Standing Order 86 (5), the Deputy Speaker allowed three (3) Senators to record their votes verbally.

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

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Kathuri Murungi, MP
3. Sen. Madzayo Stewart Mwachiru, MP

The results of the Division were as follows –

**AYES – 29**

**NOES – 0**

**ABSTENSIONS – 0**

**AYES**

1. Sen. Abass Sheikh Mohamed, MP – Voted Verbally
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. Haji Abdul Mohammed, MP
10. Sen. Kathuri Murungi, MP – Voted Verbally
11. Sen. Khalwale Boni, MP
12. Sen. Kisang William Kipkemai, MP
13. Sen. Lelegwe Steve Ltumbesi, MP
14. Sen. Madzayo Stewart Mwachiru, MP – Voted Verbally
15. Sen. Mandago Jackson Kiplagat, MP
16. Sen. Mbugua George Mungai, MP – Voted on behalf of Nyandarua County Delegation
17. Sen. Mundigi Alexander Munyi, MP
18. Sen. Mungatana Danson Buya, MP
19. Sen. Mwaruma Johnes Mwashushe, MP
20. Sen. Mwenda Gataya Mo Fire, MP
21. Sen. Mwinyihaji Mohamed Faki, MP
22. Sen. Olekina Ledama, MP
23. Sen. Osotsi Godfrey Atieno, MP
24. Sen. Recha Julius Murgor, MP
25. Sen. Roba Ali Ibrahim, MP
26. Sen. Wafula David Wakoli, MP
27. Sen. Wakili Hillary Kiprotich Sigei, MP
28. Sen. Korir Joyce Chepkoech, MP -voted on behalf of Bomet County Delegation
29. Sen. Wamatinga Wahome, MP

Question, agreed to.

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

9. **MOTION - REPORT OF THE MEDIATION COMMITTEE ON THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Mediation Committee on the Conflict of Interest Bill (National Assembly Bills No. 12 of 2023), laid on the table of the Senate on Thursday, 5<sup>th</sup> December, 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.

*(Vice- Chairperson, Mediation Committee – 25.02.2025)*

Debate interrupted on Thursday, 27<sup>th</sup> February, 2025 resumed on a Division;

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

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

And the Deputy Speaker having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

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

Before the results of the Division were announced and pursuant to Standing Order 86 (5), the Deputy Speaker allowed three (3) Senators to record their votes verbally.

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

1. Sen. Kathuri Murungi, MP
2. Sen. Madzayo Stewart Mwachiru, MP
3. Sen. Wafula David Wakoli, MP

The results of the Division were as follows –

**AYES – 29**

**NOES – 0**

**ABSTENSIONS – 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. Haji Abdul Mohammed, MP
10. Sen. Kathuri Murungi, MP – Voted verbally
11. Sen. Khalwale Boni, MP
12. Sen. Kisang William Kipkemai, MP
13. Sen. Lelegwe Steve Ltumbesi, MP
14. Sen. Madzayo Stewart Mwachiru, MP – Voted verbally
15. Sen. Mandago Jackson Kiplagat, MP
16. Sen. Mbugua George Mungai, MP – Voted on behalf of Nyandarua County Delegation



17. Sen. Mundigi Alexander Munyi, MP
18. Sen. Mungatana Danson Buya, MP
19. Sen. Mwaruma Johnes Mwashushe, MP
20. Sen. Mwenda Gataya Mo Fire, MP
21. Sen. Mwinyihaji Mohamed Faki, MP
22. Sen. Olekina Ledama, MP
23. Sen. Osotsi Godfrey Atieno, MP
24. Sen. Recha Julius Murgor, MP
25. Sen. Roba Ali Ibrahim, MP
26. Sen. Wafula David Wakoli, MP – Voted verbally
27. Sen. Wakili Hillary Kiprotich Sigei, MP
28. Sen. Korir Joyce Chepkoech, MP -voted on behalf of Bomet County Delegation
29. Sen. Wamatinga Wahome, MP

Question, agreed to;

**RESOLVED ACCORDINGLY;**

THAT, the Senate adopts the Report of the Mediation Committee on the Conflict of Interest Bill (National Assembly Bills No. 12 of 2023), laid on the table of the Senate on Thursday, 5<sup>th</sup> December, 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.

10. **COMMITTEE OF THE WHOLE**  
**THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023)**  
(Sen. Edwin Sifuna, MP)

***(Resumption of Debate interrupted on Wednesday, 2<sup>nd</sup> April, 2025 –  
Afternoon Sitting)  
(Division)***

Order for Committee read;

Order deferred.

11. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

*(The Acting Chairperson of Committees (Sen. Veronica Maina, MP) – in the Chair)*

**Consideration of the National Assembly amendments to the Persons with Disabilities Bill (Senate Bills No. 7 of 2023)**

National Assembly amendment to Clause 4

THAT, Clause 4 of the Bill be amended –

- (a) in paragraph (a), by deleting the word “welfare” and substituting therefor the word “rights”;
- (b) in paragraph (e), by inserting the words “inclusion and” and immediately after the words “promote the”;
- (c) in paragraph (i), by inserting the words “and compulsory” immediately after the word “free”;
- (d) by inserting the following new paragraph immediately after paragraph (p)—  
“(q) ensure inclusion of persons with disabilities in all mainstream programs and interventions”.

Motion made and Question Proposed;

THAT, the National Assembly amendment to Clause 4 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 4

- vote deferred

National Assembly amendment to Clause 5

THAT, Clause 5 of the Bill be amended—

(a) in sub-clause (1)—

- (i) in paragraph (a), by deleting the word “welfare” and substituting therefor the word “rights”;
  - (ii) in paragraph (c), by inserting the words “and compulsory” immediately after the word “free”;
  - (iii) by inserting the following new paragraph immediately after paragraph (f)—  
“(g) ensure inclusion of persons with disabilities in all mainstream programs and interventions”.
- (b) in sub-clause (2), by inserting the words “responsible for matters relating to persons with disabilities” immediately after the words “committee member” appearing in the opening statement; and
- (c) in sub-clause (4), by deleting paragraph (a) and substituting therefor the following new paragraph—  
(a) a person with disabilities, who reside within the respective county;

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 5 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 5 - vote deferred

National Assembly amendment to Clause 6

THAT, Clause 6(1) of the Bill be amended by deleting the words “protection, benefit” appearing in paragraph (a) and substitute therefor the words “equal protection, equal benefit”.

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 6 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 6 - vote deferred

National Assembly amendment to Clause 8

THAT, Clause 8 of the Bill be amended —

- (a) in sub-clause (1), by deleting the words “on free consent” and substituting therefor the words “on free and full consent”; and
- (b) in sub-clause (2), by deleting the word “sexuality” and substituting therefor the word “sexual”.

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 8 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 8 - vote deferred

National Assembly amendment to Clause 11

THAT, Clause 11(1)(f) of the Bill be amended by inserting the word “and inclusive” immediately after the word “quality”.

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 11 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 11 - vote deferred

National Assembly amendment to Clause 20

THAT, Clause 20(8) of the Bill be amended by deleting the word “adoptive” appearing in paragraph (b) and substituting therefor the word “adaptive”.

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 20 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 20 - vote deferred

National Assembly amendment to Clause 21

THAT, Clause 21 of the Bill be amended—

- (a) in sub-clause (2), by inserting the words “where an employer has at least twenty employees,” immediately before the word “reserve” in paragraph (a); and
- (b) in sub-clause (5)(e), by deleting the word “solely”.

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 21 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 21 - vote deferred

National Assembly amendment to Clause 25

THAT, Clause 25(e) of the Bill be amended by inserting the words “putting in place mechanisms for” immediately before the words “prompt attendance”.

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 25 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 25 - vote deferred

National Assembly amendment to Clause 26

THAT, Clause 26 of the Bill be amended –

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause –
  - (1) Every person with disability has the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas, and the right to access information, on an equal basis with others, in a timely manner and without additional cost”;
- (b) in sub-clause (2), by inserting the words “forms of” immediately after the words “and other”;
- (c) in sub-clause (7), by deleting the words "Media Council of Kenya" and substituting therefor the words "Communication Authority of Kenya in consultation with the Council”;
- (d) in sub-clause (8), by deleting the words “sub-titles” and substituting therefor the words “closed captioning”; and
- (e) in sub-clause (10), by inserting the words “and private” immediately after the word “public”.

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 26 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 26 - vote deferred

National Assembly amendment to Clause 28

THAT, Clause 28(2) of the Bill be amended by deleting the word “Kenya” appearing in paragraph (b) and substituting therefor the word “Kenyan”.

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 28 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 28

- vote deferred

National Assembly amendment to Clause 29

THAT, Clause 29(4) of the Bill be amended by deleting the word “Kenya” and substituting therefor the word “Kenyan”.

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 29 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 29

- vote deferred

National Assembly amendment to Clause 45

THAT, Clause 45(4) of the Bill be amended by deleting the word “five” and substituting therefor the word “three”.

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 45 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 45

- vote deferred

National Assembly amendment to Clause 50

THAT, Clause 50 of the Bill be amended—

- (a) in sub-clause (1), by inserting the words “upon request by a member of the public or” immediately before the words “where it considers” appearing in paragraph (a);
- (b) in sub-clause (3), by inserting the words “or a member of the public” immediately after the words “regulatory body”.

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 50 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 50

- vote deferred

National Assembly amendment to Clause 56

THAT, Clause 56 of the Bill be amended—

- (a) in sub-clause (1), by deleting the expression “Kshs. 150,000/=” and substituting therefor the words “of such amount as may be prescribed by the Cabinet Secretary”; and
- (b) in sub-clause (2), by deleting the expression “Kshs. 10,000/=” and substituting therefor the words “such amount as may be prescribed by the Cabinet Secretary”.

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 56 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 56

- vote deferred

National Assembly amendment to Clause 62

THAT, Clause 62 of the Bill be amended by deleting the words “one million” and substituting therefor the words “two million”.

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 62 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 62

- vote deferred

National Assembly amendment to Clause 63

THAT, Clause 63 of the Bill be amended—

- (a) by renumbering the existing clause as sub-clause (1);
- (b) by inserting the following new sub-clause immediately after sub-clause (1)—
  - “ (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year or to both”.

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 63 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 63 - vote deferred

National Assembly amendment to Clause 65

THAT, Clause 65 of the Bill be amended by deleting the words “two hundred thousand shillings” and substituting therefore the words “two million shillings”.

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 65 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 65 - vote deferred

National Assembly amendment to Clause 66

THAT, Clause 66 of the Bill be amended by deleting the words “two hundred thousand shillings” and substituting therefore the words “one million shillings”.

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 66 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 66 - vote deferred

National Assembly amendment to Clause 72

THAT, Clause 72 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)—  
“(c) ensuring that bus-stops are barrier-free”.

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 72 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*



National Assembly amendment to Clause 72

- vote deferred

National Assembly amendment to Clause 74

THAT, Clause 74 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “alone” appearing in the opening statement; and
- (b) in sub-clause (2) by deleting the word “alone”.

Motion made and Question Proposed-

THAT, the National Assembly amendment to Clause 74 be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

National Assembly amendment to Clause 74

- vote deferred

Insertion of New Clause 36A

THAT the Bill be amended by inserting the following new clause immediately after clause 36—

Headquarters      36A.(1) The headquarters of the Council shall be in  
and                  other Nairobi.  
offices of the  
Council.

(1) The Council shall establish other offices and  
decentralize its services to such other parts of the  
country as it considers necessary in accordance  
with Article 6(3) of the Constitution.

Motion made and Question Proposed;

THAT, the National Assembly amendment to insert New Clause 36A be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Insertion of New Clause 36A

- vote deferred

Insertion of New Clause 66A

THAT the Bill be amended by inserting the following new clause immediately after clause 66—

Begging and receiving alms. 66A. A person who causes, procures, encourages or solicits a child or an adult with disabilities to engage in begging or receiving alms commits an offence and shall be liable on conviction to a fine not exceeding two million shillings or imprisonment for a term not exceeding two years, or to both.

Motion made and Question Proposed;

THAT, the National Assembly amendment to insert New Clause 66A be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Insertion of New Clause 66A - vote deferred

Insertion of New Clause 73A

THAT the Bill be amended by inserting the following new clause immediately after clause 73—

Housing. 73A. Every Government agency putting up residential and commercial buildings shall reserve at least five percent of the said residential and commercial buildings for acquisition by persons with disabilities and the terms and conditions of such acquisition to persons with disabilities shall include interest free and longer periods of repayment.

Motion made and Question Proposed;

THAT, the National Assembly amendment to insert New Clause 73A be approved.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Insertion of New Clause 73A - vote deferred

### **Progress report -**

Motion made;

THAT, the Committee of the Whole House do report to the Senate its consideration of the National Assembly amendments to the Persons with Disabilities Bill (Senate Bills No. 7 of 2023) and seek leave to sit again tomorrow;

*(Sen. Crystal Asige, MP)*

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

And the Acting Chairperson (Sen. Abdul Haji, MP) having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and agreed to.

12. **HOUSE RESUMED** – (The Temporary Speaker, Sen. Veronica Maina, MP – in the Chair)

13. **THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 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. Crystal Asige, MP)*

There being no Senator wishing to contribute;

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

And the Temporary Speaker (Sen. Veronica Maina, MP) having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and agreed to.

14. **COMMITTEE OF THE WHOLE**

Order for the Committee read;

**IN THE COMMITTEE**

*(The Acting Chairperson of Committees (Sen. Veronica Maina, MP) – in the Chair)*

**The County Public Finance Laws (Amendment) Bill (Senate Bills No. 39 of 2023)**

Clauses 3, 4 and 5

Motion made and Question proposed;

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

*(Sen. Kathuri Murungi, MP)*

Clauses 3, 4 and 5 - Vote deferred

Clause 6 - amendment proposed

THAT clause 6 of the Bill be amended

(a) in the proposed new section 109A by-

(b)

(i) by deleting paragraph (b) and (d) appearing in subsection (2);

(ii) in subsection (7) by deleting the word “Service” appearing immediately after the words “County Assembly” in paragraph (b); and

(iii) by deleting subsection (10).

(c) in the proposed new section 109B by deleting paragraph (c)

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

Clause 6 - Vote deferred

Clause 7

Motion made and Question proposed;

THAT, Clause 7 be part of the Bill.

*(Sen. Kathuri Murungi, MP)*

Clause 7 - Vote deferred

Clause 8 - amendment proposed

THAT clause 8 of the Bill be amended by deleting the word “Service” appearing immediately after the words “County Assembly”.

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

Clause 8 - Vote deferred

Clause 9

Motion made and Question proposed;

THAT, Clause 9 be part of the Bill.

*(Sen. Kathuri Murungi, MP)*

Clause 9 - Vote deferred

Clause 2, the Title and Clause 1

Motion made and Question proposed;

THAT, Clause 2, the Title and Clause 1 part of the Bill.

*(Sen. Kathuri Murungi, MP)*

Clause 2, 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 County Public Finance Laws (Amendment) Bill (Senate Bills No. 39 of 2023) and seek leave to sit again tomorrow;

*(Sen. Kathuri Murungi, MP)*

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

And the the Acting Chairperson (Sen. Veronica Maina, MP) having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and agreed to.

15. **HOUSE RESUMED** – (Temporary Speaker, Sen. Veronica Maina, MP)
16. **THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2023)**

### **Progress reported;**

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

*(Sen. Kathuri Murungi, MP)*

There being no Senator wishing to contribute;

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

And the Temporary Speaker (Sen. Veronica Maina, MP) having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and agreed to.

17. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

*(The Acting Chairperson of Committees (Sen. Veronica Maina, MP) – in the Chair)*

**The County Assembly Services (Amendment) Bill (Senate Bills No. 34 of 2023)**

Clauses 2 and 3

Motion made and Question proposed;

THAT, Clauses 2 and 3 be part of the Bill.

*(The Senate Majority Leader on behalf of Sen. Mohamed Chute, MP)*

Clauses 2 and 3

- vote deferred

Clause 4

- deletion proposed;

THAT, the Bill be amended by deleting Clause 4.

*(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

Clause 4

- vote deferred

Clause 5

- deletion proposed;

THAT, the Bill be amended by deleting Clause 5.

*(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

Clause 5

- vote deferred

Clauses 6, 7, 8, 9 and 10

Motion made and Question proposed;

THAT, Clauses 6, 7, 8, 9 and 10 be part of the Bill.

*(The Senate Majority Leader on behalf of Sen. Mohamed Chute, MP)*

Clauses 6, 7, 8, 9 and 10

- 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 on behalf of Sen. Mohamed Chute, 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 County Assembly Services (Amendment) Bill (Senate Bills No. 34 of 2023) and seek leave to sit again tomorrow;

*(The Senate Majority Leader on behalf of Sen. Mohamed Chute, MP)*

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

And the Acting Chairperson (Sen. Abdul Haji, MP) having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and agreed to.

18. **HOUSE RESUMED** – (The Temporary Speaker (Sen. Veronica Maina, MP) – in the Chair)

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

**Progress reported;**

Motion made and Question proposed;

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

*(The Senate Majority Leader on behalf of Sen. Mohamed Chute, MP)*

There being no Senator wishing to contribute;

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

And the Temporary Speaker (Sen. Veronica Maina, MP) having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and agreed to.

20. **COMMITTEE OF THE WHOLE**

Order for Committee read;

*(The Acting Chairperson of Committees (Sen. Abdul Haji, MP) – in the Chair)*

**The County Assemblies Pensions Scheme Bill (Senate Bills No. 14 of 2024)**

Clause 3

Motion made and Question proposed;

THAT, Clause 3 be part of the Bill.

*(The Senate Majority Leader)*

Clause 3 - vote deferred

Clause 4 - amendment proposed

THAT Clause 4 of the Bill be amended by deleting–

(a) Sub clause (2); and

(b) the words “social security benefits including” appearing at the end of the introductory clause to Sub clause (3).

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Clause 4 - vote deferred

Clause 5 - amendment proposed

THAT Clause 5 of the Bill be amended by deleting—



- (a) the words “and members of staff of county assemblies” appearing at the end of Sub clause (1); and
- (b) deleting the words “and staff” appearing immediately after the word “assemblies” in Sub clause (2).

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Clause 5 - vote deferred

Clause 6 - amendment proposed

THAT Clause 6 of the Bill be amended—

- (a) by inserting the following new sub clause immediately after Sub clause (1)—

(1A) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) entering into contracts; and
- (d) doing or performing all other things or acts for the furtherance of the provisions of this Act which may be lawfully done or performed by a body corporate.

- (b) in Sub clause (2) by—

- (i) deleting the word “two” appearing at the beginning of paragraph (c) and substituting therefor the word “three”;
- (ii) deleting the word “two” appearing at the beginning of Subparagraph (d) (i) and substituting therefor the word “three”; and deleting Paragraph (e).

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Clause 6 - vote deferred

Clauses 7 and 8

Motion made and Question proposed;

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

*(The Senate Majority Leader)*

Clauses 7 and 8 - vote deferred

Clause 9 - amendment proposed

THAT Clause 9 of the Bill be amended—

- (a) by deleting Subclause (2); and
- (b) in Subclause (3) by deleting the words “The Board” appearing at the beginning of the subclause and substituting therefor the words “The Cabinet Secretary”.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Clause 9 - vote deferred

Clause 10

Motion made and Question proposed;

THAT Clause 10 be part of the Bill.

*(The Senate Majority Leader)*

Clause 10 - vote deferred

Clause 11 - amendment proposed

THAT Clause 11 of the Bill be amended by inserting the following new paragraph immediately after Paragraph (g)—

- (h) term expires;

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Clause 11 - vote deferred

Clause 12

Motion made and Question proposed;

THAT, Clause 12 be part of the Bill.

*(The Senate Majority Leader)*

Clause 12 - vote deferred

Clause 13 - amendment proposed

THAT Clause 13 of the Bill be amended by deleting Paragraph (g).

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Clause 13 - vote deferred

Clauses 14, 15, 16, 17, 18, 19, 20, 21 and 22

Motion made and Question proposed;

THAT, Clauses 14, 15, 16, 17, 18, 19, 20, 21 and 22 be part of the Bill.

*(The Senate Majority Leader)*

Clauses 14, 15, 16, 17, 18, 19, 20, 21 and 22

- vote deferred

Clause 23

- amendment proposed

THAT Clause 23 of the Bill be amended by deleting Subclause (2).

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Clause 23

- vote deferred

Clause 24

- amendment proposed

THAT Clause 24 of the Bill be amended by deleting—

(a) Subclause (4);

(b) Subclause (6) and substituting therefor the following new subclause—

(6) Any contribution not paid to the scheme by a sponsor within ten days after the last day of the calendar month to which the contributions relate, shall attract interest which shall not be less than the interest declared during the period the contribution remains unremitted.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Clause 24

- vote deferred

Clause 25

Motion made and Question proposed;

THAT, Clause 25 be part of the Bill.

*(The Senate Majority Leader)*

Clause 25

- vote deferred

Clause 26

- amendment proposed

THAT Clause 26 of the Bill be amended—

- (a) by deleting the words “or a staff of a county assembly” appearing at the end of Subclause (1);
- (b) in Subclause (3)—
  - (i) by deleting Paragraph (a);
  - (ii) in Paragraph (b) -
    - (a) by deleting the introductory phrase to Paragraph (b) and substituting therefor the following new phrase—
      - (b)where a member ceases being a member of a county assembly before attaining the early retirement age, that member may opt for payment of—
    - (b) by deleting Sub paragraph (i) and substituting therefor the following new sub paragraph—
      - (i) not more than fifty percent of his total accrued benefits and the investments income that has accrued in respect of those contributions provided that a member may withdraw any additional voluntary contributions made into the scheme and accrued interest in full;
  - (iii)in the introductory phrase to Paragraph (c) by deleting the words “before attaining the early retirement age” appearing at the end of the paragraph.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Clause 26 - vote deferred

Clauses 27 and 28

Motion made and Question proposed;

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

*(The Senate Majority Leader)*

Clauses 27 and 28 - vote deferred

Clause 29 - amendment proposed

THAT Clause 29 of the Bill be amended by deleting the words “Despite the provisions of any other written law” appearing at the introductory part of Subclause (2) and substituting therefor the words “Subject to the Retirement Benefits Act”.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Clause 29 - vote deferred

Clause 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48

Motion made and Question proposed;

THAT, Clauses 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48 be part of the Bill.

*(The Senate Majority Leader)*

Clause 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48  
- vote deferred

Clause 49 - amendment proposed

THAT Clause 49 of the Bill be amended by deleting Subclause (4) and substituting therefore the following new sub clause—

- (4) Without prejudice to any proceedings instituted under the provisions of this section, a sponsor who makes a deduction from a member's emoluments for remittance to the Scheme and fails to remit the contribution to the Scheme within fifteen days commits an offence and shall on conviction be liable to a fine not exceeding five million shillings or in the case of a natural person to imprisonment for a term not exceeding two years or to both.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Clause 49 - vote deferred

Clauses 50 and 51

Motion made and Question proposed;

THAT, Clauses 50 and 51 be part of the Bill.

*(The Senate Majority Leader)*

Clauses 50 and 51 - vote deferred

Clause 52 - deletion proposed

THAT the Bill be amended by deleting Clause 52.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Clause 52 - vote deferred

Clause 53- amendment proposed

THAT the Bill be amended by deleting Clause 53 and substituting therefor the following new clause—

Transition of members of county assemblies to the Scheme 53. (1) A member of a county assembly who is a member of the Local Authorities Provident Fund, the Local Authorities Pension Trust, the Local Authorities Pension Trust (Defined Benefits) Scheme and the Local Authorities Pension Trust (Umbrella) Retirement Fund shall be transitioned into the Scheme within one year upon the commencement of this Act.

(2) The funds, assets and other movable or immovable property which immediately before the commencement date were held by or on behalf of the Local Authorities Provident Fund, the Local Authorities Pension Trust, the Local Authorities Pension Trust (Defined Benefits) Scheme and the Local Authorities Pension Trust (Umbrella) Retirement Fund for the members of county assemblies shall vest in the Scheme.

(3) All the records of members of county assemblies held by the Local Authorities Provident Fund, the Local Authorities Pension Trust, the Local Authorities Pension Trust (Defined Benefits) Scheme and the Local Authorities Pension Trust (Umbrella) Retirement Fund shall be transferred to the Scheme administrator.

(4) All rights, liabilities and duties whether arising under any written law or otherwise, which immediately before the commencement date were accruing, imposed or enforceable by or against the Local Authorities Provident Fund, the Local Authorities Pension Trust, the Local Authorities Pension Trust (Defined Benefits) Scheme and the Local Authorities Pension Trust (Umbrella) Retirement Fund with regard to members of county assemblies shall vest in, be imposed on, or be enforceable against the Scheme.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Clause 53- vote deferredClause 54

Motion made and Question proposed;

THAT, Clause 54 be part of the Bill.

*(The Senate Majority Leader)*

Clause 54 - vote deferred

New Clause 46A - insertion of new clause proposed

THAT the Bill be amended by inserting the following new clause immediately after Clause 46—

Exemption from compliance with provisions of this Act	46A. The Cabinet Secretary may, by order in the <i>Gazette</i> —  (a) exempt any person or class of persons from compliance with any specified provisions of this Act; or  (b) extend the time for compliance by any person or class of persons with any specified provisions of this Act  provided that nothing in this section shall apply in respect of payment of retirement benefits.
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*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Motion made and Question proposed;

THAT, New Clause 46A be now read a Second Time.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

New Clause 46A - vote deferred

New Clause 46B - insertion of new clause proposed

THAT the Bill be amended by inserting the following new clause immediately after Clause 46—

Provisions of the Retirement Benefits Act	46B. The provisions of the Retirement Benefits Act (Cap. 197) and regulations thereunder shall apply to the Fund.
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*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Motion made and Question proposed;

THAT, New Clause 46B be now read a Second Time.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

New Clause 46B- vote deferredClause 2- amendment proposed

THAT Clause 2 of the Bill be amended by—

- (a) inserting the definition of the term “beneficiary” immediately after the definition of the term “Authority”—

“beneficiary” means a dependant, a person nominated by the member in writing or any other person other than a member entitled to receive a benefit;

- (b) deleting the definition of the term—

- (i) “existing schemes” and inserting therefor the following new definition—

"existing scheme" means the Local Authorities Provident Fund, the Local Authorities Pension Trust, the Local Authorities Pension Trust (Defined Benefits) Scheme and the Local Authorities Pension Trust (Umbrella) Retirement Fund;

- (ii) “income drawdown” and inserting therefor the following new definition—

“income drawdown” means an arrangement that allows a member of a retirement benefits scheme to access his or her accumulated retirement benefits as a regular income through reinvesting his or her benefits from an income drawdown fund registered by the Retirement Benefits Authority;

- (iii) “member” and inserting therefor the following new definition—

“member” means an eligible member of a county assembly who has become a member of the Scheme and includes a person entitled to or receiving a benefit under the Scheme;

- (iv) “normal retirement age” and inserting therefor the following new definition—

“normal retirement age” means the age of sixty years or such other age set out in written law or applicable policy;

- (v) “spouse” and inserting therefor the following new definition— “spouse” means a husband or a wife;

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

Clause 2- vote deferredThe Title- amendment proposed

THAT the Bill be amended by deleting the long title and substituting therefor the following new long title—



AN ACT of Parliament to provide for a contributory pension scheme for members of county assemblies; establish a county assemblies pensions fund for the payment or granting of pensions or retirement benefits to members of county assemblies; and for connected purposes.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

The Title - vote deferred

Clause 1

Motion made and Question proposed;

THAT, Clause 1 be part of the Bill.

*(The Senate Majority Leader)*

Clause 1 - vote deferred

### **Progress Report**

Motion made –

THAT, the Committee of the Whole House do report to the Senate its consideration of the County Assemblies Pensions Scheme Bill (Senate Bills No. 14 of 2024) and seek leave to sit again tomorrow.

*(The Senate Majority Leader)*

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

Question put and agreed to.

21. **HOUSE RESUMED** – (The Temporary Speaker (Sen. Veronica Maina, MP) – in the Chair)

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

### **Progress reported;**

Motion made and Question proposed;

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

*(The Senate Majority Leader)*

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84(1), the Temporary Speaker (Sen. Veronica Maina, MP) ruled that the Motion does not affect Counties.

Question put and agreed to.

23. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. Veronica Maina, MP) – in the Chair)

**The National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023)**

Clause 3 - amendment proposed

THAT clause 3 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (b) –

(ba) provide for appropriate and dignified assistance and relief to victims and casualties of disasters;

(bb) promote inclusiveness and a multidisciplinary and multisectoral approach to disaster management.

*(Sen. George Mbugua, MP on behalf of Sen. Mohamed Chute, MP)*

Clause 3 - vote deferred

Clause 4 - amendment proposed

THAT clause 4 of the Bill be amended by deleting paragraph (e) and substituting therefor the following new paragraph —

(e) the national values and principles of governance under Article 10 of the Constitution.

*(Sen. George Mbugua, MP on behalf of Sen. Mohamed Chute, MP)*

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 amended by deleting subclause (2) and substituting therefor, the following new subclause –

(2) The Authority shall collaborate with the County Disaster Risk Management Committees in all counties in the discharge of its functions.

*(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 6 - vote deferred

Clause 7 - amendment proposed

THAT Clause 7 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (m) —

(ma) develop climate change adaptation strategies to prevent, respond and mitigate the effects of disasters arising as a result of climate change;

(mb) carry out and coordinate national damage and loss assessment in respect to disasters;

(mc) carry out bi-annual national drill exercises as part of disaster risk management preparedness.

*(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 7 - vote deferred

Clause 8

Motion made and Question proposed;

THAT, Clause 8 be part of the Bill.

*(The Senate Majority Leader)*

Clause 8 - vote deferred

Clause 9 - amendment proposed

THAT Clause 9(1) of the Bill be amended in paragraph (f) by deleting the word “Governors” appearing immediately after the words “Council of” and substituting therefor the words “County Governors or a representative designated in writing”.

*(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 9 - vote deferred

Clause 10 - amendment proposed

THAT clause 10 of the Bill be amended in subclause (2) by deleting paragraph (g).

*(Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 10 - vote deferred

Clauses 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26

Motion made and Question proposed;

THAT, Clauses 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 be part of the Bill.

*(The Senate Majority Leader)*

Clauses 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26

- Vote deferred

Clause 27 - amendment proposed

THAT clause 27(1) of the Bill be amended in the introductory clause by inserting the words “in consultation with County Governments” immediately after the words “The Authority shall”.

*(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 27 - vote deferred

Clause 28 - amendment proposed

THAT clause 28 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (d) —

- (c) develop a national multi-hazard early warning system and guidelines for its implementation.

*(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 28 - vote deferred

Clause 29 - amendment proposed

THAT clause 29 of the of the Bill be amended in subclause (8) by inserting the words “in consultation with the Council of County Governors” immediately after the words “Cabinet Secretary shall”.

*(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 29 - vote deferred

Clauses 30 and 31

Motion made and Question proposed;

THAT, Clauses 30 and 31 be part of the Bill.

*(The Senate Majority Leader)*

Clauses 30 and 31 - vote deferred

Clause 32 - amendment proposed

THAT clause 32(1) of the Bill be amended –

- (a) by deleting paragraph (b);
- (b) in paragraph (c) by inserting the words “in collaboration with the County Disaster Risk Management Centers,” immediately before the word “formulate”;
- (c) in paragraph (h) by inserting the words “in collaboration with the County Disaster Risk Management Centre and the Authority,” immediately after the word “oversee”; and
- (d) in paragraph (m) by inserting the words “and the respective county assembly” immediately after the words “to the Authority”.

*(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 32 - vote deferred

Clauses 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51

Motion made and Question proposed;

THAT, Clauses 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51 be part of the Bill.

*(The Senate Majority Leader)*

Clauses 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51 - Vote deferred

Clause 52 - amendment proposed

THAT clause 52 of the Bill be amended –

(a) by deleting the heading to Part VII and substituting therefor the following new heading –

PART VII – MISCELLANEOUS PROVISIONS

(b) in subclause (2) by inserting the following new paragraph immediately after paragraph (h) —

(ha) protection of emergency responders during emergency and disaster response.

*(Sen. George Mbugua, MP on behalf of Sen. Mohamed Chute, MP)*

Clause 52 - vote deferred

Clauses 53 and 54

Motion made and Question proposed;

THAT, Clauses 53 and 54 be part of the Bill.

*(The Senate Majority Leader)*

Clauses 53 and 54 - vote deferred

New Clause 41A - insertion of new clause proposed;

Establishment of the Disaster Management Fund. 41A. (1) There is established the Disaster Risk Management Fund which shall be administered in accordance with section 24 of the Public Finance Management Act.

Cap 412A. (2) The Director-General of the Authority shall be the administrator of the Fund.

*(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Motion made and Question proposed;

THAT, New Clause 41A be now read a Second Time.

*(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

New Clause 41B - insertion of new clause proposed;

Sources of the Fund 41B. The Fund shall consist of —

- (a) such moneys as may be appropriated by the National Assembly;
- (b) grants or donations for the purposes of the Fund;
- (c) income generated from the proceeds of the Fund; and
- (d) any moneys accruing to or received by the Fund from any other lawful source, as may be approved by the Cabinet Secretary for the time being responsible for finance.

*(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Motion made and Question proposed;

THAT, New Clause 41B be now read a Second Time.

*(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

New Clause 41C - insertion of new clause proposed;

Objects of  
the Fund

41C. The Fund shall —

- (a) be utilized towards the provision of funds for disaster prevention, preparedness, mitigation, response and recovery measures;
- (b) provide a common basket for receipt and disbursement of funds for disaster management;
- (c) support capacity development of county governments and other institutions mandated with disaster management;
- (d) support agencies dealing with early warning systems for disaster management;
- (e) support the implementation of programmes, projects or activities to further the objectives of this Act; and
- (f) support any other purpose approved by the Board that would enhance the development and promotion of prudent disaster management in the country.

*(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Motion made and Question proposed;

THAT, New Clause 41C be now read a Second Time.

*(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

New Clause 41D - insertion of new clause proposed;

Consolidation  
of Public  
funds related  
to disaster  
management

41D. All public funds established for the purpose of disaster management prior to the commencement of this Act shall be consolidated into the Fund, except funds —

- (a) established to support institutions created under an Act of Parliament; or
- (b) established by county governments.

*(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Motion made and Question proposed;

THAT, New Clause 41D be now read a Second Time.



*(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

New Clause 41E - insertion of new clause proposed;

Tax Exemptions on Disaster Management Assistance.	41E The Cabinet Secretary responsible for finance may, by regulation, exempt all materials, articles, goods or equipment intended for the use of disaster management activities from import duty, value added tax, demurrage charges, port charges and any other tax as may be determined.
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*(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Motion made and Question proposed;

THAT, New Clause 41E be now read a Second Time.

*(Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

New Clause 52A - insertion of new clause proposed;

THAT the bill be amended by inserting the following new clauses immediately after clause 52—

Amendment to Cap. 412A.	52A. The Public Finance Management Act is amended – (a) in section 2 by inserting the following new definitions in their proper alphabetical order –
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“emergency” has the meaning assigned to it under section 2 of the National Disaster Risk Management Act; and

“Disaster” has the meaning assigned to it under section 2 of the National Disaster Risk Management Act;

(b) in section 110 by –

(i) deleting the word “may” appearing immediately after the words “Executive Committee” and substituting therefor the word “shall” in the marginal note; and

- (ii) deleting the word “may” appearing immediately after the words “Executive Committee” and substituting therefor the word “shall” in subsection (1);

- (c) in section 112 by deleting subsection (2) and substituting therefor the following new subsection –

(2) For the purposes of subsection (1), there is an urgent and unforeseen need for expenditure if –

- (a) the expenditure is required to respond to an emergency or disaster in accordance with the National Disaster Risk Management Act;

- (b) the emergency or disaster could not have been foreseen through the normal planning and budgeting process; and

- (c) delay in making the expenditure would result in significant harm to life and property.

- (d) in section 113 by –

- (i) renumbering the existing provision as subsection (1); and

- (ii) inserting the following new subsection immediately after subsection (1) –

(2) Notwithstanding subsection (1), the County Executive Committee member may, in order to effectively respond to an emergency or disaster and with the approval of the county assembly, exceed the limit prescribed under subsection (1) provided that —

- (a) the total payment does not exceed five percent of the total county government revenue as shown in that county government’s audited financial statements for the previous financial year; and

- (b) the additional amount is used solely for emergency or disaster response and recovery.

Motion made and Question proposed;

THAT, New Clause 52A be now read a Second Time.

*(Sen. George Mbugua, MP on behalf of Sen. Mohamed Chute, MP)*

The Schedule

Motion made and Question proposed;

THAT, the Schedule be part of the Bill.

*(The Senate Majority Leader)*

The Schedule - vote deferred

Clause 2 - amendment proposed

THAT clause 2 of the Bill be amended by inserting the following definitions in their proper alphabetical order –

“emergency” means an actual or imminent situation that arises suddenly, poses immediate threat to life, health, property, environment, infrastructure, economic stability or public order and that –

- (a) requires prompt coordinated action to protect life and property and restore essential services;
- (b) may be caused by natural, technological, human-induced, health or industrial incidents; and
- (c) exceeds normal response capabilities requiring multi-agency intervention;

“emergency responder” refers to a person involved in an organized response to a potential, actual or impending emergency, including but not limited to firefighters, police officers, emergency medical personnel, county government emergency management personnel, national government emergency management personnel, military personnel or an officer of a recognized humanitarian organization dealing with disaster response.

*(Sen. George Mbugua, MP on behalf of Sen. Mohamed Chute, 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 National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023) and seek leave to sit again tomorrow.

*(The Senate Majority Leader)*

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

Question put and agreed to.

24. **HOUSE RESUMED** – (Temporary Speaker (Sen. Veronica Maina, MP) – in the Chair)

25. **THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)**

**Progress reported;**

Motion made and Question proposed;

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

*(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. Veronica Maina, MP) ruled that the Motion does not affect counties.

Question put and agreed to.

26. **COMMITTEE OF THE WHOLE**

Order for the Committee read;

**IN THE COMMITTEE**

*(The Acting Chairperson of Committees (Sen. Veronica Maina, MP) – in the Chair)*

**The Land (Amendment) Bill (National Assembly Bills No. 40 of 2022)**

Clause 3 - amendment proposed

THAT clause 3 of the Bill be amended in the introductory phrase to the proposed sub-section (16) by inserting the words “publish a notice in the Gazette specifying the particulars of the registration and” immediately after the words “the Registrar shall”.

*(Sen. Karen Nyamu on behalf of the Chairperson, Standing Committee on Land, Environment and Natural Resources)*

Clause 3 - Vote deferred

Clause 2, the Title and Clause 1

Motion made and Question proposed;

THAT, Clause 2, the Title and Clause 1 part of the Bill.

*(The Senate Majority Leader)*

Clause 2, 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 Land (Amendment) Bill (National Assembly Bills No. 40 of 2022) and seek leave to sit again tomorrow;

*(The Senate Majority Leader)*

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

And the Speaker having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and agreed to.

27. **HOUSE RESUMED** – (The Temporary Speaker, (Sen. Veronica Maina, MP) – in the Chair)
28. **THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 40 OF 2022)**

**Progress reported;**

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

*(The Senate Majority Leader)*

There being no Senator wishing to contribute;

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

And the Temporary Speaker (Sen. Veronica Maina, MP) having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and agreed to.

29. **MOTION – REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS AND THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS ON A PETITION TO THE SENATE BY MR. LABAN OMUSUNDI CONCERNING RESTRAINING COUNTY GOVERNMENTS FROM HIRING LAW FIRMS TO REPRESENT THEM IN COURT CASES**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations and the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition to the Senate by Mr. Laban Omusundi concerning restraining county governments from hiring law firms to represent them in court cases, laid on the Table of the Senate on Thursday, 3rd April, 2025.

*(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

Debate arising;

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

30. **SENATE ROSE** – at thirty minutes past Six O'clock.

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

*The Speaker will take the Chair on  
Wednesday, April 09, 2025 at 9.30 a.m.*

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