

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 9<sup>th</sup> April, 2025

### Afternoon Sitting

*The House met at the Senate Chamber,  
Parliament Buildings at 2.30 p.m.*

*[The Deputy Speaker (Sen. Kathuri) in the Chair]*

### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

**The Deputy Speaker** (Sen. Kathuri): Clerk, confirm whether we have quorum. If we have quorum, then read the first Order.

*(Loud consultations)*

Order, Senators. I have a communication to make.  
Sen. Roba, the lunch honeymoon break is over, so concentrate and do some work.

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM TAITA-TAVETA COUNTY ASSEMBLY

**The Deputy Speaker** (Sen. Kathuri): This Communication is on a visiting delegation from the Taita-Taveta County Assembly.

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, of a visiting delegation from the Taita-Taveta County Assembly. The delegation consists of members of the County Leadership and the Speaker's Panel who are undertaking a benchmarking visit to the Senate.

Hon. Senators, I request that each member of the delegation rises when called, so that they may be acknowledged in the Senate tradition.

1. Hon. Lawrence Mzugha - Deputy Majority Leader

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

- |                          |   |                              |
|--------------------------|---|------------------------------|
| 2. Hon. Stephen Nzai     | - | Deputy Majority Whip         |
| 3. Hon. Nancy Mwakio     | - | First Panelist               |
| 4. Hon. Lillian Kidali   | - | Second Panelist              |
| 5. Hon. Daniel Kimuyu    | - | Third Panelist               |
| 6. Hon. Brayson Mwambi   | - | Fourth Panelist              |
| 7. Mr. Frederick Mwabili | - | Principal Legal Officer      |
| 8. Mr. Johnson Mlambo    | - | Committee Clerk              |
| 9. Ms. Keren Mzae        | - | Committee Hansard<br>Officer |
| 10. Mr. Ruben Mwanyolo   | - | Serjeant-at-Arms.            |

On behalf of the Senate and my own behalf, I extend a warm welcome to the delegation. I wish them all the best for the remainder of their visit.

Thank you.

Senator representing Taita-Taveta County, welcome the delegation in under one and a half minutes. Let me add you 30 seconds.

**Sen. Mwaruma:** Thank you, Mr. Deputy Speaker, Sir. Let me join you in welcoming the delegation from Taita-Taveta County. These are members and staff of the Speaker's Panel of the great County Assembly of Taita-Taveta. They are on a learning tour in the Senate. I know they have taken this opportunity to learn as much as they can through discussions, observing and so on.

Learning is a continuous lifelong process. They have come to better their expertise in running the great County Assembly of Taita-Taveta. Assemblies, just like the Senate, are for debate. I know after they leave this Senate, they will be better placed to guide debates in the great Assembly of Taita-Taveta. These are our compatriots in the assemblies. Their major work and ours is to make sure that devolution works.

Mr. Deputy Speaker, Sir, I have always said that devolution is the best thing that our country gave to us in the Constitution of Kenya 2010. For small counties such as ours, where we were being asked the number of votes we bring on the table, so that they can give us development, today, with the advent of devolution, we are able to get a lot of resources from the centre; from Nairobi to our county, and use it for the development of our people.

I know all of them, they are all my friends. I know they are very capable members and staff. After they leave this place, then they will be better placed to run the Assembly of Taita-Taveta. There was a time we wanted to come there for Senate Mashinani, but we did not have adequate infrastructure. I know you are working on that because I passed by the Assembly the other day. We will continue fighting, so that at one point before this session ends, we can come for Senate Mashinani in Taita-Taveta.

*Karibuni sana.* When you go back, greet the great people of Taita-Taveta.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): Next Order.

The Senate Majority Leader, do you have papers to lay or your generals can do that for you.

*(The Senate Majority Leader (Sen. Cheruiyot) spoke off record)*

---

**Disclaimer:** The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.

**PAPER LAID**

**Sen. Orwoba:** Thank you, Mr. Deputy Speaker, Sir. On behalf of the Senate Majority Leader, I beg to lay the following Paper on the Table of the Senate today, Wednesday, 9<sup>th</sup> April, 2025.

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION  
(STRATEGIC AND INTEGRATED ENVIRONMENTAL ASSESSMENTS  
AND ENVIRONMENTAL AUDITS) (NO.2) REGULATIONS,  
LEGAL NOTICE NO.71 OF 2025

The Environmental Management and Coordination, Strategic and Integration, Environmental Assessment and Environmental Audits, Number 2, Regulation, Legal Notice 71 of 2025.

*(Sen. Orwoba laid the document on the Table)*

**The Deputy Speaker** (Sen. Kathuri): There is an intervention from Sen. Sifuna Edwin. What is it about?

**Sen. Sifuna:** Mr. Deputy Speaker, Sir, allow me just a minute. When you were mentioning the names of the delegation from Taita-Taveta, I was very pleased to hear the name of Nancy Mgoi, who is sitting there. When I was appointed the Secretary General (SG) of the Orange Democratic Movement (ODM) in 2018---

**The Deputy Speaker** (Sen. Kathuri): What was the name, so that I can confirm?

**Sen. Sifuna:** Hon. Nancy Mgoi, that was her maiden name, I think she has---

**The Deputy Speaker** (Sen. Kathuri): She has now changed to Nancy Mwakio.

**Sen. Sifuna:** Yes, I wanted to speak about some of those developments in just one minute. I am extremely proud to hear that she is now an hon. Member, and she is in the Speaker's Panel in Taita-Taveta. Back in 2018, when I was appointed SG of ODM, she was the receptionist at our party headquarters. Therefore, I am very happy that the mentorship school in ODM is working and producing leaders. I encourage her to continue and maybe next time, she will be sitting here when the current Senator of Taita-Taveta is the Governor of Taita-Taveta.

Thank you.

**The Deputy Speaker** (Sen. Kathuri): Let us move on to the next Order. Statements under Standing Order No.53(1), Sen. Esther Okenyuri, proceed.

## QUESTIONS AND STATEMENTS

## STATEMENTS

TERMINATION OF FUNDING FOR POSTGRADUATE SCHOLARSHIP  
PROGRAMME FOR KENYAN STUDENTS IN GERMANY

**Sen. Okenyuri:** Thank you, Mr. Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Education regarding the termination of funding for the postgraduate scholarship programme by the National Research Fund and the German Academic Exchange Service for Kenyan students in Germany.

In the Statement, the Committee should address the following-

(1) Reasons behind the sudden termination of funding for the scholarship programme by the National Research Fund in collaboration with the German Academic Exchange Service for Kenyan students pursuing postgraduate studies in Germany.

(2) The contract agreement between the National Research Fund and the DAAD outlining the terms and conditions of the funding for the programme.

(3) Plight of affected Kenyan students currently in Germany who are relying on the scholarship to complete their studies and the impact of the termination on their academic progress.

(4) Steps taken by the Kenyan Government to ensure that the National Research Fund fulfils its funding obligations to prevent disruption of learning for students currently enrolled in the programme.

Thank you.

**The Deputy Speaker** (Sen. Kathuri): Sen. (Prof.) Tom Ojienda, proceed.

*(Sen. Cheruiyot spoke off record)*

The statement is dropped.

WELFARE OF KENYAN FISHERMEN IN LAKE VICTORIA  
AND THE STATE OF FISH FARMING IN KENYA

*(Statement dropped)*

For the Statement by Sen. Raphael Chimera, MP, I was approached by Sen. Okenyuri that she has received an outline from Sen. Chimera to read the statement.

**Sen. Okenyuri:** Yes, thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): Read the statement.

CANCELLATION OF DECLARED VACANCIES BY  
THE JUDICIAL SERVICE COMMISSION

**Sen. Okenyuri:** Mr. Deputy Speaker, Sir, I am reading this on behalf of Sen. Raphael Chimera. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding the cancellation of 171 vacancies that had been declared by the Judicial Service Commission (JSC).

In November, 2024, the JSC advertised 171 vacancies, including 60 positions for legal researchers. Additionally, the Commission opened applications for 111 internship opportunities across various fields. However, on 4<sup>th</sup> March, 2025, the Commission issued a public notice announcing the cancellation of all recruitment processes due to the fiscal constraints affecting the country.

In the Statement, the Committee should address the following-

(1) The reasons why the Commission did not consider its financial status before advertising the positions, thus giving Kenyans false hopes.

(2) How the Commission plans to address the issue of legal researchers who are required in large numbers following the said cancellation.

(3) Whether the recruitment process will now be factored in the Financial Year 2025/2026 budget, and in the event of a re-advertisement, if the Commission will give priority to those who had applied previously.

Thank you.

**The Deputy Speaker** (Sen. Kathuri): Sen. Mohammed Faki, you are on intervention, what is it?

**Sen. Faki:** Mr. Deputy Speaker, Sir, I have a point of clarification if you allow me. May I proceed?

Last week, there was a request for a statement that was made in this House regarding the Technical University of Kenya (TUK). Members contributed to that statement and my brother, the Senator for Tana River, Sen. Mungatana, made a contribution. In his contribution, he referred to the Technical University of Mombasa.

Mr. Deputy Speaker, Sir, the Technical University of Kenya and the Technical University of Mombasa (TUM) are two different institutions run by two different managements. In fact, the Technical University of Mombasa is doing very well and this year, it has been accredited to offer a degree in Medicine. For the first time, a university in Mombasa is being granted a programme in Medicine by the Commission for Higher Education.

The submissions by Sen. Mungatana were not well received by the management of the Technical University of Mombasa because that university is functioning well, the students are happy and there are no strikes. The fact that the university has been accredited to offer medicine is sufficient proof that the university management is being run very well.

**The Deputy Speaker** (Sen. Kathuri): So, what are you seeking?

**Sen. Faki:** My brother, Sen. Mungatana, should clarify that the reference was in regard to the Technical University of Kenya, which is located in Nairobi. The Technical

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

University of Mombasa is functioning well. They have no pending bills and students are going on with their studies without any problem.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): I do not understand. Does he want Sen. Mungatana to expunge that statement from the HANSARD? What are you seeking to do? When Sen. Faki approached me, I asked him whether he had canvassed that matter with Sen. Mungatana.

Sen. Faki, Sen. Mungatana has nothing to say on that issue you have raised. I can see that he has nothing to add or subtract. Let us proceed with other business.

Sen. Mutinda, read the statement on behalf of Sen. Hamida Kibwana.

#### THE STATE OF KENYA'S LOCAL TEXTILE INDUSTRY

**Sen. Tabitha Mutinda:** Thank you, Mr. Deputy Speaker, Sir. Allow me to read a statement for Sen. Hamida on the state of the local textile industry and the participation of the youth.

I rise pursuant to Standing Order No.53(1) seeking a statement from the Standing Committee on Trade, Industrialization and Tourism regarding the state of Kenya's local textile industry; noting that Kenya is now the largest importer of the second-hand clothes in Africa with imports valued at Kshs18 billion in 2023.

Mr. Deputy Speaker, Sir, the rising dependence on *mitumba* clothing while offering affordability for many Kenyans raises concerns about the viability of local textile manufacturing and the country's industrial priorities and the potential loss of jobs, especially among the youth.

In the Statement, the Committee should address the following-

(1) The measures being taken by the Government to support the growth of modernization and competitiveness of Kenya's local textile industry and apparel manufacturing sector.

(2) The policies in place to regulate the importation of second-hand clothes and how they align with Kenya's industrialization agenda of Buy Kenya, Build Kenya.

(3) The interventions targeting youth participation in the textile value chain, including training, innovation hubs, financing or start-up incubations in tailoring, design, production and distribution.

(4) The Government strategies to revitalize local cotton farming and fabric production, including investments in value addition and collaboration with the private sector and the county governments.

(5) The alignment of Kenya's textile industry with the regional trade frameworks such as the Africa continental free trade area and the country's competitiveness in regional and international textile markets.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): I can see a few Senators want to make comments on the statements.

Proceed, Sen. Cherarkey.

**Sen. Cherarkey:** Thank you, Mr. Deputy Speaker, Sir. I will comment on a few statements. The statement by Sen. Esther Okenyuri on the suspension of academic programmes to the students who are currently in Germany. Many Kenyans do not know that the Ministry of Education normally gives out scholarships. I want to ask the Committee on Education, chaired by Sen. Montet, to go further and tell us who the beneficiaries of the Ministry of Education's scholarship are.

This is the same Ministry that was operating hot air secondary schools in Baringo, where billions of shillings were lost in non-existent secondary schools through capitation. No ordinary Kenyan has benefited from this scholarship other than the who-is-who.

Mr. Deputy Speaker, Sir, I want to appeal to the Education Committee to table the list of beneficiaries of academic scholarships from the Ministry of Education for the last five years, so that we can know the truth. It is unfortunate that the beneficiaries of this scholarship are normally well-to-do Kenyans yet the *hoi polloi* are not benefiting. We are leaving many young Kenyans from vulnerable communities to the spirit of *abracadabra*, where they have succeeded and applied for this scholarship, but are unable to benefit since they do not have any connection.

Finally, on the issue of the Judicial Service Commission (JSC), the reason there is a backlog in most of the court cases in this country where almost half a million court cases are being filed yearly is because of lack of legal researchers. You will find that magistrates and judges are now writing shorthand notes. They go and do research before writing judgments. That is why if you appear before a court of law today, you cannot get a hearing date until 2026 to mid 2027. There is lack of enabling systems within our court system. The hiring of legal researchers by the JSC should be expedited, so that we can get more legal researchers. Even here, Senators should note that the reason your office is well-resourced is because of the legal researchers that we have. We are aware that the JSC, chaired by Chief Justice Martha Koome, has failed in the fight against corruption in courts of law. You can remember in the court case of Kawira Mwangaza. For some of us - and I will be tabling a damning report - money has been oiling hands.

You can remember that the Ethics and Anti-Corruption Commission (EACC) arrested a number of judges with millions of shillings and the case of Said Chitembwe was thrown out. Therefore, the JSC---

*(Sen. Miraj consulted loudly)*

I want to ask Sen. Miraj that if she wants to win the Senate seat for Mombasa, she should learn to listen more and understand where we are coming from.

*(Laughter)*

When you go to Milimani or Makadara law courts, you will find that justice is being sold to the highest bidder. We meet many Kenyans complaining that they have been in court from the 1950s, 1970s and 1980s on succession matters. You heard an allegation where a chief magistrate in Kiambu was demanding two per cent of the estate in most of the succession matters in court.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

I want to challenge the JSC to rise up and fight corruption within and outside the judiciary, so that Kenyans can access justice wherever they are.

I respectfully submit and support all these statements.

I thank you.

**Sen. Betty Montet:** Thank you, Mr. Deputy Speaker, Sir. I rise to support the statement by Sen. Esther Okenyuri.

I also wish to inform my colleague, Sen. Cherarkey, that the Committee on Education is currently in the process of auditing the counties on the bursaries that are being paid outside this country. For the information he has given, I can assure him that we will include that. The Ministry of Education should provide us with an audit report of all the bursaries which are being given outside this country.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): Next Order.

### COMMITTEE OF THE WHOLE

*(Order for the Committee read)*

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, you must know the traditions of the House. When we get to the Committee of the Whole and the Chair stands up, you must bow. These are little things that are very necessary.

*[The Deputy Speaker (Sen. Kathuri) left the Chair]*

#### IN THE COMMITTEE

*[The Temporary Chairperson (Sen. Wakili Sigei) in the Chair]*

#### THE ENERGY (AMENDMENT) BILL (SENATE BILL NO. 42 OF 2023)

**The Temporary Chairperson** (Sen. Wakili Sigei): Order, hon. Members. We are in the Committee of the Whole to do Divisions. We will start with the Energy (Amendment) Bill, (Senate Bills No.42 of 2023).

For purposes of order and ensuring that we have numbers, I direct the Serjeant-at-Arms to ring the Quorum Bell for five minutes for the hon. Members to come back to the Chamber.

*(The Quorum Bell was rung)*

Clerk, do we have quorum?

*(The Clerk-at-the-Table consulted with the Temporary Speaker)*

---

**Disclaimer:** The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.



Serjeant-at-Arms, you may now close the door. There is a Member who is trying to enter the Chamber. Allow him to come in.

*(An hon. Member walked into the Chamber)*

Alright, close the door.

*(Several Members stood in their place)*

Hon. Members, let us resume our seats. The Senate Majority Leader, Sen. Mo Fire, Sen. Kavindu, please take your seats.

Hon. Members, as I have just said, we will be starting with the Energy (Amendment) Bill (Senate Bills No.42 of 2023).

Hon. Members please remove your cards from your delegates' units. Serjeant-at-Arms, kindly withdraw the cards from unattended delegates' stations.

*(The Serjeant-at-Arms removed the cards from unattended delegates' stations)*

Once that is done, hon. Members, I will shortly be directing that you log in.

For this particular Bill, we are only voting once on both clauses. We are setting up for purposes of facilitating you to vote. I now put the question and then you proceed to vote.

*(Question put and the Senators proceeded to vote)*

We are done with the Division on the Energy (Amendment) Bill (Senate Bill No.42 of 2023).

Let us proceed to the next Division. On this one, we have two Divisions. The first is on clauses with amendments and second with the New Clauses which are being introduced.

I will now proceed to put the question.

THE PERSONS WITH DISABILITIES BILL SENATE  
BILL NO. 7 OF 2023)

*(Consideration of National Assembly amendments)*

Hon. Senators, you may now proceed to vote.

*(Hon. Senators proceeded to vote)*

For those who have not voted, please proceed to vote.

Sen. Wafula and Sen. Cherarkey, please approach the Dispatch Desk.

---

**Disclaimer:** The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.

*(Sen. Wafula and Sen. Cherarkey approached the Dispatch Box and voted)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Order, hon. Senators. We are now proceeding to the second Division on the same Bill, now dealing with New Clauses. I will, therefore, proceed to put the question.

*(Question put and hon. Senators proceeded to vote)*

Hon. Senators, we still have one more, so just wait for us to confirm those who will need to be assisted to vote and then we will move to the last Division.

Sen. Richard Onyonka, please, proceed to the Dispatch, so that you can be assisted to vote.

*(Sen. Onyonka proceeded to the Dispatch Box and voted)*

THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL  
(SENATE BILLS NO.39 OF 2023)

**The Temporary Chairperson** (Sen. Wakili Sigei): Hon. Senator, we are proceeding to the next Division on the County Public Finance Laws (Amendment) Bill (Senate Bills No.39 of 2023). For this one, we also have two Divisions. I will proceed to put the question.

*(Question put and hon. Senators proceeded to vote)*

Hon. Members, we are proceeding to the next Division on the same Bill on all clauses. I will proceed to put the question.

*(Question put and hon. Senators proceeded to vote)*

Hon. Senators, take note that the voting time is shorter. We have 15 seconds to go, so those who have not voted, please proceed and vote.

*(Voting in progress)*

Sen. Onyonka, Sen. Kavindu and Sen. Seki, please approach the Chair.

*(Sen. Onyonka, Sen. Kavindu Muthama and Sen. Seki walked to the Dispatch Box and voted)*

Sen. Tabitha Mutinda and Sen. Cherarkey, are you using your phones in the Chamber or it is the Senate Majority Leader? Hon. Members, let us respect the House. Whoever is playing loud music on their gadgets in the House, please stop.

*(Sen. Mundigi consulted loudly)*

Order, Sen. Mundigi.  
Hon. Members, we shall now proceed.

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

We are now on the County Assembly services (Amendment) Bill (Senate Bills No.34 of 2023). There are two Divisions. I will now proceed to put the question. Members, proceed to vote.

*(Hon. Senators proceeded to vote)*

Sen. Wakoli, kindly approach the Chair.

*(Sen. Wafula walked to the Clerks' Table and voted)*

Hon. Members, we are proceeding to the second Division on this Bill. I will proceed to put the question.

Hon. Members, proceed to vote.

*(Question put and hon. Senators proceeded to vote)*

Sen. Samson Cherarkey, Sen. Kathuri Murungi and Sen. (Dr.) Lelegwe, please, approach the Chair.

*(Sen. Cherarkey, Sen. Kathuri and Sen. (Dr.) Lelegwe Ltumbesi  
walked to the Clerks' Table and voted)*

We will proceed to the next Bill.

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

**The Temporary Chairperson** (Sen. Wakili Sigei): We have four Divisions. I will proceed to put the question.

You may start to vote.

*(Hon. Senators proceeded to vote)*

---

**Disclaimer:** The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Faki, please approach the Clerks-at-the-Table.

*(Sen. Faki walked to the Clerks' Table  
and registered his vote)*

Hon. Senators, we will proceed to division on new clauses of the County Assemblies Pensions Scheme Bill. These are New Clause 46A and New Clause 46B.

I will put the question, which is that New Clause 46A and New Clause 46B be now read a Second Time.

Hon. Members, let us proceed to vote.

*(Hon. Senators proceeded to vote)*

Sen. Juma Boy, please, approach the Clerks-at-the-Table to be assisted to vote. Others are the Deputy Speaker, Sen. Kathuri Murungi, Sen. Allan Chesang and Sen. Munyi Mundigi.

*(Several Senators approached the Clerks' Table  
and registered their votes)*

Hon. Senators, we will proceed to the third division on clauses with amendments.

I will now put the question, which is that clauses 4, 5, 6, 9, 11, 13, 23, 24, 26, 29, 49, 53, Clause 2 and the Title be amended as proposed.

Hon. Members, proceed to cast your vote.

*(Hon. Senators proceeded to vote)*

Sen. Cherarkey, Sen. Juma Boy, Sen. Kathuri and Sen. Lomenen, please, approach the Clerks-at-the-Table.

*(Several Senators approached the Clerks' Table  
and registered their votes)*

Hon. Senators, we are now on the last division on all clauses of the County Assemblies Pensions Scheme Bill (Senate Bills No.14 of 2024). I will put the question.

Hon. Senators may now proceed to vote.

*(Hon. Senators proceeded to vote)*

Sen. Dullo, proceed to vote from the Clerks-at-the Table.

*(Sen. Dullo approached the Clerks' Table and registered her vote)*

---

**Disclaimer:** The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.

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

We have three divisions the first being on new clauses.

*(Hon. Senators proceeded to vote)*

THE LAND (AMENDMENT) BILL (NATIONAL  
ASSEMBLY BILLS NO.40 OF 2022)

The Bill has two divisions, the first being on clauses with amendments.

*(Hon. Senators proceeded to vote)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Sen. Kisang', Sen. Wambua, Sen. Kavindu Muthama, Sen. Faki and Sen. Omogeni approach the Clerks-at-the-Table to vote.

*(Sen. Kisang, Sen. Wambua, Sen. Kavindu Muthama, Sen. Mwaruma  
and Sen. Omogeni approached the Clerks' Table and voted)*

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, I will proceed to the next division on all clauses.

I will now put the Question, that Clauses 3, 2, The Title and  
Clause 1 be part of the Bill

Hon. Members proceed to vote on all clauses.

*(Hon. Senators proceeded to vote)*

*(Sen. Seki and Sen. Wamatinga consulted loudly)*

Sen. Seki and Sen. Wamatinga, let us be orderly. Take your seats and vote.

*(Voting in progress)*

You have under ten seconds to vote.

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Members, I will now announce the results of the votes of the six divisions that we have done.

THE ENERGY (AMENDMENT) BILL  
(SENATE BILLS NO. 42 OF 2023)

**DIVISION**

ELECTRONIC VOTING

*(Question, that Clause 2, the Title and Clause 1 be part of the Bill put,  
and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang', Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wafula, Bungoma County; and, Sen. Wakili Sigei, Bomet County.

**NOES:** Nil

**AYES:** 26

**NOES:** 0

**ABSENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 26 votes to Nil)*

THE PERSONS WITH DISABILITIES BILL  
(SENATE BILLS NO. 7 OF 2023)

*(Consideration of National Assembly amendments)*

**DIVISION**

ELECTRONIC VOTING

*(Question, that the National Assembly amendments to insert  
New Clause 36A, New Clause 66A and New Clause 73A to the Persons  
with Disabilities Bill (Senate Bills No.7 of 2023) be approved put, and the Senate  
proceeded to vote by County Delegations)*

---

**Disclaimer:** The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.

**AYES:** Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang', Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Onyonka, Kisii County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wafula, Bungoma County; and, Sen. Wakili Sigei, Bomet County.

**NOES:** Nil

**AYES:** 27

**NOES:** 0

**ABSENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 27 votes to Nil)*

## **DIVISION**

### **ELECTRONIC VOTING**

*(Question, that the National Assembly amendments to Clauses 4, 5, 6, 8, 11, 20, 21, 25, 26, 28, 29, 45, 50, 56, 62, 63, 65, 66, 72 and 74 of the Persons with Disabilities Bill (Senate Bills No. 7 of 2023) be approved put, and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang', Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Onyonka, Kisii County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wafula, Bungoma County; and, Sen. Wakili Sigei, Bomet County.

**NOES:** Nil

**AYES:** 27

**NOES:** 0

---

**Disclaimer:** The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.

**ABSENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 27 votes to Nil)*

THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT)  
BILL (SENATE BILLS NO. 34 OF 2023)

**DIVISION**

**ELECTRONIC VOTING**

*(Question, that Clauses 3, 4, 5, 6 (as amended), 7, 8 (as amended) 9,  
Clause 2, the Title and Clause 1 be part of the Bill put, and  
the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang’, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Onyonka, Kisii County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wafula, Bungoma County; and, Sen. Wakili Sigei, Bomet County.

**NOES:** Nil

**AYES:** 27

**NOES:** 0

**ABSENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 27 votes to Nil)*

**DIVISION**

**ELECTRONIC VOTING**

*(Question, that Clauses 6 and 8 be amended as proposed put,  
and the Senate proceeded to vote by County Delegations)*

---

**Disclaimer:** The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.



**AYES:** Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang', Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Onyonka, Kisii County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wafula, Bungoma County; and, Sen. Wakili Sigei, Bomet County.

**NOES:** Nil

**AYES:** 27

**NOES:** 0

**ABSENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 27 votes to Nil)*

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

**DIVISION**

**ELECTRONIC VOTING**

*(Question, that Clauses 2,3,6,7, 8, 9, 10, the Title and Clause 1 be part of the Bill put, and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang', Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Onyonka, Kisii County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wafula, Bungoma County; and, Sen. Wakili Sigei, Bomet County.

**NOES:** Nil

**AYES:** 27

---

**Disclaimer:** The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.

**NOES:** 0

**ABSENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 27 votes to Nil)*

## **DIVISION**

### **ELECTRONIC VOTING**

*(Question, that Clauses 4 and 5 be deleted as proposed put,  
and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang’, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Onyonka, Kisii County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wafula, Bungoma County; and, Sen. Wakili Sigei, Bomet County.

**NOES:** Nil

**AYES:** 27

**NOES:** 0

**ABSENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 27 votes to Nil)*

## **THE COUNTY ASSEMBLY PENSIONS SCHEME BILL (SENATE BILL NO. 14 OF 2024)**

## **DIVISION**

### **ELECTRONIC VOTING**

*(Question that Clauses 3,4(as amended), 5, (as amended), 6 (as amended), 7, 8, 9, (as amended), 10,11(as amended), 12, 13 (as amended),14,15,16,17,18, 19, 20, 21,22,23(as amended), 24(as amended), 25,26 (as amended), 27,28, 29 (as amended), 30,31,32, 33, 34,35, 36,37,38,39,40,41,42,43,44,45,46,47,48,49 (as amended), 50,51, the*

**Disclaimer:** The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.

*Title (as amended), 50, 51, the Title (as amended) and Clause 1, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Boy, Kwale County, Sen. Cherarkey, Nandi County, Sen. Cheruiyot, Kericho County, Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Haji, Garissa County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mariam Omar, Mandera County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Onyonka, Kisii County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wakoli, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County.

**The Temporary Chairperson** (Sen. Wakili Sigei): Hon. Senators, the results of the Division are as follows-

**AYES:** 30

**NOES:** Nil

**ABSTENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 30 votes to 0)*

THE COUNTY ASSEMBLY PENSIONS SCHEME BILL  
(SENATE BILL NO. 14 OF 2024)

**DIVISION**

ELECTRONIC VOTING

*(Question that Clause 2 be deleted put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Boy, Kwale County, Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County, Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Oketch

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Gicheru, Migori County; Sen. Onyonka, Kisii County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wakoli, Bungoma County; and, Sen. Wakili Sigei, Bomet County;

**The Temporary Chairperson** (Sen. Wakili Sigei): Hon. Senators, the results of the Division are as follows: -

**AYES:** 27

**NOES:** Nil

**ABSTENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 27 votes to 0)*

*(Clause 2 deleted)*

THE COUNTY ASSEMBLY PENSIONS SCHEME BILL  
(SENATE BILL NO. 14 OF 2024)

**DIVISION**

ELECTRONIC VOTING

*(Question, that New Clauses 46A and 46B be now read a Second Time put, and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Boy, Kwale County, Sen. Cherarkey, Nandi County, Sen. Cheruiyot, Kericho County, Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Onyonka, Kisii County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wakoli, Bungoma County; Sen. Wakili Sigei, Bomet County;

**The Temporary Chairperson** (Sen. Wakili Sigei): Hon. Senators, the results of the Division are as follows-

**AYES:** 27

**NOES:** Nil

**ABSTENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 27 votes to 0)*

---

**Disclaimer:** The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.

THE COUNTY ASSEMBLY PENSIONS SCHEME BILL  
(SENATE BILL NO. 14 OF 2024)

**DIVISION**

ELECTRONIC VOTING

*(Question that Clauses 4,5, 6, 9, 11,13, 23,24,26,29,49, 53  
and Clause 2 and the Title be amended as proposed,  
put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Onyonka, Kisii County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wakoli, Bungoma County; and, Sen. Wakili Sigei, Bomet County

**The Temporary Chairperson** (Sen. Wakili Sigei): Hon. Senators, the results of the Division are as follows-

**AYES:** 27

**NOES:** Nil

**ABSTENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 27 votes to Nil)*

THE LAND AMENDMENT BILL (NATIONAL  
ASSEMBLY BILL NO. 40 OF 2022)

**DIVISION**

ELECTRONIC VOTING

*(Question that Clauses 3 (as amended), Clause 2, the Title and  
Clause 1 be part of the Bill, put and the Senate proceeded to vote by County  
Delegations)*

---

**Disclaimer:** The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.

**AYES:** Sen. Abass, Wajir County; Sen. Boy, Kwale County, Sen. Cherarkey, Nandi County, Sen. Cheruiyot, Kericho County, Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Haji, Garissa County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mariam Omar, Mandera County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wakoli, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

**NOES:** Nil

**ABSTENTIONS:** Nil

**The Temporary Chairperson** (Sen. Wakili Sigei): Hon. Senators, the results of the Division are as follows-

**AYES:** 32

**NOES:** Nil

**ABSTENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 32 votes to Nil)*

THE LAND AMENDMENT BILL (NATIONAL  
ASSEMBLY BILL NO. 40 OF 2022)

**DIVISION**

ELECTRONIC VOTING

*(Question that Clauses 3 be amended as proposed, put and  
the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Boy, Kwale County, Sen. Cherarkey, Nandi County, Sen. Cheruiyot, Kericho County, Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Haji, Garissa County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mariam Omar, Mandera County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Omogeni, Nyamira County; Sen.

---

**Disclaimer:** The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.

Onyonka, Kisii County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wakoli, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

**The Temporary Chairperson** (Sen. Wakili Sigei): Hon. Senators, the results of the Division are as follows-

**AYES:** 31

**NOES:** Nil

**ABSTENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 31 votes to Nil)*

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

**The Temporary Chairperson** (Sen. Wakili Sigei): Hon. Members, on the National Disaster Risk Management Bill (National Assembly Bills No.24 of 2023), we are going to report progress and seek leave to sit again tomorrow.

THE ENERGY (AMENDMENT) BILL  
(SENATE BILL NO. 42 OF 2023)

Hon. Members, we are proceeding to report on the Bills. The first Bill is the Energy (Amendment) Bill (Senate Bill No. 42 of 2023). I call upon the Mover, Sen. Sifuna, to move.

**Sen. Sifuna:** Thank you, Mr. Temporary Chairman, Sir. I beg to move that the Committee do report to the Senate its consideration of the Energy (Amendment) Bill (Senate Bills No.42 of 2023) and its approval thereof without amendments.

*(Question proposed)*

*(Question put and agreed to)*

THE NATIONAL ASSEMBLY AMENDMENT TO THE PERSONS  
WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)

**The Temporary Chairperson** (Sen. Wakili Sigei): We are proceeding to the next, reporting on the National Assembly amendments to the Persons with Disabilities Bill (Senate Bills No.7 of 2023). I would like to ask the Mover to move.

Sen, Asige, please proceed.

**Sen. Asige:** Thank you, Mr. Temporary Chairman, Sir. As I rise to do so, may I just take a moment to express my gratitude to this House for the support that they have given the disability community by helping to pass this Bill.

---

**Disclaimer:** The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.

Mr. Temporary Chairman, Sir, I am completely undone and overwhelmed with gratitude for the help, energy and support that you, as well as colleagues, and especially the Secretariat of this House, have given this Bill.

Perhaps, Mr. Temporary Chairman, Sir, you will consider allowing me to bring my live band to the Senate, one day, for an evening of live music, to extend my gratitude.

**The Temporary Chairperson** (Sen. Wakili Sigei): Please, proceed to move.

**Sen. Asige:** Mr. Temporary Chairman, Sir, I beg to move that the Committee 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 its approval thereof.

I thank you.

*(Question proposed)*

*(Question put and agreed to)*

THE COUNTY PUBLIC FINANCE LAWS AMENDMENT  
BILL (SENATE BILL NO. 39 OF 2023)

**The Temporary Chairperson** (Sen. Wakili Sigei): Please, we are proceeding to the next Bill, that is, the County Public Finance Laws (Amendment) Bill (Senate Bills No. 39 of 2023). I would like to ask the Mover, the Senate Majority Leader, to please move.

**The Senate Majority Leader** (Sen. Cheruiyot): I do not have the paperwork.

*(The Senate Majority Leader consulted with the Clerk-at-the-Table)*

I beg to move that the Committee do report to the Senate its consideration of the County Public Finance Laws (Amendment) Bill (Senate Bills No.39 of 2023), and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

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

**The Temporary Chairperson** (Sen. Wakili Sigei): Please, we are proceeding to the next Bill, the County Assembly Services (Amendment) Bill (Senate Bills No.34 of 2023). I would like to ask the Mover to proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the County Assembly Services Amendment Bill (Senate Bills No. 34 of 2023), and its approval thereof with amendments.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*



*(Question proposed)*

*(Question put and agreed to)*

THE COUNTY ASSEMBLY PENSION SCHEME BILL  
(SENATE BILLS NO.14 OF 2024)

**The Temporary Chairperson** (Sen. Wakili Sigei): Hon. Members, next is reporting on the County Assembly Pension Scheme Bill (Senate Bills No.14 of 2024).

Chairperson, please proceed to move.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the County Assembly Pension Scheme Bill (Senate Bills No. 14 of 2024), and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

THE LAND (AMENDMENT) BILL (NATIONAL  
ASSEMBLY BILL NO. 40 OF 2022)

**The Temporary Chairperson** (Sen. Wakili Sigei): We are now reporting on the Land (Amendment) Bill (National Assembly Bills No.40 of 2022). I would like to ask the Mover to move.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the Land (Amendment) Bill (National Assembly Bills No.40 of 2022), and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

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

**The Temporary Chairperson** (Sen. Wakili Sigei): I will ask the Mover to proceed to move.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Chairperson, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report progress on its consideration of the National Disaster Risk Management Bill (National Assembly Bills No.24 of 2023) and seeks leave to sit again tomorrow.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

*(Question proposed)*

*(Question proposed and agreed to)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Serjeant-at-Arms, you may now draw the bar and open the doors.

*(The bars were drawn and doors opened)*

*(The House resumed)*

*[The Deputy Speaker (Sen. Kathuri) in the Chair]*

### REPORTS AND CONSIDERATION OF REPORTS

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, we are now reporting on the Bills. We will start with the Energy (Amendment) Bill (Senate Bills No.42 of 2023) Chairperson, you may proceed.

#### ENERGY (AMENDMENT) BILL (SENATE BILLS NO.42 OF 2023)

**Sen. Wakili Sigei:** Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The Energy (Amendment) Bill (Senate Bills No.42 of 2023) and its approval thereof without amendments.

**The Deputy Speaker** (Sen. Kathuri): Mover, Sen. Sifuna, you may proceed.

**Sen. Sifuna:** Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee in the said report.

I beg to move that putting of the question on the Third Reading of the Bill be deferred to tomorrow.

**The Deputy Speaker** (Sen. Kathuri): Sen. Sifuna, it has to be seconded first.

**Sen Sifuna:** Mr. Deputy Speaker, Sir, my apologies.

I beg to move that the House do agree with the Committee in the said report. I ask Sen. Eddy to second.

**Sen. Oketch Gicheru:** Mr. Deputy Speaker, Sir, I second.

*(Question proposed)*

*(Question agreed to)*

**The Deputy Speaker** (Sen. Kathuri): Mover, Sen. Sifuna, you may proceed.

**Sen. Sifuna:** Mr. Deputy Speaker, Sir, I beg to move that the putting of the question on the Third Reading of the Bill be deferred to tomorrow pursuant to Standing Order No.66.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

**The Deputy Speaker** (Sen. Kathuri): Mover, just remove the words “Third Reading”

**Sen. Sifuna:** Very well, Mr. Deputy Speaker, Sir.

I beg to move that the Energy (Amendment) Bill (Senate Bills No.42 of 2023) be now read a Third Time. I would like to request Sen. Crystal Asige to second.

**Sen. Crystal Asige:** Mr. Deputy Speaker, Sir, I second it as moved.

*(Question proposed)*

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, I can see that there is no Member interested in contributing to this. I will ask the Mover to reply.

**Sen. Sifuna:** Mr. Deputy Speaker, Sir, I beg to move that the putting of the question on the Third Reading of the Bill be deferred to tomorrow pursuant to Standing Order No.66(3).

**The Deputy Speaker** (Sen. Kathuri): Okay, permission granted.

*(Putting of the Question on the Third Reading of the Bill deferred)*

We will go to the next Bill, which is Consideration of the National Assembly Amendments to the Persons with Disabilities Bill (Senate Bills No.7 of 2023)

**The Deputy Speaker** (Sen. Kathuri): Chairperson, Sen. Wakili Sigei, you may proceed.

THE PERSONS WITH DISABILITIES BILL  
(SENATE BILLS NO.7 OF 2023)

*(Consideration of National Assembly amendments)*

**Sen. Wakili Sigei:** Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the National Assembly Amendments to the Persons with Disabilities Bill (Senate Bills No.7 of 2023) and its approval thereof with amendments.

**Sen. Crystal Asige:** Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee of the Whole on the said report.

I ask Sen. Eddy Oketch to second.

**Sen. Oketch Gicheru:** Mr. Deputy Speaker, Sir, I second.

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, having considered and approved the National Assembly Amendments to the Persons with Disabilities Bill (Senate Bills No.7 of 2023), there will be no Third Reading. The Bill will be referred to His Excellency the President for assent.

---

**Disclaimer:** The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.

*(Applause)*

THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT)  
BILL (SENATE BILLS NO.39 OF 2023)

**The Deputy Speaker** (Sen. Kathuri): We are on the consideration of the County Public Finance Laws Amendment Bill (Senate Bills No.39 of 2023).

**Sen. Wakili Sigei:** Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the County Public Finance Laws (Amendment) Bill (Senate Bills No.39 of 2023) and its approval thereof with amendments.

**The Senate Majority Leader** (Sen. Cheruiyot): Hon. Deputy Speaker, I beg to move that the House do agree with the Committee of the Whole in the said report.

I ask Sen. Wamatinga to second.

**Sen. Wamatinga:** Mr. Deputy Speaker, Sir, I second.

*(Loud consultations)*

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, we have not suspended the rules of the House. Sen. Mo Fire and your colleague, Sen. Gloria.

*(Question proposed)*

*(Question put and agreed to)*

**The Senate Majority Leader** (Sen. Cheruiyot): Hon. Deputy Speaker, I beg to move that the County Public Finance Laws (Amendment) Bill (Senate Bill No.39 of 2023), be now read a Third Time.

I ask Sen. Wamatinga to second.

**Sen. Wamatinga:** Mr. Deputy Speaker, Sir, I second.

*(Question proposed)*

**The Senate Majority Leader** (Sen. Cheruiyot): Pursuant to Standing Order No.66 (3), I request that the putting of the question be deferred to a later date.

**The Deputy Speaker** (Sen. Kathuri): Very well.

*(Putting of the Question on the Third Reading of the Bill deferred)*

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

**The Deputy Speaker** (Sen. Kathuri): We are now on consideration of the County Assembly Services (Amendment) Bill (Senate Bills No.34 of 2023).

*(Sen. Gataya Mo Fire and Sen. (Dr.) Khalwale  
consulted with Sen. Wakili Sigei)*

**Sen. Wakili Sigei:** Mr. Deputy Speaker, Sir, the Hon. Majority Whip together with Sen. Eddy have diverted the attention of the Chairperson.

Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the County Assembly Services (Amendment) Bill (Senate Bill No.34 of 2023) and its approval thereof with amendments.

**The Senate Majority Leader** (Sen. Cheruiyot): Hon. Deputy Speaker, I beg to move that the House do agree with the Committee of the Whole on the said report.

I ask Sen. Lomenen to second.

**Sen. Lomenen:** Mr. Deputy Speaker, Sir, I second.

*(Question proposed)*

*(Question put and agreed to)*

**The Senate Majority Leader** (Sen. Cheruiyot): Hon. Deputy Speaker, I beg to move that the County Assembly Services (Amendment) Bill (Senate Bills No.34 of 2023) be now read a Third Time.

I ask Sen. Gloria to second.

**Sen. Orwoba:** Mr. Deputy Speaker, Sir, I second.

*(Question proposed)*

**The Senate Majority Leader** (Sen. Cheruiyot): Hon. Deputy Speaker, pursuant to Standing Order No.66 (3), I request that the putting of the question be deferred to a later date.

**The Deputy Speaker** (Sen. Kathuri): That is accepted.

*(Putting of the Question on the Third Reading of the Bill deferred)*

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

**The Deputy Speaker** (Sen. Kathuri): We are now on consideration of the County Assemblies Pensions Scheme Bill (Senate Bill No.14 of 2023).

Chairperson, proceed.

---

**Disclaimer:** The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.

**Sen. Wakili Sigei:** Hon. Deputy Speaker, I beg to report that the Committee of the Whole has considered the County Assemblies Pensions Scheme Bill (Senate Bills No.14 of 2024) and its approval thereof with amendments.

**The Senate Majority Leader** (Sen. Cheruiyot): Hon. Deputy Speaker, I beg to move that the House do agree with the Committee of the Whole on the said report.

I ask Sen. Joyce Korir to second.

**Sen. Korir:** Thank you, Mr. Deputy Speaker, Sir. I second.

*(Question proposed)*

*(Question put and agreed to)*

**The Senate Majority Leader** (Sen. Cheruiyot): Hon. Deputy Speaker, I beg to move that the County Assembly's Pensions Scheme Bill (Senate Bill No.14 of 2024) be now read a Third Time.

I ask Sen. Ledama Olekina to second.

**Sen. Olekina:** Mr. Deputy Speaker, Sir, I second.

*(Question proposed)*

**The Senate Majority Leader** (Sen. Cheruiyot): Hon. Deputy Speaker, pursuant to Standing Order No.66 (3), I request that the putting of the question be deferred to a later date.

*(Putting of the Question on the Third Reading of the Bill deferred)*

THE LAND (AMENDMENT) BILL (NATIONAL  
ASSEMBLY BILLS NO.40 OF 2022)

**The Deputy Speaker** (Sen. Kathuri): We are now on consideration of the Land (Amendment) Bill (National Assembly Bills No.40 of 2022).

**Sen. Wakili Sigei:** Hon. Deputy Speaker, I beg to report that the Committee of the Whole has considered the Land (Amendment) Bill (National Assembly Bills No.40 of 2022) and its approval thereof with amendments.

**The Senate Majority Leader** (Sen. Cheruiyot): Hon. Deputy Speaker, I beg to move that the Senate do agree with the Committee of the Whole on the said report.

I ask Sen. (Prof.) Margaret Kamar to second.

**Sen. (Prof.) Kamar:** Mr. Deputy Speaker, Sir, I second.

*(Question proposed)*

*(Question put and agreed to)*

**The Senate Majority Leader** (Sen. Cheruiyot): Hon. Deputy Speaker, I beg to move that the Land (Amendment) Bill (National Assembly Bills No.40 of 2022) be now read a Third Time.

I ask Sen. Veronica Maina to second.

**Sen. Veronica Maina:** Hon. Deputy Speaker, I second.

*(Question proposed)*

**The Senate Majority Leader** (Sen. Cheruiyot): Hon. Deputy Speaker, pursuant to Standing Order No.66 (3), I request that the putting of the question be deferred to a later date.

**The Deputy Speaker** (Sen. Kathuri): That is okay.

*(Putting of the Question on the Third Reading of the Bill deferred)*

### PROGRESS REPORTED

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

**The Deputy Speaker** (Sen. Kathuri): We are now on the National Disaster Risk Management Bill (National Bills No.24 of 2023). Let us have the Chairperson.

**Sen. Wakili Sigei:** Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the National Disaster Risk Management Bill (National Bills No.24 of 2023) and seeks leave to sit again tomorrow.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

I request Sen. Danson Mungatana to second.

**Sen. Mungatana, MGH:** Mr. Deputy Speaker, Sir, I second.

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Speaker** (Sen. Kathuri): That is the end of that business. Sen. Veronica Maina, kindly approach the Chair.

*(Sen. Veronica Maina consulted  
with the Deputy Speaker)*

Clerk, let us go to the next Order.

**MOTION****ADOPTION OF REPORT ON PETITION ON RESTRAINING  
COUNTY GOVERNMENTS FROM HIRING LAW FIRMS FOR  
LEGAL REPRESENTATION**

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, 3<sup>rd</sup> April, 2025.

*(Sen. Wakili Sigei on 8.4.2025)*

*(Resumption of debate interrupted on 8.4.2025)*

**The Deputy Speaker** (Sen. Kathuri): Sen. Osotsi had a balance of 13 minutes. If he is around, he can utilise his minutes. If not, we will go the next person.

**Sen. Cherarkey:** Mr. Deputy Speaker, I would like to make a few observations on this Petition. First of all, I would like to thank Mr. Laban Omusundi because what he raised is very important.

From the outset, I would like to say that I am the midwife of the Office of the County Attorney Act of 2020. I remember Ms. Kavata here was my committee clerk then when I used to chair the powerful Committee on Justice, Legal Affairs and Human Rights. Luckily, she is seated here.

According to my estimation, we did a good job because many counties were outsourcing legal services as a way of siphoning public money. I also thank you, Mr. Deputy Speaker, Sir, because I know you were part of the instrumental people who assisted us while in the National Assembly in passing this when you served in the “lower House”.

Mr. Deputy Speaker, Sir, yesterday, one of your colleagues dismissed this House stating that it is *Nyumba ya Wazee*. It is very unfortunate because it was stated by the Minority Leader on the Floor of the House. I do not know why the Speaker of the National Assembly would allow the Senate to be discussed in bad faith, especially when the report on bicameral Houses of Parliament was being debated yesterday. Under Article 93 of the Constitution, all of us are Members of Parliament (MPs). I do not know why Members of the National Assembly feel threatened with the existence of the Senate, yet we all serve “*Wanjiku*”. We are serving one Kenya.

Mr. Deputy Speaker, Sir, you supported us and we passed the legislation into law. I appeal to Members of both Houses to have mutual respect for each other. Sometimes we think that the National Assembly---

Mr. Deputy Speaker, Sir, having presided ably today in the afternoon, we have passed many Bills from the National Assembly. So, the disdain towards the Senate

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*



should stop. I want to advise the National Assembly Minority Leader that there are much more important things to do for Kenyans than fighting the Senate or demanding that the Senate be scrapped off. We are not complaining. He stated that there is no work in the Senate, but we have a lot of work. Defending and protecting interests of the counties is not easy. It is a lot of work. Therefore, they should stop underestimating us and serve Kenyans. The National Assembly oversights the national Government. They should do their job. We have so many projects by the national Government that Members of the National Assembly should oversight. There is also the issue of the National Government-Constituencies Development Fund (NG-CDF) that they should focus on.

Mr. Deputy Speaker, Sir, I am happy that you have outgrown that “Lower House,” and now you are one of the senior members of this country. On a light note, most senior people in the Government are former Senators. So, the nation takes Senators seriously, including you. Your friend, now the Deputy President, Hon. (Prof.) Kithure Kindiki, and many Cabinet Secretaries were Members of this House, although a few of them are underperforming.

I agree with my colleagues that we need proper security in Meru. I know there have been cases of insecurity. We support that security should be taken seriously. We should ensure that the people of Meru enjoy peace and security in that region.

Moving to this Petition by Mr. Omusundi, I want to commend him for that. While I do not have a problem that this Petition landed to the Committee on Justice, Legal Affairs and Human Rights, with a lot of tremendous respect, the recommendations look pedestrian.

I deal with numbers and they say that numbers do not lie. There is a song by Shakira. She sang one of the best songs during a previous World Cup. “*Hips don’t lie*”. Numbers do not lie.

Can you believe that out of Kshs562.5 billion for 36 counties, we have Kshs25.423 billion since 2013 as pending bills for legal services by law firms in this country? That amount is not a true reflection. We have been asking that question several times.

In the County Public Accounts Committee (CPAC) where I have served for some time, when governors appear before us, they cannot give us--- Even the Auditor-General has tried to do audits of pending bills in the counties in terms of court cases. They cannot tell you the number of court cases that they have. When you ask counties how many cases have been filed for that amount to be that huge, they cannot tell you. Can you believe that some counties have not even hired county attorneys? Under the Office of the County Attorney Act, 2020, it is clear that person should have experience of five years or be an advocate of the High Court, and has the same status as a County Executive Committee Member (CECM).

We believe that when a county attorney is part of the county cabinet, they can assist in providing legal advice during meetings. Can you believe that since the Act was assented to by the President, some counties are yet to hire county attorneys? I am happy because of what is happening in Kilifi. They have a serious retinue of lawyers who work day and night. I want to challenge governors. Nandi is also on the list of shame. Funnily, the Governor of Nandi is a lawyer, yet he has been outsourcing legal services.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

In the last audit that came here, they paid Kshs34 million as legal fees, but no one knows the law firms or courts cases that Nandi County Government had. That is a way of siphoning money by Governor Sang. Where does the Kshs34 million go? This is the report of the Auditor-General. There are no law firms and number of cases given to justify the payment of Kshs34 million by the Nandi County Government to these law firms.

Mr. Deputy Speaker when you go to Murang'a County, where our former Chief Whip, Sen. Governor (Dr.) Irungu Kang'ata presides, they have even upgraded Murang'a Youth Service. They are doing a good job. It is the only county that has a mobile dialysis machine. For us, every weekend we attend a number of fundraisers for medical expenses, but Governor Kang'ata has bought a mobile dialysis machine that assists patients across Murang'a County. You can see the priorities of a smart city.

Mr. Deputy Speaker, Sir, I hope Sen. Veronica Maina is informing you that Governor Kang'ata has ensured there is what we call a smart city. They are putting up cabro in most of the trading centers to avoid mud during rainy seasons. It shows you that the Governor has realized that there are priorities as opposed to spending through legal expenses.

Mr. Deputy Speaker, Sir, I know that after presiding over the House, you rarely get into your house before getting updates from Meru County. There was a football match yesterday where Arsenal was playing. There was also Bayern Munich and Inter Milan. I can assure you that by 9.00 p.m., it was raining in this city. Within two hours the whole city was flooded because of a poor drainage system. When you go to Gov. Kangata's county, at least there is some progress.

The pending bills of Nairobi City County in legal fees, I have my numbers here, amount to Kshs21 billion. Meru County is another victim. I hope the new Governor, Gov. Reverend Isaac Mutuma, will rectify that mistake that had been committed for the last two years, where Meru knew no peace, courtesy of the former Governor, Hon. Kawira. For Nairobi City County, Kshs21.3 billion is pending legal fees. Then other day, the courts directed that Kshs1.3 billion be paid to a firm associated with Donald Kipkorir. I am not surprised that most of the governors are colluding with some of these law firms.

Donald Kipkorir, who went to court, wrote on his official *Twitter* handle that allegedly, of the Kshs1.3 billion, the Governor of Nairobi City County, Gov. Sakaja, wanted almost a half. This is very shameful. That shows what Governor Sakaja is doing nothing.

*[The Deputy Speaker (Sen. Kathuri) left the Chair]*

*[The Temporary Speaker (Sen. Veronica Maina) in the Chair]*

Yesterday, the whole City was flooded. Within two hours, the poor development record of Governor Sakaja had been exposed.

Madam Temporary Speaker, you do not go away from your house beyond 6.00 p.m., but for some of us who operate at night, we had problems accessing our homes. Most of the roads were flooded due to a poor drainage system; poor development, but the

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Governor of Nairobi wants to pay Kshs1.3 billion in legal fees. What are the priorities in this City?

We even have the Auditor-General raising questions on what we call “*Dishi na County*,” by asking who is on the menu. We must be very careful in this country. I wish Sen. Sifuna was in the House. He was arguing that Kshs1.3 billion should not be paid to Donald Kipkorir law firm for defending on two matters, I think against the land involving the military and all these other matters. I would not be surprised if Nairobi City County pays Kshs1.3 billion, but they cannot fix the poor drainage system, especially during this rainy season under the poor development record of Governor Sakaja.

Let me go quickly to the recommendations. On capacity building, I do not see this recommendation being necessary. I wish the Chairperson of the Committee on Justice, Legal Affairs and Human Rights was here. Why would you want to build the capacity of an advocate who went to undergraduate for four years, two years to Kenya School of Law (KSL) and for pupillage?

Madam Temporary Speaker, I am embarrassed with recommendation number three, which says-

“County governments are advised to seek representation from external legal firms, occasionally when handling complex or specialized legal services. In this case, the county government should procure external legal services through the office of the county attorney, and the cost should be in line with the relevant laws and regulations, maybe through the Advocates Remuneration Order.”

I am embarrassed why an advocate such as you and I, who have gone to Kenya School of Law, have done Bachelors of Law from the great school called Moi University, have an LLM and done pupillage should outsource services. Why would you say the county attorney, who is a county attorney in Vihiga County, for example, should outsource some law firm in Luanda or Kisumu? As an advocate of the High Court, I felt embarrassed by this recommendation because it shows we are hiring the lower cream of legal minds. The county attorneys of this country should protest this recommendation. Why would you want to hire somebody to do specialized cases? Which is that specialized and complex case that an advocate of the High Court cannot capture?

There was a suit in Kitale against Governor Natembeya’s pending bills committee. I have seen the Committee is not aware that the court’s decision was that the verification of pending bills is an exclusive mandate of the Office of the Auditor-General, Nancy Gathungu. I hope Sen. Orwoba and Sen. Otsosi, the Deputy Party Leader, are listening.

Madam Temporary Speaker, are you getting that pregnant and heavy point that I am making? I was even shocked that the Cabinet Secretary for Health, Hon. Aden Bare Duale, went ahead and gazetted pending bills verification committee against NHIF claims and pending bills. That is illegal. That is the work of the Attorney-General. I wish the Cabinet Secretary for Health, Hon. Aden Duale, could have requested the office of Nancy Gathungu to do forensic audit, because the courts have ruled that the verification of pending bills is an exclusive mandate of the office of the Auditor-General. Therefore, I hope the Cabinet Secretary for Health should also look at the Constitution and make a request. The law allows them to request Nancy Gathungu to do what we call forensic IT

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

audit and regular audits that are being done. Therefore, recommendation number five falls flat on its face.

Madam Temporary Speaker, there is a recommendation that says the Salaries and Remuneration Commission (SRC)--- Our Advocates Remuneration Order sets our engagement on how we charge our clients, but the committee is recommending that SRC should guide. The SRC have failed the Members of County Assemblies (MCAs). When we invited SRC to be here, they failed to give us a way out on how to handle welfare and issues of MCAs. How can you invite SRC when the Advocates Remuneration Order has already been given?

Finally, on this issue of fees regulation, you cannot regulate fees unless you amend the Advocates Remuneration Order. All said and done, I appeal to governors and ask all Members here, including the Nairobi delegation that has just walked in, to tackle the issue of pending bills. Yesterday, I listened to the submission of ODM Deputy Party Leader, Sen. Osotsi, saying that “this is a software where governors are using to eat money”.

If you read the book by John Githongo, “*It's Our Turn to Eat: The Story of a Kenyan Whistle Blower*,” you will see how corruption is being described in that book. It shows you that corruption has a web. Governors have realised that the only way is to look for a law firm in town, sit and agree using the Advocates Remuneration Order, come then pay that law firm.

Madam Temporary Speaker, we did not fight for resources to go to *mashinani* for governors to go and hire law firms. Since my time is spent, I request to oppose this Motion with those very many remarks.

I thank you for the indulgence.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Senator for Nandi County, Sen. Cherarkey.

Sen. Gloria Magoma Orwoba, proceed.

**Sen. Orwoba:** Thank you, Madam Temporary Speaker, for giving me this opportunity to add my views on this particular Petition. I am trying to get the name of the Petitioner, because I was so deep into the---

I would like to commend Mr. Laban Omusundi for this, because there is an assumption that as an active Kenyan, you cannot do anything when you see things going wrong. That assumption has forced many of our young, active Kenyans to end up just showcasing their dissatisfaction in Government services and all these other things that are happening online.

Many a times when I engage with these young people, I ask them if they know that they can bring a petition to the Floor of the House. I ask them if they know they can actually engage the National Assembly and the Senate on matters that they think should be changed. That is why I commend Mr. Laban, because he has taken the extra step of taking action and bringing something substantial in form of a petition for us to go through as legislators and the JLAC Committee.

Madam Temporary Speaker, I was a bit disappointed that a petition or a matter that involves lawyers and a specific industry was actually sent to a Committee that has conflict of interest. I know that you also sit in that Committee. I say that because it is like

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

expecting a chicken to get justice in a court of maize. It cannot work because at the end of the day, there is a lot of conflict. If I am not mistaken, only two Members of the JLAC Committee are not lawyers. I do not know if Sen. Karen Nyamu is in that committee.

*(An hon. Senator spoke off record)*

She is in that Committee and she is also a lawyer. So, it is like lawyers have sat together to review a petition that has been brought to this House. To simplify this Petition that was brought by Mr. Laban; Mr. Laban has found out that lawyers are making a killing through county assemblies. Lawyers are coming up with all sorts of services that they would like to render to the county assemblies. They have a very strong relationship; either a marriage or a *mpango wa kando*, which they have said they are going to work together.

Mr. Laban, being an active Kenyan citizen who wants to see this country going in the right direction, has realised that we are losing a lot of money through this arrangement where, county governments are hiring lawyers to execute even just simple matters such as representation and mentions in courts and charging an arm and a leg. It has become a sort of a pool of cartels.

Madam Temporary Speaker, I am pretty sure that when Mr. Laban brought this Petition to this Upper House, where he knew we were going to thoroughly look into this issue, he did not expect that it is the same lawyers who are going to receive that Petition. He did not expect that it is the same people who are making a killing, or at least are part of that industry, who are going to receive it.

**The Temporary Speaker** (Sen. Veronica Maina): What is your point of order, Sen. Osotsi?

**Sen. Osotsi:** Madam Temporary Speaker, I do not want to have trouble with my good sister, Sen. Orwoba, but you know the rules of this House. Is it in order for her to impute improper motives on the colleagues without a substantive motion?

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Gloria, I know you have insinuated that this matter was taken to JLAC, where a number of the the Senators who sit there are equally distinguished counsels. I know it is a dicey situation. Nonetheless, you should avoid imputing bad motive on the lawyers who sit in that Committee. You can proceed on with debating, but do not insinuate. I have heard of the strong marriage relationship or *mpango wa kando*. Actually, the *mpango wa kando* context is equally unparliamentary language, unless we are described for what *mpango wa kando* is. I believe you are using the English language, which does not have those two words.

Thank you, proceed.

**Sen. Orwoba:** Madam Temporary Speaker, I withdraw the *mpango wa kando* because it is Swahili and under our Standing Orders, you pick one language. I picked English and so, I will go by English.

Madam Temporary Speaker, I meant to say that it is an arrangement of some sort, like a second wife, a mistress or a person outside of a partnership that is official. It was a metaphor, because of what has been elaborated by this Petition by Mr. Laban. If you are a student of some of the schools that we have gone to, the Group of Schools such

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

as St. George's, you will know that metaphors are just used to elaborate a situation. However, I withdraw the *mpango wa kando*.

Under Standing Order No.105, you are supposed to restrict yourself to statements of fact. It is a fact that the JLAC Committee is constituted of Members who, majority of them, are practicing lawyers with law firms. So, I do not think I have crossed any line.

**The Temporary Speaker** (Sen. Veronica Maina): Yes, that is a statement of fact. The problem is imputing of the bad motive; that should be distinguished from the reference to them being lawyers. It is okay, they are lawyers; that is a statement of fact. I agree and it is in order, understanding Standing Order No.105. The problem is the nexus of the lawyers with bad motive, unless you have evidence to support the bad motive. That is the gist of the objection being raised by Sen. Osotsi.

**Sen. Orwoba:** Madam Temporary Speaker, I stand guided. However, my point is very strong. What I am trying to say is that if a matter is brought to this Floor, and it is a discussion on a specific area of interest, where as a Member--- In fact, if the clerks can assist me, there is a Standing Order where Members are supposed to openly say that they cannot discuss a matter because they might have conflicting interest. What I want the public to know is that I am disappointed that when the Petition was brought to this House, it was quickly directed to the JLAC Committee.

My point here being that we are having an issue where we are saying there are legal firms and lawyers who have become over-ambitious. They have decided that they would rather even take 10 per cent of work from a specific area, a majority of their work being from the county assemblies. As much as we want to skirt around this issue and go with the Standing Orders, if we were to interrogate the beneficiaries of the over Kshs1 billion that is coming from the Nairobi City County, some of the lawyers who are benefiting from it, I am almost 75 per cent sure that we are going to find our practicing colleagues in it.

Madam Temporary Speaker, the Petition should have never gone to the Senate Committee on Justice, Legal Affairs, and Human Rights (JLAHR), because there is conflict of interest. How can they give an opinion---

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Sigei, what is your point of order?

**Sen. Wakili Sigei:** Madam Temporary Speaker, is the Senator in order to purport that the particular Petition was committed to JLAHRC alone? I would like to also to inform her that this Motion or Petition was committed to the Senate Committee on Devolution and Intergovernmental Relations, chaired by Sen. Abass, and it had a joint sitting with the Justice and Legal Affairs Committee. Therefore, is she in order to say that it was committed to JLAHRC, without making reference to the other Committee?

**The Temporary Speaker** (Sen. Veronica Maina): Let us hear the second point of order by Sen. Kinyua, and then I will give guidance on the issues being raised on the points of order.

Sen. Kinyua, please proceed.

**Sen. Kinyua:** Madam Temporary Speaker, many petitions and statements are normally committed to the respective committee by the Speaker of this House. Is the

Member in order to insinuate, she is trying to direct or to question the capacity of the Speaker of this House?

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Gloria, the point of order raised by Sen. Sigei is that, factually speaking, that Petition was committed to a joint sitting of the Senate Committee on Devolution and Intergovernmental Relations and the Committee on the JLAHR. So, stand guided.

**Sen. Orwoba:** Thank you, Madam Temporary Speaker. I stand guided---

**The Temporary Speaker** (Sen. Veronica Maina): I have not finished. On the second point of order, the committing of that Petition was by the Chairperson of this House, that is the Hon. Speaker, who has powers under the Standing Orders to commit the Petitions. Please stand guided on those two points of orders that have been raised. You can respond to them, but with due reference to the notifications served by the two senators.

**Sen. Orwoba:** Madam Temporary Speaker, I am aware that this Committee recommendation is a joint committee between the Senate Committee on Devolution and Intergovernmental Relations and JLAHRC. No one is arguing whether these recommendations are from JLAHRC or from wherever else. This is a joint recommendation, and the two players here are the JLAHRC and the Senate Committee on Devolution and Intergovernmental Relations.

Madam Temporary Speaker, I wonder why there are so many points of orders, which are all culminating to “do not say what you are saying”. I have been mentored to understand that when I am standing on the floor of the House, I am addressing Kenyans who would like to understand what is happening in the House.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Gloria, let me guide you finally on this matter. All Senators are within their rights when they raise a point of order, and they can have a right to raise at every second, especially if the Senator who is giving their contribution is raising issues that are objectionable or they feel they ought to raise a point of order. So, they are within their rights, and you are also within your right to respond to those points of order as you continue to debate. You may proceed now, guided that when you refer to the resolutions of that Joint Committee, the reference is to the Joint Committee, not to one committee.

**Sen. Orwoba:** Thank you, Madam Temporary Speaker. I stand guided. However, I would like to first of all find out if my time has been frozen, and if I am going to get back my time.

I would also like to say that as I am on the floor of the House, I am giving an opinion of what I think about this report, and based on how I understand things operate. So, I stand guided. I am not imputing any improper motive. I am stating facts, with the understanding that the Chair, that is the Speaker of the House, has all the powers to delegate or send a matter to certain committees. This one was sent to the Senate Committee on Devolution and Intergovernmental Relations and JLAHRC. However, the Speaker is a human being. I know that I am a first-timer and, therefore, sometimes, when you say I would like to advise someone, they say “You do not know anything.” However, if I had the opportunity to advise the Speaker prior to this being sent to JLAHRC, I would have advised him that “The JLAHRC is constituted of lawyers, and this matter is

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

touching on how lawyers are operating in counties. Therefore, perhaps, consider, even if you are going to put in lawyers because maybe they understand the technicalities and might be able to throw in and shed some light in terms of billing and such issues, you should definitely consider putting another Committee, for instance, one that touches on and safeguards human rights, like the Senate Standing Committee on Labour and Social Welfare, because we are touching on matters of the in-house legal counsel. I have seen that some of the recommendations that the Joint Committee have put is the capacity building of the in-house legal counsel, so that they can be able to carry out all these cases.

My random and unsolicited advice to the Speaker is, in future, if a matter comes in and it touches particularly on a certain industry, and you notice that a committee, whether ad hoc or whichever committee that it is being delegated to, it should be wise enough, because of the issue of conflict of interest, to at least find a third and fourth party to be part of that joint committee.

So, Madam Temporary Speaker, my point here being, if you look at the recommendations, which are not so many, coming from a Joint Committee of two committees, each committee has nine members, so 18 people. We have seven recommendations. In all these seven recommendations, in my opinion, and this is now where we talk about diversity in thoughts, the only relevant recommendation that is in this Joint Committee Report is the recommendation No. (6), which is-

“(6) The Salaries and Remuneration Commission should provide clear guidelines and advisories on salaries and allowances for legal counsels across the national and county governments to enhance legal representation of the counties.”

Why do I say that? Everyone is quick to say that counties should not outsource legal services. That is fine. Some counties in a month have up to 15 cases from various sides. You will find, some counties have a lead counsel and maybe one assistant. When we are talking about “do not outsource the services”, what is the alternative? That is why I am saying, if there was someone outside who is not a lawyer, they would not be keen on structuring how the outsourced services are being outsourced. They would be thinking, if we are saying we do not outsource the services, what is the alternative? The alternative is that your in-house counsel is demotivated.

The truth of the matter is that in-house counsels, not only in the county assemblies, but also in civil service, are completely demotivated, to an extent that they feel even a case that they can execute, whether it falls in their arena of expertise, they think, if we can get external services, why not? Why should I burden myself, yet I am not motivated and remunerated well enough, and the county government is not investing in me by putting in resources and money in terms of learning and development?

Madam Temporary Speaker, that is why I am saying, when I looked at this recommendation, if we had diversity of thoughts outside of legal counsel, *yaani*, outside of lawyers, some of us would be able to tell you, we have focused on the outsourced services, but the alternative is, of all the seven recommendations, just this one recommendation is looking into how we are going to take care of this in-house counsel that is supposed to take care of all these cases.

A county like Nairobi City is sued every single day. How many court cases? God knows. We have heard Sen. Cherarkey saying that even an in-house committee that has

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*



been put together to affirm and check which are these pending bills for legal representation is illegal. Sen. Cherarkey is saying that even that is illegal, so, who is supposed to check on which lawyer has been paid, for what representation, and for what submissions?

Madam Temporary Speaker, if we had a Standing Order that was going to allow us to redo this thing, I would say that this joint committee first of all should have been disbanded, have the lawyers removed, put one or two lawyers for purposes of legal expertise to tell us what we can or cannot do because under the Law Society of Kenya, abcd---

Madam Temporary Speaker, I have seen my light is on and I am 100 per cent sure that my time was not safeguarded. I do not know if you can rule on that.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Gloria, you know that when points of order are raised, it is based on what you are submitting on the Floor of the House. It is based on those submissions that objections will be made. So, ideally, what you should do when you take up the Floor is utilise your time well and stay within the Standing Orders.

So, proceed with the yellow light on.

**Sen. Orwoba:** Madam Temporary Speaker, let me summarise by saying that maize cannot receive justice in the chickens' courts. The lawyers should have never been involved. I do not support this Report.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Gloria, I want to assure you that the point of orders took about three minutes, and your time was frozen on those points of orders.

Proceed.

**Sen. Orwoba:** Madam Temporary Speaker, let me just summarise by informing Kenyans especially Mr. Laban that--- Mr. Laban, I am sorry that your Petition landed in a joint committee that was largely based on a representation of lawyers. I do not support this Report.

**The Temporary Speaker** (Sen. Veronica Maina): What was your point of order, Sen. Kinyua?

Sen. Gloria, resume your seat. Your time will be frozen on that.

**Sen. Kinyua:** Madam Temporary Speaker, I just wanted to be guided on an issue. I am listening to Sen. Gloria, and she is making a lot of points. I want you to guide us on this Report. Are we going to amend anything or once the Report is written or tabled by the two committees the way it was tabled---

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Kinyua, you know that does not fall within any point of order.

**Sen. Kinyua:** No, Madam Temporary Speaker, I just want you to guide us, so that when I contribute---

**The Temporary Speaker** (Sen. Veronica Maina): Resume your seat.

**Sen. Kinyua:** Madam Temporary Speaker, I wanted to know so that when I am contributing, I will be making sense, I will not just be tiring---

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Kinyua, you would rather seek that clarification when it is your time to contribute. Just allow Sen. Gloria to finish. Your point of order has nothing to do with Sen. Gloria's contribution.

**Sen. Kinyua:** Madam Temporary Speaker, she is making a lot of sense and so, with a lot of humility, I wanted to know---

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Kinyua, I have guided you. Please resume your seat and allow Sen. Gloria to speak. You are using her very few minutes wrongly.

**Sen. Orwoba:** Madam Temporary Speaker, I was apologising to the petitioner, Mr. Laban, that he has brought a very strong Petition. Unfortunately, it has landed on the wrong table in terms of who should look into it in my opinion. I want to apologise to him because I am a Member of this House. I want to encourage him to bring another petition that will probably land in the right hands, then we will be able to execute the matter.

I also want to conclude by saying that there is only one recommendation here that I stand by and that is, enhancing the capacity through learning and leadership of the in-house counsel, so that they may be able to take up more and more courses and SRC should be able to remunerate the in-house counsel in a motivating way.

Otherwise, I honestly do not support this Report.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you. What is your point of order, Sen. Osotsi?

**Sen. Osotsi:** Madam Temporary Speaker, I wanted to say this when she was on the Floor. It is not true that the Committee only has lawyers. We have two very serious members who are well grounded in civil society. That is Sen. Crystal Asige and Sen. Okiya Omatatah. These are members who cannot do the kind of things that Sen. Orwoba is trying to insinuate.

I want to suggest that when a member is contributing to this kind of debate, I still insist that debating a Member or other Members without a substantive Motion, even if you have the facts, is not proper. It is against the rules of the House.

Madam Temporary Speaker, I think you allowed Sen. Gloria a lot of leeway to run away with that, next time, that should not happen.

*(The Temporary Speaker (Sen. Veronica Maina) spoke off record)*

No, I am talking to the House. I am not talking to the Chair. I think it is out of order for that kind of scenario to arise where any one of us, including myself, cannot stand here and start debating the conduct of a Member or other Members without a substantive Motion, even if I have the facts with me. That is out of order and I would like those statements that Sen. Gloria has stated to be expunged from the records of this House.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you for raising that point of order. In an actual sense and very strictly speaking, that is the position, that you do not debate Members unless you have a substantive Motion. We had guided Sen. Gloria and she withdrew the aspect that dealt with the ill motive, the insinuation of bad motives.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Yes, you can refer to the work of the committee, but not to debate specific Members. I guess her contribution should be taken within the context of reference to the specific committees that generated the Report. She withdrew the aspect of the ill motive, so that it was the work that the committee did that was brought into question.

Sen. Gloria, I think the point of order raised by Sen. Osotsi is a serious point of order to always be emphasized, so that you can distinguish between the two to avoid disparaging Members when they have no right of response or right of defending themselves and especially when they are absent from the House, but this is taken within the context of the committee work.

Concerning Sen. Kinyua's point of order, which was a bit misplaced at the point when it was brought to the Floor of the House, but which is also a serious clarification being sought on how a report should be handled when a Member feels that something needs to be ejected. I believe a contribution from a Member to a report to even request an amendment or a suggestion that brings more value to that report from the Floor of the House would be in order because committees work at the direction and instruction of the House and they represent the House.

So, if the Senate feels that there is something in a report that needs to be beefed up or a gap that needs to be filled, it is for the Senator to raise that issue. If it is substantial and Members vote in favour, then, it should be included in the report. That would be the guide I would give regarding the effect of the contribution Members make, especially when they want to request for amendments or request to add value to the report. That should be in order.

So, with that, I want to ask Sen. Karen Nyamu to take the Floor.

**Sen. Nyamu:** Thank you very much, Madam Temporary Speaker. Today, I speak both as a lawyer and a Member of the Standing Committee on Justice and Legal Affairs (JLAC) that prepared this Report. I will not be visiting the recommendations because I am part and parcel of the process that came up with those recommendations. What is happening in our county government is organised corruption, and I dare say that fraudulent legal claims in public institutions, particularly our county government, is a new frontier for corruption.

Madam Temporary Speaker, if you observe the urgency with which legal fees are settled at the expense of development budgets in our counties, you will realise that something is fishy. Our county governments are already cash-strapped, yet priority is often given to settling pending bills for legal fees. When you view it as a layman or even as a lawyer, it is tantamount to making money by merely shuffling papers and the profit margins huge.

As Members of this House, we are tasked with protecting the funds allocated to counties. If we fail to address this ongoing trend, we will end up pouring resources into what I would describe, in Swahili, as a leaking basket. In Nairobi, when the new administration took office, the pending legal fees bill stood at Kshs5.1 billion. Governor Sakaja appointed a five-member Legal Fees Verification Committee, which successfully reduced this amount to Kshs2.7 billion. This is a huge amount of money. This is money that could have been used to equip Nairobi hospitals with medicine and medical equipment, create employment opportunities for our youth, improve our roads among

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

other critical needs. This is why we must take this matter seriously because we are losing a lot of money in this manner.

I commend the Governor of Nairobi City County for taking proactive steps to address this issue. He has demonstrated leadership by recently increasing the number of in-house lawyers in Nairobi County. He has hired 60 additional lawyers to bring the total to 84. This move aims at reducing the funds spent on lawyers in the name of legal fees.

I do not want to delve into the debate on how these fees are determined, whether the remuneration order is adhered to or how these amounts are calculated, as my colleagues have already addressed these points. However, I want to draw the House's attention to the fact that counties are losing significant amounts of money through fraudulent legal fee claims. It is up to us to take action.

Madam Temporary Speaker, I do not know whether we will revisit the report prepared by the Standing Committee on Justice, Legal Affairs and Human Rights, of which I am a member. Clearly, it has become unpopular on the floor. I do not know who will provide direction on the next steps, whether it is you or another authority. However, we must develop a report that reflects the situation on the ground and how we will manage these legal fees in future.

Thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Karen. We have concluded contributions to this Motion.

**Sen. Osotsi:** On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): What is your point of order, Sen. Osotsi?

**Sen. Osotsi:** Madam Temporary Speaker, I was the last speaker yesterday on this Motion, and I was informed that I had 16 minutes remaining. I kindly plead my case before you, as I was handling an emergency and arrived late today. I would like to request my allocated time to contribute to this very important Motion. I have pleaded my case before you on why I was absent at the beginning of the debate.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Gloria, what is your point of order before I give a ruling to Sen. Osotsi?

**Sen. Orwoba:** Madam Temporary Speaker, I would like to express my empathy for Sen. Osotsi, as I understand his passion for this matter. However, as someone who has been mentored and has made efforts to follow our Rules and Standing Orders diligently, it is very clear in our Standing Orders that once an opportunity is lost, it cannot be reclaimed.

I wanted to take this moment to share this information, because learning comes with a responsibility to teach others. I would like to inform Sen. Osotsi that, unfortunately, according to our Standing Orders, the opportunity is forfeited once missed. I must admit I take some pride in showing that I am learning and adhering to the rules. If you would rule in this direction, I will be very happy.

**Sen. Osotsi:** On a point of information, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): What is your point of information, Sen. Osotsi?

**Sen. Osotsi:** Now that Sen. Gloria is in the learning mood, I wish to inform her that you have powers under Standing Order No.1 to make a decision on matters not explicitly provided for in the Standing Orders like my case. In this particular case, I have pleaded my situation, as I was responding to a family emergency and arrived late after the debate had already started. Can you apply Standing Order No.1?

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Osotsi. I have listened to your plea and empathize deeply with your situation, particularly the emergency you faced. I hope it has been resolved. This House, however, is guided by Standing Orders. I wish to refer you to Standing Order No.36, which I will also highlight for the benefit of Sen. Gloria, who is currently in her learning phase and keen to understand these processes. Let us take this opportunity to learn collectively.

Standing Order No. 36 reads as follows-

“Resumption of Interrupted Business.

Any debate interrupted under this Part shall, on coming again before the Senate or the Committee, be resumed at the point where it was interrupted and any Senator whose speech was so interrupted shall have the right to speak on such resumption for the remainder of the time available to him or her, but if such a Senator does not avail himself or herself of this right, his or her speech shall be deemed to have been concluded.”

The challenge we face now is that when this debate resumed, you were called upon but, unfortunately, you were not present, and there was no prior explanation provided regarding the emergency. As such, Standing Order No.36 becomes applicable in this case. The Standing Order you referenced, Standing Order No.1, grants discretion to the Speaker only in circumstances that are not explicitly provided for in the Standing Orders. Since this scenario is already addressed under Standing Order No.36, I, as the Chair, am bound to apply it accordingly.

For future cases, should you request the Chair’s discretion under Standing Order No.1, where the circumstances permit, you have my assurance that I will utilize it. However, for today’s situation, Standing Order No.36 must apply. Unfortunately, this means you have lost your opportunity to contribute on this occasion. We look forward to hearing from you in the next debate.

There being no other Senator, except Sen. Osotsi, who wishes to contribute to this debate, I now call upon the Mover to reply. The Mover is well-guided to give you a chance.

**Sen. Wakili Sigei:** Madam Temporary Speaker, you can be sure that if I had an opportunity to permit my colleague Sen. Osotsi to second, definitely I would have done it because I listened to him when he contributed yesterday and he supported the report. For valid reasons, he distinguished himself as one of the Members who understood the Petition and the context of the report by the Joint Committee. Unfortunately, I am just replying to comments by Members.

To begin, I would like to appreciate the following Senators who contributed to this Motion; both those who supported and those who did not. Indeed, their comments have enriched debate on this particular Motion. I appreciate Sen. Sifuna, Sen. Olekina,

Sen. Mungatana, Sen. Osotsi, Sen. Cherarkey, Sen. Orwoba and Sen. Nyamu who have spoken to this particular Motion.

I would like to state three issues with regards to the general contributions from Members. Firstly, is an appreciation of the Petition by Mr. Laban Omusundi. In appreciating that Petition, Mr. Laban Omusundi understood that lawyers of county governments or any other such person seeking legal representation have an entitlement which is a constitutional right under Article 27 of the Constitution.

Article 50 of the Constitution specifically speaks about fair hearing. Fair hearing includes the right to get representation of your choice. One of the major issues that the Joint Committee had to consider was that particular provision of the Constitution, whereby if on one hand you deny county governments their right to seek representation of their choice, whether in-house or procuring services from external lawyers, that right cannot be taken away. The Joint Committee was alive to that fact. It considered the entitlement which is a constitutional right. I appreciate the contribution by Members to that extent. It informed largely a number of the recommendations that we made because we needed to safeguard the constitutional provisions.

Madam Temporary Speaker, I would also like to stress the point that in the Joint Committee, there was diversity of thoughts. We had nine Members of the Committee on Justice, Legal Affairs and Human Rights and nine Members of the Committee on Devolution and Intergovernmental Relations. As a matter of fact, Members of the Joint Committee were not all lawyers. Therefore, it would not have been possible to have conflict of interest for all the 18 Members, even if for one moment one would think that lawyers who sat in that Joint Committee would have had an interest.

I want to state that it is not about conflict of interest that Members have alluded to in their support and speaking against the report. It is about the corruption aspect that is rampant in our county governments. Why do I say so? It is, indeed, provided, under Section 16 of the Office of the County Attorney Act, the procedure for a county government to procure services of an external lawyer.

One of the major proposals which a number of Members--- To be specific, this was stated by Sen. Mungatana that if all county governments were to support their county attorneys to comply with what the law provides with regards to outsourcing legal services, we would not get to the situation we are in now concerning pending legal fees, which spills to billions of shillings from across the 47 counties in this country. The main issue here is corruption which is rampant in our counties.

In the report, we have highlighted in our observations the fact that if only county governments were to comply with the law, including an observation made which we said that where possible, parties should have pre-engagement agreements where they agree on the terms of engagement, including legal fees--- If that was to happen, I believe we would definitely ensure no ballooning of legal fees and at the same time protect the rights and entitlement of our respective county governments to have legal representation of their choice.

Madam Temporary Speaker, it is also not lost that this law that is in place is sufficient enough to make sure that we protect both county governments and external lawyers who equally are entitled not to be discriminated against, because denying them to

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

bid and provide legal services in county governments or any other Government agency will also fly in the face of constitutional provisions which speak against discrimination of any person. Therefore, the recommendations that the Joint Committee made considered major issues that stakeholders across the board raised and also the concerns that Members here had.

Madam Temporary Speaker, as I conclude, I appreciate the fact that indeed the issue has already been raised by the Office of the Auditor-General (OAG) who was one of the stakeholders that contributed to this particular Petition and their observations were fully considered. Allow me to close at that. I appreciate Members who gave us the support.

Madam Temporary Speaker, because of the situation we are in, pursuant to the provisions of Standing Order No.66(3), I request deferment of putting of the question to a later date.

I thank you for the opportunity.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Sigei. Putting of the question is hereby deferred to the next sitting of this House.

*(Putting of the question on the Motion deferred)*

Hon. Senators, I would like to defer Order Nos.16 to 21 because Movers of all those Bills and Motions are not present in the House.

## **BILLS**

### *Second Reading*

THE COUNTY GOVERNMENTS (STATE OFFICERS REMOVAL  
FROM OFFICE) PROCEDURE BILL (SENATE BILLS NO.34 OF 2024)

*(Bill deferred)*

### *Second Reading*

THE COUNTY GOVERNMENTS (AMENDMENT) BILL  
(SENATE BILLS NO.39 OF 2024)

*(Bill deferred)*

### *Second Reading*

THE LABOUR MIGRATION AND MANAGEMENT (NO.2) BILL  
(SENATE BILLS NO.42 OF 2024)

*(Bill deferred)*

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

*Second Reading*THE STREET NAMING AND PROPERTY ADDRESSING SYSTEM  
BILL (SENATE BILLS NO.43 OF 2024)*(Bill deferred)***MOTION**ESTABLISHMENT OF NATIONAL TEACHING  
AND REFERRAL HOSPITALS IN KENYA

THAT, AWARE THAT Article 43 (1) (a) of the Constitution of Kenya provides that every person has the right to the highest attainable standard of health, including reproductive health care;

NOTING THAT in Kenya, we have five National Teaching and Referral hospitals with Kenyatta University Research and Teaching Hospital in Kiambu County and Moi Teaching and Referral Hospital in Eldoret, Uasin Gishu County being the only ones outside Nairobi County;

CONCERNED THAT the bed capacity, medical equipment and human capital in these National Teaching and Referral hospitals are not sufficient to absorb all the patients seeking specialized treatment;

FURTHER CONCERNED THAT many Kenyans with critical health conditions travel long distances in order to access specialized services in Moi Teaching and Referral Hospital in Eldoret or Nairobi where the other four National Teaching and Referral hospitals are located, leading to high cost of travel, augmented disease and in some cases deaths along the way;

NOW THEREFORE the Senate urges-

(1) The Ministry of Health to:

(i) Establish National Teaching and Referral hospitals in the Coast, Eastern, North Eastern, Nyanza and Western regions; and

(ii) Fully equip the National Teaching and Referral Hospitals with modern medical equipment, medical supplies and personnel; and,

(2) The County Governments to allocate more funds to their respective health dockets to adequately facilitate their County Level 5 and Level 6 hospitals in order to enhance provision of critical health services to reduce the demand for such services from the National Teaching and Referral Hospitals.

*(Motion deferred)*



**MOTION****CONSOLIDATION OF BURSARY FUNDS FOR  
EQUITABLE ACCESS TO EDUCATION**

THAT AWARE THAT, Pursuant to Article 53 of the Constitution, every child in Kenya is entitled to free and compulsory basic education, and the Basic Education Act provides that, basic education should be guided by principles such as equitable access to all youth and equal access to education or institutions;

FURTHER AWARE THAT, many students in secondary schools and higher education institutions come from financially disadvantaged backgrounds, making it difficult for them to afford school fees and access education opportunities;

NOTING THAT, over the years, various interventions have been made, including the issuance of bursaries through the National Government Constituency Development Fund (NG-CDF), National Government Affirmative Action Fund (NGAAF), the Ministry of Education and county governments through various county bursary funds;

CONCERNED THAT, despite these efforts, school fees remain unaffordable for many parents and the allocation of bursaries has been plagued by nepotism, favoritism, and political manipulation, lack of transparency and accountability;

FURTHER CONCERNED THAT public learning institutions are primarily funded by the Government through the Ministry of Education, and in the financial year 2024/25, approximately Kshs656 billion was allocated to the education sector, making it difficult to ascertain the specific funds granted to each student and that the lack of transparency in the disbursement of bursaries from various agencies makes it difficult to determine the total amount allocated in a financial year, thus hindering efforts to ensure equitable access to education for financially disadvantaged students;

NOW THEREFORE, the Senate urges the Ministry of Education, to:

1. audit the funds allocated to bursaries by both the National Government and county governments;
2. consolidate the funds distributed by various government entities and agencies, with the aim of directing these funds directly to schools as supplementary capitation to facilitate the achievement of free secondary education; and,
3. calculate the cost of education per learner and make this information public for primary, secondary, and tertiary institutions, including a detailed breakdown of the annual financial requirements for each student across the country.

*(Motion deferred)*

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, we have come to the end of the sitting. There being no other business on the Order Paper, the Senate stands adjourned until tomorrow, Thursday, 10<sup>th</sup> April, 2025, at 2.30 p.m.

The Senate rose at 5.47 p.m.