



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, JUNE 12, 2025 AT 2.30 PM

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **QUORUM OF THE SENATE**

The Speaker, having counted the Honourable Senators present at the commencement of the sitting and confirming that there was no Quorum, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

And there being a Quorum before the expiry of the ten minutes;

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

4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair -

a) Visiting delegation of Members of the Committee on Delegated Legislation of the County Assembly of Embu

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, a visiting delegation of Members of the Committee on Delegated Legislation of the County Assembly of Embu. The delegation is undertaking a benchmarking visit with their counterparts in the Senate.

Honourable Senators,

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

1. Hon. Yvonne Karambu Mati - Chairperson
2. Hon. Fredrick Mugendi Gatumu - Vice Chairperson

- | | | |
|-----|------------------------------|--------------------------------------|
| 3. | Hon. Johnson Muchangi Njuki | - Member |
| 4. | Hon. Mary I. Kavinda | - Member |
| 5. | Hon. Masters Leonard Muriuki | - Member |
| 6. | Hon. Augustine James Njeru | - Member |
| 7. | Hon. Sammy Harrison Muturi | - Member |
| 8. | Mr. James Munyi | - Deputy Clerk |
| 9. | Mr. Derric Muchiri Kariuki | - Fiscal Analyst |
| 10. | Ms. Agnes Ndila | - Legal Counsel |
| 11. | Ms. Ann Wawira Ileri | - Communications officer |
| 12. | Ms. Daisy Rutere | - Senior Hansard Editor |
| 13. | Mr. Lewis Kwaria | - Serjeants-At-Arms |
| 14. | Mr. Leonard Njiru | - Aide to Hon. Augustine James Njeru |
| 15. | Mr. Frank Makinda | - Senior Clerk Assistant |

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

I thank you.”

b) Application of Standing Order 101 and personal statements pursuant to Standing Order 58

“Honourable Senators,

I have the following communication to make arising out of points of order raised relating to a personal statement made by the Senator for Nakuru County, Sen. Tabitha Karanja Keroche, MP.

Honourable Senators,

As you may recall, at the sitting of the Senate held on Thursday, 29th May, 2025, the Senator for Nakuru County (Sen. Tabitha Karanja Keroche, MP) made a Personal Statement pursuant to Standing Order 58 that sought to inform the Senate and the general public that the Senator was in good health and had not been hospitalized as reported. In the statement, the Senator indicated that there was a smear campaign orchestrated by the Governor for Nakuru County who is using public resources to malign her character.

Upon the Senator’s conclusion of her statement, I drew the attention of Honourable Senators to the provisions of Standing Order 101(1) which states-

“(1)Neither the personal conduct of the President, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from office is dependent upon a decision of the Senate shall be referred to adversely, except upon a substantive Motion of which at least three days’ notice has been given”

This prompted several points of order from the Senator for Kakamega County (Sen. (Dr.) Boni Khalwale, MP), the Senator for Nairobi City County (Sen. Edwin Sifuna, MP) and the Senator for Narok County, (Sen. Ledama Olekina, MP).

Honourable Senators,

In the point of order raised by Sen. (Dr.) Khalwale, the Senator sought the intervention of the Speaker to expunge the statement made by the Senator for Nakuru County for infringing provisions of Standing Order 101 (1). Sen. Sifuna’s point of order was in connection to what constitutes “adverse reference” to a *holder of an office* whose removal from such office is dependent upon a decision of the Senate. On the other hand, Sen. Olekina’s point of order was in support of the point raised by Sen. (Dr.) Khalwale.

Honourable Senators,

After listening to the points of order by the three Senators, I undertook to issue a substantive ruling on the application of Standing Order 101 (1) in Senate debates. In preparing this communication, the following matters came out for determination-

- i.what is the scope of Standing Order 58; and
- ii.what constitutes adverse reference in the context of Standing Order 101 (1).

Allow me therefore to address the first question, which is, the scope of Standing Order 58. As Honourable Senators are aware, Standing Order 58 states-

“During Statements Hour, a Senator may, by the indulgence of the Senate, explain matters of a personal nature although there is no question before the Senate, but such matter may not be debated”

This Standing Order has previously been used on several occasions in this Parliament. For instance, on 17th September, 2024, the Senator for Vihiga County (Sen. Godfrey Osotsi, MP), made a statement on his nomination to the position of Deputy Party Leader of the Orange Democratic Movement (ODM). In the statement, the Senator’s comments centered on his elevation to the said position and the heavy responsibility placed on him to assist in

steering the party's policy and direction on pertinent issues affecting the country. The Senator also used the opportunity as a rallying call for the party to remain united.

On 31st July, 2024, the Senator for Marsabit County (Sen. Mohamed Chute, MP) made a statement that sought to clarify his appearance before the Ethics and Anti-Corruption Commission (EACC) on 11th June, 2024. In the statement, the Senator clarified that his appearance before the EACC was on invitation by the EACC to provide information arising from several complaints the Senator had filed regarding misappropriation of funds in Marsabit County. In another instance, on 2nd May, 2024, the Senator for Nandi County, (Sen. Samson Cherarkey, MP) made a statement concerning the denial of access to his verified X (formerly Twitter) account. Sen. Cherarkey expressed concern on his lack of access to his account, which the Senator argued was tantamount to denial of his ability to effectively engage with his constituents and the public.

Honourable Senators,

Ordinarily, personal statements in the Commonwealth are mechanisms that provide a limited opportunity for Members of Parliament to explain matters of a personal nature. By practice, personal statements are not subject to intervention or debate on account that they are personal. As such therefore, the contents of the statements are submitted to the Speaker to ensure that they are confined to matters of a personal nature and the Members granted leave by the Speaker to make such statements are not allowed to depart from the approved text. The approval of such statements is given with a high degree of caution on the part of the Speaker to ensure that parliamentary proceedings remain focused and not derailed. In this respect, personal statements, as Standing Order 58 implies, should be giving explanations and should be restricted to a specific matter that a Senator wishes to explain. While the facts of the matter may be stated briefly, this should not stray into general arguments or seeking responses. These are the parameters that have been and will be applied when considering requests for personal statements. I urge all Honourable Senators to observe them when preparing personal statements.

Honourable Senators,

The Second Question that required my determination is, what constitutes adverse reference in debates within the meaning of Standing Order 101 (1). As Honourable Senators are aware, adverse reference in the context of parliamentary debates means unfavorable or defamatory statements or allegations of an incriminatory nature against individuals or institutions. Standing Order 101 (1) is a safeguard measure that protects individuals who are not in the Senate; and therefore, lack the privilege to defend themselves. This is rooted in the principle that those who are not present in the Senate and hence cannot respond to comments made by Senators, are not targeted or maligned in course of proceedings.

While all Senators are entitled and indeed obligated to bring to the attention of the Senate any matter which one believes merit to be investigated to safeguard good governance, this must be done without resorting to personal attacks on the office holders. It is necessary to exercise caution and restraint not to delve into debate that may form grounds for removal from office. There is an elaborate procedure for such debate as provided for under Articles 145, 150 and 181 of the Constitution; section 33 of the County Governments Act; and Standing Orders 78, 79 and 80, which allow the Senate to make a distinct decision on the matter. Comments that touch on the grounds for removal should therefore be reserved for the appropriate substantive processes, while general matters of concern may be addressed through the relevant legislative tools.

Honourable Senators,

Going forward, I expect that we adhere to the provisions of Standing Order 101 (1) in debates in the Senate. Moderation, civility and restraint are some of the hallmarks of parliamentary debate. It will be out of order for any Senator to make adverse reference to the conduct of office holders referred to in the Standing Order without a substantive Motion. However, statements of fact are permissible in debates on a Question before the Senate.

As regards the application of Standing Order 58, statements must be confined within the scope I have highlighted and they must be submitted to the Office of the Clerk for processing. Likewise, going forward, the presidium will strictly approve statements that have been processed in accordance with the Standing Orders. For avoidance of doubt, the Chair will not entertain requests for approval of statements in the Chamber.

The Senate is accordingly guided.

I thank you.”

5. **MESSAGE - DECISION OF THE NATIONAL ASSEMBLY ON THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)**

The Speaker conveyed the following Message -

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3), I received the following Message from the Speaker of the National Assembly regarding the decision of the National Assembly on the Mung Beans Bill (Senate Bills No. 13 of 2022).

The Message, dated Thursday, 22nd May, 2025, was received in the Office of the Clerk of the Senate on Monday, 26th May, 2025.

Pursuant to Standing Order 46 (4), I now report the Message -

“PURSUANT to the provisions of Standing Order 41 (1) and 149 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly—

WHEREAS, the Mung Beans Bill (Senate Bills No. 13 of 2022) was published vide Kenya Gazette Supplement No. 206 of 30th December, 2022 as a Bill seeking to provide for the development, regulation and promotion of the mung bean sector in Kenya; the support of farmers of mung beans in each county in the production and marketing of their produce; and, the regulation of the production and sale of mung bean products by county governments and the Agriculture and Food Authority;

AND WHEREAS, the Senate passed the said Bill on 21st February, 2024 and referred it to the National Assembly for consideration in accordance with the provisions of Article 110 (4) of the Constitution;

FURTHER WHEREAS, by a decision made on 24th September, 2024, the National Assembly rejected a Motion for the Second Reading of the said Bill, thereby remitting the Bill to a mediation committee pursuant to the provisions of Article 112 of the Constitution;

NOW THEREFORE, in accordance with the provisions of Article 112 of the Constitution and Standing Orders 41 and 149 of the National Assembly Standing Orders, I hereby convey the decision of the National Assembly to the Senate and seek appointment of seven (7) Senators to a mediation committee to consider the Bill in accordance with the provisions of Article 113 of the Constitution.”

Honourable Senators,

Consequent to the said decision of the National Assembly, the Speaker of the National Assembly appointed the following Members of the National Assembly to a Mediation Committee to attempt to develop a version of the Bill that both Houses of Parliament will pass, in accordance with Article 113 of the Constitution:

The Hon. Justice Kemei, MP;
The Hon. Gabriel Kagombe, MP;
The Hon. Ferdinand Wanyonyi, MP;
The Hon. Monica Marubu, MP;
The Hon. Jared Okello, MP;
The Hon. Geoffrey Odanga, MP; and
The Hon. Sabina Chege, CBS, MP.

Honourable Senators,

Pursuant to the provisions of Standing Order 166 (2) of the Senate, and in consultation with the Senate Majority Leader and Senate Minority Leader, I will, at an appropriate time, appoint Senators to the Mediation Committee.

I thank you.”

6. **PAPERS LAID**

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

- i) Report to Parliament by the National Treasury and Economic Planning regarding all New Loans Contracted by Government from 1st January, 2025 to 30th April, 2025.
- ii) Report of the Controller of Budget (CoB) County Governments Budget Implementation Review for the first nine months of Financial Year 2024/2025.

(The Senate Majority Whip)

- iii) Report of the Standing Committee on Energy on inquiry into the shortage of smart energy meters in Kenya and the potential for their local manufacturing.

(The Vice Chairperson, Standing Committee on Energy)

- iv) Report of the Standing Committee on Information, Communication and Technology (ICT) on its consideration of the Technopolis Bill (National Assembly Bills No. 6 of 2024).

*(The Vice Chairperson, Standing Committee on Information,
Communication and Technology)*

- v) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Report on consideration of the Presidential Memorandum on the referral of the Conflict of Interest Bill, 2023 (National Assembly Bills No. 12 of 2023)

*(The Vice Chairperson, Standing Committee on Justice, Legal Affairs
and Human Rights)*

- vi) Statement by the Senate Majority Leader on the business of the Senate for the week commencing Tuesday, 8th July, 2025.

(The Senate Majority Leader)

7. **COMMUNICATION FROM THE CHAIR ON THE REPORT BY THE NATIONAL TREASURY ON ALL NEW LOANS BY THE GOVERNMENT FROM 1ST JANUARY, 2025 TO 30TH APRIL, 2025**

The Speaker conveyed the following Communications from the Chair -

“Honourable Senators,

As you may have noted, the Senate Majority Whip laid on the table of the Senate this afternoon, the report by the National Treasury and Economic Planning on all new loans contracted by the government of Kenya from 1st January, 2025 to 30th April, 2025.

The report by the National Treasury on the stated period contains details on all new loans signed between the National Government and various creditors.

As Honourable Senators are aware, Section 31 (1) of the Public Finance Management Act states that-

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

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

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

Honourable Senators,

Given the significance of national debt in our public finance management framework, I hereby commit the report of the National Treasury and Economic Planning on all new loans contracted by the Government of Kenya from 1st January, 2025 to 30th April, 2025 to the Standing Committee on Finance and Budget for consideration. The Committee is required to table a report on the matter at an appropriate time.

I thank you.”

8. **NOTICE OF MOTION - REPORT OF THE STANDING COMMITTEE ON ENERGY ON INQUIRY INTO THE SHORTAGE OF SMART ENERGY METERS IN KENYA AND THE POTENTIAL FOR THEIR LOCAL MANUFACTURING**

(The Vice Chairperson, Standing Committee on Energy)

THAT, the Senate adopts Report of the Standing Committee on Energy on inquiry into the shortage of smart energy meters in Kenya and the potential for their local manufacturing, laid on the Table of the Senate on Wednesday, 11th June, 2025.

9. **QUESTIONS AND STATEMENTS**

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

- i) Nominated Senator (Sen. Hamida Kibwana, MP) sought a Statement from the Standing Committee on Health regarding the operational status of radiotherapy equipment at the Kenyatta National Referral Hospital.
- ii) Nominated Senator (Sen. Hamida Kibwana, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the implementation status of the Bus Rapid Transit (BRT) System in Nairobi and other urban areas.
- iii) The Senator for Nyandarua County (Sen. John Methu, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the quality of potatoes grown in Nyandarua County.
- iv) Nominated Senator (Sen. Esther Okenyuri, MP) on behalf of the Senator for Kisii County (Sen. Richard Onyonka, MP) sought a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding the measures in place for review of constituency boundaries ahead of the 2027 general election.
- v) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the attacks on livestock by a mysterious wild animal in Nandi County.
- vi) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the reduction of tea prices by tea companies in the North-Rift and other regions in the country.
- vii) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Committee on Finance and Budget regarding discrepancies between Supplementary Budget I and II for Financial Year 2024/2025 in Taita Taveta County.

- viii) The Senator for Kiambu County (Sen. Karungo Thangwa, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the increase in the rates imposed on land and buildings by the County Government of Kiambu.
- ix) The Senator for Busia County (Sen. Andrew Omtatah, MP) sought a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding the operational status of the National Police Service Commission (NPSC) in light of the existing vacancies in its membership.
- x) Nominated Senator (Sen. Beatrice Ogolla, MP) on behalf of the Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Finance and Budget regarding the role of technology in enhancing transparency and accountability in public procurement in the national and county government.
- xi) The Nominated Senator (Sen. Beatrice Ogolla, MP) on behalf of the Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the conduct and professional standards of County Enforcement Officers.
- xii) The Nominated Senator (Sen. Beatrice Ogolla, MP) on behalf of the Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the resilience of Kenya's national infrastructure to climate change.

b) Statement Pursuant to Standing Order 57 (1)

The Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 8th July, 2025.

10. **MOTION – REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE FOURTH BASIS FOR ALLOCATING THE SHARE OF NATIONAL REVENUE AMONG COUNTIES**

Order read;

Motion Made and Question proposed;

THAT, the Senate notes the Report of the Standing Committee on Finance and Budget on the Fourth Basis for Allocating the Share of National Revenue Among the Counties, laid on the Table of the Senate on Thursday, 17th April, 2025, and that pursuant to Article 217(1) of the Constitution, approves the Fourth Basis for Allocating the Share of National Revenue

Among the Counties for the Financial Years 2025/2026 to 2029/2030 as follows-

County Allocation = (Baseline Allocation Ratio*Ksh.387.425 billion) + (Ksh. 2 billion shared equally among the identified 11 counties) + $\{[(0.45 \times \text{Population Index}) + (0.35 \times \text{Equal Share Index}) + (0.12 \times \text{Poverty Index}) + (0.08 \times \text{Geographical Size Index})]\}$ *Additional County Equitable Share above Ksh. 389.425 billion}.

Where –

- i. *Baseline Allocation Ratio = The allocation factor derived from each County's allocation for the Financial Year 2024/2025;*
- ii. *The 11 identified counties are: - Elgeyo/Marakwet, Embu, Isiolo, Kirinyaga, Laikipia, Lamu, Nyamira, Samburu, Taita/Taveta, Tharaka-Nithi and Vihiga;*
- iii. *The Population Index is based on the 2019 Kenya Population and Housing Census (KPHC);*
- iv. *The Poverty Index is based on the 2022 Kenya Poverty Report by the Kenya National Bureau of Statistics (KNBS); and*
- v. *Geographical Size is capped at 10%.*

(The Chairperson, Standing Committee on Finance and Budget- 05.06.2025)

Debate interrupted on Tuesday, 3rd June, 2025 resumed;

Amendment proposed:

THAT, the Motion be amended by—

deleting the words “County Allocation = (Baseline Allocation Ratio*Ksh.387.425 billion) + (Ksh. 2 billion shared equally among the identified 11 counties) + $\{[(0.45 \times \text{Population Index}) + (0.35 \times \text{Equal Share Index}) + (0.12 \times \text{Poverty Index}) + (0.08 \times \text{Geographical Size Index})]\}$ *Additional County Equitable Share above Ksh. 389.425 billion}.” appearing after the words “as follows-” and substituting thereof with the following words

“County Allocation = (Baseline Allocation Ratio*Ksh.387.425 billion) + (Ksh. 4.46 billion shared equally among the identified 11 counties) + $\{[(0.45 \times \text{Population Index}) + (0.35 \times \text{Equal Share Index}) + (0.12 \times \text{Poverty Index}) + (0.08 \times \text{Geographical Size Index})]\}$ *Additional County Equitable Share above Ksh. 391.89 billion}.”

(Sen. Okong'o Mogeni, MP-05.06.2025)

Debate on the proposed amendment interrupted on Tuesday, 10th June, 2025 resumed;

Amendment withdrawn by the Mover;

Debate on the original Motion interrupted on Thursday, 5th June 2025 resumed;

Amendment proposed;

THAT, the Motion be amended by –

- a) deleting the phrase “County Allocation = (Baseline Allocation Ratio*Ksh.387.425 billion) + (Ksh. 2 billion shared equally among the identified 11 counties) + {(0.45*Population Index) + (0.35*Equal Share Index) + (0.12*Poverty Index) + (0.08*Geographical Size Index)} *Additional County Equitable Share above Ksh. 389.425 billion}.” appearing after the words “as follows-” and substituting thereof with the following -

- i) For County Equitable Share below Ksh. 415 billion -

County Allocation = (Baseline Allocation Ratio*Ksh.387.425 billion) + (Ksh. 3 billion shared equally among the identified 12 counties) + {(0.45*Population Index) + (0.35*Equal Share Index) + (0.12*Poverty Index) + (0.08*Geographical Size Index)} *(County Equitable Share -Ksh. 390.425 billion)}.

- ii) For County Equitable Share of Ksh. 415 billion and above-

County Allocation = (Baseline Allocation Ratio*Ksh.387.425 billion) + (Ksh. 4.46 billion shared equally among the identified 12 counties) + {(0.45*Population Index) + (0.35*Equal Share Index) + (0.12*Poverty Index) + (0.08*Geographical Size Index)} *(County Equitable Share - Ksh. 391.89 billion)}.

- b) Deleting paragraph (ii) after the word “Where” and substituting thereof the following -

(ii) The 12 identified counties are: Elgeyo/Marakwet, Embu, Isiolo, Kirinyaga, Laikipia, Lamu, Nyamira, Nyandarua, Samburu, Taita/Taveta, Tharaka-Nithi and Vihiga.

(Sen. Enoch Wambua, MP)

And there being no Senators wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (2), the Speaker ruled that the matter affects Counties;

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

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

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

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed one (1) Senator to record his vote verbally.

Thereupon, Sen. Oketch, Eddy Gicheru, MP recorded his vote as **“Yes”**-

The results of the Division were as follows:-

AYES – 27

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cheruiyot Aaron Kipkirui, MP
4. Sen. Haji Abdul Mohammed, MP
5. Sen. Ogolla Beatrice Akinyi, MP – voted on behalf of Homa Bay County delegation
6. Sen. Kamau Joseph Githuku, MP
7. Sen. Khalwale Boni, MP
8. Sen. Kisang William Kipkemai, MP
9. Sen. Lelegwe Steve Ltumbesi, MP
10. Sen. Mandago Jackson Kiplagat, MP
11. Sen. Methu John Muhia, MP
12. Sen. Mogeni Erick Okong’o, MP
13. Sen. Mundigi Alexander Munyi, MP
14. Sen. Muthama Agnes Kavindu, MP
15. Sen. Mwaruma Johnes Mwashushe, MP
16. Sen. Mwenda Gataya Mo Fire, MP
17. Sen. Asige Crystal Kegehi, MP – voted on behalf of Mombasa County delegation
18. Sen. Nderitu John Kinyua, MP
19. Sen. Oketch Eddy Gicheru, MP – voted verbally
20. Sen. Okoiti Andrew Omtatah, MP
21. Sen. Osotsi Godfrey Atieno, MP
22. Sen. Recha Julius Murgor, MP

- 23. Sen. Roba Ali Ibrahim, MP
- 24. Sen. Seki Lenku Ole Kanar, MP
- 25. Sen. Thangwa Paul Karungo, MP
- 26. Sen. Wamatinga Wahome, MP
- 27. Sen. Wambua Enoch Kiio, MP

Question, agreed to.

Motion made and Question proposed in an amended form;

THAT, the Senate notes the Report of the Standing Committee on Finance and Budget on the Fourth Basis for Allocating the Share of National Revenue Among the Counties, laid on the Table of the Senate on Thursday, 17th April, 2025, and that pursuant to Article 217(1) of the Constitution, approves the Fourth Basis for Allocating the Share of National Revenue Among the Counties for the Financial Years 2025/2026 to 2029/2030 as follows-

(i) For County Equitable Share below Ksh. 415 billion –
 County Allocation = (Baseline Allocation Ratio*Ksh.387.425 billion) + (Ksh. 3 billion shared equally among the identified 12 counties) + $\{[(0.45 \times \text{Population Index}) + (0.35 \times \text{Equal Share Index}) + (0.12 \times \text{Poverty Index}) + (0.08 \times \text{Geographical Size Index})] \times (\text{County Equitable Share} - \text{Ksh. 390.425 billion})\}$.

(ii) For County Equitable Share of Ksh. 415 billion and above-
 County Allocation = (Baseline Allocation Ratio*Ksh.387.425 billion) + (Ksh. 4.46 billion shared equally among the identified 12 counties) + $\{[(0.45 \times \text{Population Index}) + (0.35 \times \text{Equal Share Index}) + (0.12 \times \text{Poverty Index}) + (0.08 \times \text{Geographical Size Index})] \times (\text{County Equitable Share} - \text{Ksh. 391.89 billion})\}$.

Where –

- i. *Baseline Allocation Ratio = The allocation factor derived from each County's allocation for the Financial Year 2024/2025;*
- ii. *The 12 identified counties are: - Elgeyo/Marakwet, Embu, Isiolo, Kirinyaga, Laikipia, Lamu, Nyamira, Nyandarua, Samburu, Taita/Taveta, Tharaka-Nithi and Vihiga;*
- iii. *The Population Index is based on the 2019 Kenya Population and Housing Census (KPHC);*
- iv. *The Poverty Index is based on the 2022 Kenya Poverty Report by the Kenya National Bureau of Statistics (KNBS); and*
- v. *Geographical Size is capped at 10%.*

(The Chairperson, Standing Committee on Finance and Budget)

And there being no Senators wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order 84 (2), the Speaker ruled that the matter affects Counties;

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

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

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

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed one (1) Senator to record his vote verbally.

Thereupon, Sen. Okoiti Andrew Omtatah, MP recorded his vote as **“Yes”**-

The results of the Division were as follows:-

AYES – 28

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Haji Abdul Mohammed, MP
6. Sen. Ogolla Beatrice Akinyi, MP – voted on behalf of the Homa Bay County delegation
7. Sen. Kamau Joseph Githuku, MP
8. Sen. Khalwale Boni, MP
9. Sen. Kisang William Kipkemai, MP
10. Sen. Lelegwe Steve Ltumbesi, MP
11. Sen. Mandago Jackson Kiplagat, MP
12. Sen. Methu John Muhia, MP
13. Sen. Mogeni Erick Okong’o, MP
14. Sen. Mundigi Alexander Munyi, MP
15. Sen. Muthama Agnes Kavindu, MP
16. Sen. Mwaruma Johnes Mwashushe, MP
17. Sen. Mwenda Gataya Mo Fire, MP
18. Sen. Asige Crystal Kegehi, MP – voted on behalf of Mombasa County delegation
19. Sen. Nderitu John Kinyua, MP
20. Sen. Oketch Eddy Gicheru, MP

21. Sen. Okoiti Andrew Omtatah, MP – voted verbally
22. Sen. Osotsi Godfrey Atieno, MP
23. Sen. Recha Julius Murgor, MP
24. Sen. Roba Ali Ibrahim, MP
25. Sen. Seki Lenku Ole Kanar, MP
26. Sen. Thangwa Paul Karungo, MP
27. Sen. Wamatinga Wahome, MP
28. Sen. Wambua Enoch Kiio, MP

Question, agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate notes the Report of the Standing Committee on Finance and Budget on the Fourth Basis for Allocating the Share of National Revenue Among the Counties, laid on the Table of the Senate on Thursday, 17th April, 2025, and that pursuant to Article 217(1) of the Constitution, approves the Fourth Basis for Allocating the Share of National Revenue Among the Counties for the Financial Years 2025/2026 to 2029/2030 as follows-

(i) For County Equitable Share below Ksh. 415 billion –
 County Allocation = (Baseline Allocation Ratio*Ksh.387.425 billion) + (Ksh. 3 billion shared equally among the identified 12 counties) + $\{[(0.45 \times \text{Population Index}) + (0.35 \times \text{Equal Share Index}) + (0.12 \times \text{Poverty Index}) + (0.08 \times \text{Geographical Size Index})] \times (\text{County Equitable Share} - \text{Ksh. 390.425 billion})\}$.

(ii) For County Equitable Share of Ksh. 415 billion and above-
 County Allocation = (Baseline Allocation Ratio*Ksh.387.425 billion) + (Ksh. 4.46 billion shared equally among the identified 12 counties) + $\{[(0.45 \times \text{Population Index}) + (0.35 \times \text{Equal Share Index}) + (0.12 \times \text{Poverty Index}) + (0.08 \times \text{Geographical Size Index})] \times (\text{County Equitable Share} - \text{Ksh. 391.89 billion})\}$.

Where –

- i. *Baseline Allocation Ratio = The allocation factor derived from each County's allocation for the Financial Year 2024/2025;*
- ii. *The 12 identified counties are: - Elgeyo/Marakwet, Embu, Isiolo, Kirinyaga, Laikipia, Lamu, Nyamira, Nyandarua, Samburu, Taita/Taveta, Tharaka-Nithi and Vihiga;*
- iii. *The Population Index is based on the 2019 Kenya Population and Housing Census (KPHC);*
- iv. *The Poverty Index is based on the 2022 Kenya Poverty Report by the Kenya National Bureau of Statistics (KNBS); and*
- v. *Geographical Size is capped at 10%.*

11. **THE BUSINESS LAWS (AMENDMENT) BILL (SENATE BILLS NO. 51 OF 2024)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Business Laws (Amendment) Bill (Senate Bills No. 51 of 2024) be now Read a Second Time.

(The Senate Majority Leader – 29.05.2025)

Debate interrupted on Wednesday, 11th June, 2025 (Morning Sitting) resumed on a Division;

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

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

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

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed one (1) Senator to record his vote verbally.

Thereupon, Sen. Cherarkey Samson, MP recorded his vote as “**Yes**”-

The results of the Division were as follows:-

AYES – 28

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson, MP – Voted verbally
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Haji Abdul Mohammed, MP
6. Sen. Ogolla Beatrice Akinyi, MP – voted on behalf of the Homa Bay County delegation
7. Sen. Kamau Joseph Githuku, MP
8. Sen. Khalwale Boni, MP
9. Sen. Kisang William Kipkemai, MP
10. Sen. Lelegwe Steve Ltumbesi, MP
11. Sen. Mandago Jackson Kiplagat, MP

12. Sen. Methu John Muhia, MP
13. Sen. Mogeni Erick Okong'o, MP
14. Sen. Mundigi Alexander Munyi, MP
15. Sen. Muthama Agnes Kavindu, MP
16. Sen. Mwaruma Johnes Mwashushe, MP
17. Sen. Mwenda Gataya Mo Fire, MP
18. Sen. Asige Crystal Kegehi, MP – voted on behalf of Mombasa County
19. Sen. Nderitu John Kinyua, MP
20. Sen. Oketch Eddy Gicheru, MP
21. Sen. Okoitai Andrew Omtatah, MP
22. Sen. Osotsi Godfrey Atieno, MP
23. Sen. Recha Julius Murgor, MP
24. Sen. Roba Ali Ibrahim, MP
25. Sen. Seki Lenku Ole Kanar, MP
26. Sen. Thangwa Paul Karungu, MP
27. Sen. Wamatinga Wahome, MP
28. Sen. Wambua Enoch Kiio, MP

Question agreed to;

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

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

Order for Second Reading read;

Motion made and Question proposed;

THAT, Labour Migration and Management (No. 2) Bill (Senate Bills No. 42 of 2024) be now Read a Second Time.

(Sen. Tabitha Mutinda, MP – 04.06.2025)

Debate interrupted on Wednesday, 4th June, 2025 (Afternoon Sitting) resumed on a Division;

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

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

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

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed one (1) Senator to record his vote verbally.

Thereupon, Sen. Haji Abdul Mohamed, MP recorded his vote as **“Yes”**-

The results of the Division were as follows:-

AYES – 27

NOES - 0

ABSTENTION – 1

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Haji Abdul Mohammed, MP – Voted verbally
6. Sen. Ogolla Beatrice Akinyi, MP – voted on behalf of the Homa Bay County delegation
7. Sen. Kamau Joseph Githuku, MP
8. Sen. Khalwale Boni, MP
9. Sen. Kisang William Kipkemoi, MP
10. Sen. Lelegwe Steve Ltumbesi, MP
11. Sen. Mandago Jackson Kiplagat, MP
12. Sen. Methu John Muhia, MP
13. Sen. Mogeni Erick Okong’o, MP
14. Sen. Mundigi Alexander Munyi, MP
15. Sen. Muthama Agnes Kavindu, MP
16. Sen. Mwaruma Johnes Mwashushe, MP
17. Sen. Mwenda Gataya Mo Fire, MP
18. Sen. Nderitu John Kinyua, MP
19. Sen. Oketch Eddy Gicheru, MP
20. Sen. Okoiti Andrew Omtatah, MP
21. Sen. Osotsi Godfrey Atieno, MP
22. Sen. Recha Julius Murgor, MP
23. Sen. Roba Ali Ibrahim, MP
24. Sen. Seki Lenku Ole Kanar, MP
25. Sen. Thangwa Paul Karungo, MP
26. Sen. Wamatinga Wahome, MP
27. Sen. Wambua Enoch Kiio, MP

ABSTENTION

1. Sen. Asige Crystal Kegehi, MP – voted on behalf of Mombasa County delegation

Question agreed to;

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

13. **THE SOCIAL PROTECTION BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2025)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Social Protection Bill (National Assembly Bills No. 12 of 2025) be now read a Second Time.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

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

And the Temporary Speaker (Sen. Veronica Maina, MP), acceding to the request, deferred the putting of the Question to Tuesday, 8th July, 2025.

14. **MOTION – ADJOURNMENT OF THE SENATE**

Order read;

Motion made and Question proposed;

THAT, pursuant to Standing Order 31 (3), the Senate do adjourn until Tuesday, 8th July, 2025.

(The Senate Majority Leader)

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

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

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, July 8th 2025 at 2:30 pm

--X--