



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – THIRD SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, MARCH 26, 2019 AT 2.30 P.M.**

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer said by the Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

- i) **Consultative Forum with the Cabinet Secretaries responsible for Interior and Coordination of National Government, Information, Communication and the Technology and the State Law Office and Department of Justice**

“Honourable Senators,

As you may recall, on Wednesday, 27<sup>th</sup> February, 2019 I conveyed a Communication from the Chair regarding a Statement sought by the Senator for Kericho County (Sen. Aaron Cheruiyot, MP) regarding the National Integrated Identity Management System (NIIMS). In the said communication, I invited Senators to a meeting of the Standing Committee on National Security, Defence and Foreign Relations that was scheduled to be held on Thursday, 28<sup>th</sup> February, 2019. However, as Senators may recall, this meeting did not take place as scheduled.

I have now received information that the Committee is scheduled to hold a meeting with the Cabinet Secretaries responsible for Interior and Coordination of National Government; Information, Communication and Technology; and the State Law Office and Department of Justice on Thursday, 28<sup>th</sup> March, 2019. It is expected that the Cabinet Secretaries will apprise Honourable

Senators on issues of National Integrated Identity Management System (NMIS).

The meeting will be held in the Senate Chamber from 8.00am and will be preceded by breakfast at the Parliament main restaurant from 7.00am.

I would like to urge all of you to plan to attend the meeting to deliberate on this very important issue.

I thank you.”

**ii) Visiting Delegation from the Parliament of Sierra Leone**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of a visiting delegation from the Parliament of Sierra Leone.

I request the four officers to stand when called out so that they may be acknowledged in the Senate tradition.

They are: -

1. Mr. Gilbert Nhabay - Head of Delegation
2. Mr. Joseph Conteh - Head of ICT Department
3. Miss Sayo Conteh - Research officer
4. Mr. Elijah Ambasa - Programme Manager (Westminster Foundation for Democracy)

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

I thank you.”

4. **PAPERS LAID**

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

- a) Report of the Controller of Budget on Half Year County Governments Budget Implementation Review Report for the year 2018/2019;
- b) Report of the Auditor-General on the Financial Statement of County Assembly of Nairobi city Mortgage Scheme fund for the year ended 30<sup>th</sup> June 2018;
- c) Report of the Auditor-General on the Financial Statements of Nairobi Sanitation Output Based Aid project IDA CR NO.TF14251-KE for the year ended 30<sup>th</sup> June 2018 – Nairobi Water and Sewerage Company Limited; and

- d) Report of the Auditor-General on the Financial Statements of Kiambu Members' Car Loan and Mortgage Scheme Fund for the Year ended 30<sup>th</sup> June 2018.

*(The Senate Majority Leader)*

5. **STATEMENTS PURSUANT TO STANDING ORDER 48 (1)**

- (a) Nominated Senator (Sen. (Dr.) Agnes Zani, MP) sought a Statement from the Standing Committee on Devolution and Intergovernmental Relations on the Policy on the transfer of functions to counties.
- (b) Nominated Senator (Sen. (Dr.) Agnes Zani, MP) sought a Statement from the Standing Committee on Education on the status of implementation of the 100% transition to secondary schools policy, and to Technical and Vocational Education Training (TVET).
- (c) Nominated Senator (Sen. Mary Seneta, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on the impact of devolution on livestock farming.

6. **THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL (SENATE BILLS NO. 34 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the County Wards (Equitable Development) Bill (Senate Bills No.34 of 2018) be now read a Second Time.

*(Chairperson, Standing Committee on Finance and Budget - 20.03.2019)*

Debate interrupted on Thursday, 21<sup>st</sup> March, 2019 resumed on a Division;

The House proceeded to a Division;

The Speaker directed that electronic voting be taken, pursuant to Standing Order 81 and that the Division Bell be rung for five (5) minutes;

Upon the expiry of five (5) minutes, the Speaker directed that the doors be locked and bars 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 Standing Order 81 (5), the Speaker allowed five (5) Senators to record their votes verbally.

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

1. Sen. Iman Falhada Dekow - voted on behalf of the Garissa County Delegation
2. Sen. Lang’at Christopher Andrew
3. Sen. Mbogo George Ochilo Ayacko
4. Sen. Seneta Mary Yane- voted on behalf of the Kajiado County Delegation
5. Sen. Shiyonga Naomi Masitsa - voted on behalf of the Kakamega County Delegation

The results of the Division were as follows: -

AYES – 30

NOES – 0

ABSTENTION – 0

**AYES**

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Boy Issa Juma
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Iman Falhada Dekow- voted verbally on behalf of the Garissa County Delegation
7. Sen. Imana Malachy Charles
8. Sen. Waqo Naomi Jilo - voted on behalf of the Marsabit County Delegation
9. Sen. Kabaka Boniface Mutinda
10. Sen. Kibiru Charles Reubenson
11. Sen. Kilonzo Mutula Junior
12. Sen. Kirinyaga Ephraim Mwangi
13. Sen. Lang’at Christopher Andrew – voted verbally
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mahamud Mohamed Maalim
16. Sen. Shiyonga Naomi Masitsa - voted verbally on behalf of the Kakamega County Delegation
17. Sen. Mbito Michael Maling’a
18. Sen. Seneta Mary Yane- voted verbally on behalf of the Kajiado County Delegation
19. Sen. Mbogo George Ochilo Ayacko – voted verbally
20. Sen. Mwangi Paul Githiomi
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyi Haji Faki
23. Sen. Nderitu John Kinyua
24. Sen. Olekina Ledama
25. Sen. Ongeru Samson Kegengo
26. Sen. Outa Fredrick Otieno
27. Sen. Poghio Samuel Losuron
28. Sen. Sakaja Johnson Arthur
29. Sen. Wambua Enoch Kiio
30. Sen. Wetang’ula Moses Masika

Question agreed to.

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

7. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – in the Chair)

**(Consideration of National Assembly Amendment to the Assumption of Office of the County Governor Bill (Senate Bills No. 1 of 2018))**

Debate interrupted on Tuesday, 12<sup>th</sup> March, 2019 resumed on a Division;

National Assembly amendment to Clause 5

THAT, Clause 5 of the Bill be amended in sub clause 2 by inserting the following new paragraph immediately after paragraph (f)–

“(fa) a representative of the Ministry responsible for matters related to devolution;

*(Chairperson, Standing Committee on Devolution and Intergovernmental Relations – 12.03.2019)*

Debate interrupted on Tuesday, 12<sup>th</sup> March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

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

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four (4) Senators to record their vote verbally.

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

1. Sen. Imana Malachy Ekal Charles
2. Sen. Lang’at Christopher Andrew
3. Sen. Mbogo George Ochilo Ayacko
4. Sen. Shiyonga Naomi Masitsa- on behalf of Kakamega County Delegation

The results of the Division were as follows: -

AYES - 30

NOES - 0

ABSTENTIONS - 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Boy Issa Juma
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
7. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
8. Sen. Imana Malachy Charles Ekal – voted verbally
9. Sen. Kabaka Boniface Mutinda
10. Sen. Kibiru Charles Reubenson
11. Sen. Kilonzo Mutula Junior
12. Sen. Kirinyaga Ephraim Mwangi Maina
13. Sen. Lang’at Christopher Andrew – voted verbally
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mahamud Mohamed Maalim
16. Sen. Mbito Michael Maling’a
17. Sen. Mbogo George Ochilo Ayacko – voted verbally
18. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Nderitu John Kinyua
23. Sen. Olekina Ledama
24. Sen. Ongeru Samson Kegengo
25. Sen. Outa Fredrick Otieno
26. Sen. Poghiso Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Shiyonga Naomi Masitsa – voted verbally on behalf of Kakamega County delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wetang’ula Moses Masika

National Assembly amendment to Clause 5

- agreed to.

National Assembly amendment to Clause 6

THAT Clause 6 of the Bill be amended in sub clause (1) by deleting the words “to be at the service of the Governor elect” appearing in paragraph (c) and substituting therefor the words “for the Governor-elect”.

*(Chairperson, Standing Committee on Devolution and Intergovernmental Relations – 12.03.2019)*

Debate interrupted on Tuesday, 12<sup>th</sup> March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

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

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four (4) Senators to record their vote verbally.

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

1. Sen. Imana Malachy Ekal Charles
2. Sen. Lang’at Christopher Andrew
3. Sen. Mbogo George Ochilo Ayacko
4. Sen. Shiyonga Naomi Masitsa- on behalf of Kakamega County Delegation

The results of the Division were as follows: -

AYES - 30

NOES - 0

ABSTENTIONS - 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Boy Issa Juma
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
7. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation

8. Sen. Imana Malachy Charles Ekal – voted verbally
9. Sen. Kabaka Boniface Mutinda
10. Sen. Kibiru Charles Reubenson
11. Sen. Kilonzo Mutula Junior
12. Sen. Kirinyaga Ephraim Mwangi Maina
13. Sen. Lang’at Christopher Andrew – voted verbally
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mahamud Mohamed Maalim
16. Sen. Mbito Michael Maling’a
17. Sen. Mbogo George Ochilo Ayacko – voted verbally
18. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Nderitu John Kinyua
23. Sen. Olekina Ledama
24. Sen. Ongeru Samson Kegengo
25. Sen. Outa Fredrick Otieno
26. Sen. Poghisio Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Shiyonga Naomi Masitsa – voted verbally on behalf of Kakamega County delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wetang’ula Moses Masika

National Assembly amendment to Clause 6 – agreed to.

National Assembly amendment to Clause 16

THAT Clause 16 of the Bill be amended by-

- a) renumbering the proposed clause as subclause (1);
- b) inserting the following new paragraph immediately after paragraph (b) —  
“(c) to swearing of a speaker of a county assembly who assumes office under Article 182(5) of the Constitution”;
- c) inserting the following new subclause after the proposed clause—  
“(2) Upon nullification of an election of a county governor and a receipt of the notification by a relevant speaker, the speaker of a county assembly shall assume office as a governor within seven days and an election shall be held pursuant to Article 182(5) of the Constitution.”

*(Chairperson, Standing Committee on Devolution and Intergovernmental Relations –  
12.03.2019)*

Debate interrupted on Tuesday, 12<sup>th</sup> March, 2019 resumed on a Division;

The Committee proceeded to a Division;



The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

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

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four (4) Senators to record their vote verbally.

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

1. Sen. Imana Malachy Ekal Charles
2. Sen. Lang’at Christopher Andrew
3. Sen. Mbogo George Ochilo Ayacko
4. Sen. Shiyonga Naomi Masitsa- on behalf of Kakamega County Delegation

The results of the Division were as follows: -

AYES - 30

NOES - 0

ABSTENTIONS - 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Boy Issa Juma
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
7. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
8. Sen. Imana Malachy Charles Ekal – voted verbally
9. Sen. Kabaka Boniface Mutinda
10. Sen. Kiburu Charles Reubenson
11. Sen. Kilonzo Mutula Junior
12. Sen. Kirinyaga Ephraim Mwangi Maina
13. Sen. Lang’at Christopher Andrew – voted verbally
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mahamud Mohamed Maalim
16. Sen. Mbito Michael Maling’a
17. Sen. Mbogo George Ochilo Ayacko – voted verbally
18. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki

22. Sen. Nderitu John Kinyua
23. Sen. Olekina Ledama
24. Sen. Ongeru Samson Kegengo
25. Sen. Outa Fredrick Otieno
26. Sen. Poghisio Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Shiyonga Naomi Masitsa – voted verbally on behalf of Kakamega County delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wetang'ula Moses Masika

National Assembly amendments to Clause 16 – agreed to.

National Assembly amendment to Clause 21

THAT, Clause 21 of the Bill be amended by inserting the word “committee” immediately after the word “governor”.

*(Chairperson, Standing Committee on Devolution and Intergovernmental Relations – 12.03.2019)*

Debate interrupted on Tuesday, 12<sup>th</sup> March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

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

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four (4) Senators to record their vote verbally.

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

1. Sen. Imana Malachy Ekal Charles
2. Sen. Lang'at Christopher Andrew
3. Sen. Mbogo George Ochilo Ayacko
4. Sen. Shiyonga Naomi Masitsa– on behalf of Kakamega County Delegation

The results of the Division were as follows: -

AYES - 30

NOES - 0

ABSTENTIONS - 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Boy Issa Juma
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
7. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
8. Sen. Imana Malachy Charles Ekal – voted verbally
9. Sen. Kabaka Boniface Mutinda
10. Sen. Kiburu Charles Reubenson
11. Sen. Kilonzo Mutula Junior
12. Sen. Kirinyaga Ephraim Mwangi Maina
13. Sen. Lang’at Christopher Andrew – voted verbally
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mahamud Mohamed Maalim
16. Sen. Mbito Michael Maling’a
17. Sen. Mbogo George Ochilo Ayacko – voted verbally
18. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Nderitu John Kinyua
23. Sen. Olekina Ledama
24. Sen. Ongeru Samson Kegengo
25. Sen. Outa Fredrick Otieno
26. Sen. Poghisio Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Shiyonga Naomi Masitsa – voted verbally on behalf of Kakamega County delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wetang’ula Moses Masika

National Assembly amendment to Clause 21 – agreed to.

National Assembly amendment to Clause 23

THAT, Clause 23 of the Bill be amended by inserting the following new subsection immediately after the proposed new subsection (1B)—

“(1C) Where a vacancy arises as contemplated under section (1A), the speaker of a county assembly shall act as a governor and an election shall be held pursuant to Article 182(5) of the Constitution”.

*(Chairperson, Standing Committee on Devolution and Intergovernmental Relations –  
12.03.2019)*

Debate interrupted on Tuesday, 12<sup>th</sup> March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

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

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four (4) Senators to record their vote verbally.

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

1. Sen. Imana Malachy Ekal Charles
2. Sen. Lang’at Christopher Andrew
3. Sen. Mbogo George Ochilo Ayacko
4. Sen. Shiyonga Naomi Masitsa– on behalf of Kakamega County Delegation

The results of the Division were as follows: -

AYES - 30

NOES - 0

ABSTENTIONS - 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Boy Issa Juma
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
7. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
8. Sen. Imana Malachy Charles Ekal – voted verbally
9. Sen. Kabaka Boniface Mutinda
10. Sen. Kiburu Charles Reubenson
11. Sen. Kilonzo Mutula Junior
12. Sen. Kirinyaga Ephraim Mwangi Maina
13. Sen. Lang’at Christopher Andrew – voted verbally
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mahamud Mohamed Maalim

16. Sen. Mbito Michael Maling'a
17. Sen. Mbogo George Ochilo Ayacko – voted verbally
18. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Nderitu John Kinyua
23. Sen. Olekina Ledama
24. Sen. Ongeru Samson Kegengo
25. Sen. Outa Fredrick Otieno
26. Sen. Poghisio Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Shiyonga Naomi Masitsa – voted verbally on behalf of Kakamega County delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wetang'ula Moses Masika

National Assembly amendment to Clause 23 – agreed to.

National Assembly amendment to clause 2

Motion made and Question proposed;

THAT Clause 2 be amended by inserting the definition of the word “county public officer” in its proper sequence—  
“county public officer” has the meaning assigned to it under the County Governments Act.

*(Chairperson, Standing Committee on Devolution and Intergovernmental Relations –  
12.03.2019)*

Debate interrupted on Tuesday, 12<sup>th</sup> March, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for one minute;

After the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;  
Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four (4) Senators to record their vote verbally.

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

1. Sen. Imana Malachy Ekal Charles
2. Sen. Lang’at Christopher Andrew
3. Sen. Mbogo George Ochilo Ayacko
4. Sen. Shiyonga Naomi Masitsa- on behalf of Kakamega County Delegation

The results of the Division were as follows: -

AYES - 30

NOES - 0

ABSTENTIONS - 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Boy Issa Juma
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Iman Falhada Dekow – voted on behalf of Garissa County Delegation
7. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
8. Sen. Imana Malachy Charles Ekal – voted verbally
9. Sen. Kabaka Boniface Mutinda
10. Sen. Kibiru Charles Reubenson
11. Sen. Kilonzo Mutula Junior
12. Sen. Kirinyaga Ephraim Mwangi Maina
13. Sen. Lang’at Christopher Andrew – voted verbally
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mahamud Mohamed Maalim
16. Sen. Mbito Michael Maling’a
17. Sen. Mbogo George Ochilo Ayacko – voted verbally
18. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Nderitu John Kinyua
23. Sen. Olekina Ledama
24. Sen. Ongeru Samson Kegengo
25. Sen. Outa Fredrick Otieno
26. Sen. Poghio Samuel Losuron
27. Sen. Sakaja Johnson Arthur
28. Sen. Shiyonga Naomi Masitsa – voted verbally on behalf of Kakamega County delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wetang’ula Moses Masika

National Assembly amendment to Clause 2

- agreed to.

Motion made:

THAT, the Committee of the Whole do report to the Senate its consideration of the National Assembly amendments to the Assumption of Office of the County Governor Bill (Senate Bills No. 1 of 2018) and its approval thereof.

*(Chairperson, Standing Committee on Devolution and Intergovernmental Relations on behalf of Sen. Kimani Wamatangi, MP, MP)*

Debate arising;

There being no Senator wishing to contribute;

Before the question was, put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and agreed to.

8. **HOUSE RESUMED** – (Temporary Speaker (Sen. Judith Pareno) in the Chair)

9. **THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILLS NO. 1 OF 2018)**

Bill reported with amendments;

Motion made and Question proposed-

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

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

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Judith Pareno, MP) ruled that the Question did not affect counties;

Question put and agreed to.

10. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. Rose Nyamunga) – in the Chair)

**The County Governments (Amendment) Bill (Senate Bills No. 13 of 2018)**

Clause 2 - amendment proposed

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

Amendment of  
section 58 of No.  
17 of 2012.

2. Section 58 of the County Governments Act is amended in—

(a) subsection (1) by –

(i) deleting paragraph (c) and substituting therefor the following new paragraph –

(c) the secretary to the board who shall be nominated and appointed by the governor with the approval of the county assembly.

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

(1A) The secretary to the board shall be an *ex-officio* member of the Board and shall have no right to vote at any meeting of the Board.

(1B) In nominating or appointing a person as a member of the Board, the Governor shall—

(a) observe the principles of gender equity, ethnic and other diversities of the people of Kenya, and shall provide an equal opportunity for persons with disabilities; and

(b) take into account the national values and principles set out in Articles 10, 27 and 232 of the Constitution.

(b) subsection (3) by deleting paragraph (c) and substituting therefor the following new paragraph –

(c) in the case of the chairperson -

(i) possesses a minimum of a bachelors degree from a university recognised in Kenya;

(ii) is registered as a human resource management professional of good standing under the Human Resource Management Professionals Act; and

(iii) has at least ten years working experience in a managerial position either in the public or private sector.

No. 52 of  
2012.

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

Debate interrupted on Wednesday, 21<sup>st</sup> November, 2018 resumed on a Division;

The Committee proceeded to a Division;



The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken, pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

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

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three (3) Senators to record their vote verbally.

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

- 1.Sen. Lang’at Christopher Andrew
- 2.Sen. Mbogo George Ochilo Ayacko
- 3.Sen. Waqo Naomi Jilo – voted verbally on behalf of Marsabit County Delegation

The results of the Division were as follows: -

AYES - 30

NOES - 0

ABSTENTIONS - 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Boy Issa Juma
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Imana Falhada Dekow – voted on behalf of Garissa County Delegation
6. Sen. Waqo Naomi Jilo – voted verbally on behalf of Marsabit County Delegation
7. Sen. Imana Malachy Charles Ekal
8. Sen. Kabaka Boniface Mutinda
9. Sen. Kibiru Charles Reubenson
10. Sen. Kilonzo Mutula Junior
11. Sen. Kirinyaga Ephraim Mwangi Maina
12. Sen. Lang’at Christopher Andrew – voted verbally
13. Sen. Madzayo Stewart Mwachiru
14. Sen. Mahamud Mohamed Maalim
15. Sen. Inimah Getrude Musuruve – voted on behalf of Kakamega County Delegation
16. Sen. Mbito Michael Maling’a
17. Sen. Mbogo George Ochilo Ayacko – voted verbally

18. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
19. Sen. Murkomen Onesimus Kipchumba
20. Sen. Mwangi Paul Githiomi
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Olekina Ledama
25. Sen. Ongeru Samson Kegengo
26. Sen. Outa Fredrick Otieno
27. Sen. Poghio Samuel Losuron
28. Sen. Haji Farhiya Ali – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wetang'ula Moses Masika

Clause 2 (as amended) - agreed to.

The Title and Clause 1

Motion made and Question proposed;

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

Debate interrupted on Wednesday, 21<sup>st</sup> November, 2018 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

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

Before the results of the Division were announced, and pursuant to Standing Order 81 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

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

1. Sen. Lang'at Christopher Andrew
2. Sen. Mbogo George Ochilo Ayacko

The results of the Division were as follows: -

AYES - 29

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Boy Issa Juma
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Imana Falhada Dekow – voted on behalf of Garissa County Delegation
7. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
8. Sen. Imana Malachy Charles Ekal – voted verbally
9. Sen. Kabaka Boniface Mutinda
10. Sen. Kibiru Charles Reubenson
11. Sen. Kilonzo Mutula Junior
12. Sen. Kirinyaga Ephraim Mwangi Maina
13. Sen. Lang’at Christopher Andrew – voted verbally
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mahamud Mohamed Maalim
16. Sen. Mbiti Michael Maling’a
17. Sen. Mbogo George Ochilo Ayacko – voted verbally
18. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
19. Sen. Murkomen Onesimus Kipchumba
20. Sen. Mwangi Paul Githiomi
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Olekina Ledama
25. Sen. Ongeru Samson Kegengo
26. Sen. Outa Fredrick Otieno
27. Sen. Poghisio Samuel Losuron
28. Sen. Haji Farhiya Ali – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio

The Title and Clause 1

.

Motion made:

THAT, the Bill be reported with amendments.

Before the Question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and agreed to.

11. **HOUSE RESUMED** – Temporary Speaker – (Sen. Judith Pareno, MP) – in the Chair.

12. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO.13 OF 2018)**

Bill reported with amendments;

Motion made and Question proposed-

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

*(Sen. Kinyua Nderitu, MP on behalf of Sen. Aaron Cheruiyot, MP)*

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Judith Pareno, MP) ruled that the Question did not affect counties;

Question put and agreed to.

Motion made and question proposed-

THAT, the County Governments (Amendment) Bill (Senate Bills No.13 of 2018) be now read a Third time.

*(Sen. Kinyua Nderitu, MP on behalf of Sen. Aaron Cheruiyot, MP)*

There being no Senator wishing to contribute;

The House proceeded to a Division on the Third Reading of the Bill;

The Temporary Speaker (Sen. Judith Pareno, MP) directed that electronic voting be taken pursuant to Standing Order 81 (1) and that the Division Bell be rung for one minute;

Upon the expiry of one minute, the Temporary Speaker (Sen. Judith Pareno, MP) directed that the doors be locked and Senators asked to log-in for electronic voting;

The Temporary Speaker (Sen. Judith Pareno, MP) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced, and pursuant to Standing Order 85 (5), the Temporary Speaker (Sen. Judith Pareno, MP) allowed four (4) Senators to record their vote verbally.

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

1. Sen. Lang’at Christopher Andrew
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Mbogo George Ochilo Ayacko
4. Sen. Seneta Mary Yiane – voted verbally on behalf of Kajiado County Delegation

The results of the Division were as follows;

AYES = 27            NOES = 0            ABSTENTIONS = 0

**AYES**

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Boy Issa Juma
4. Sen. Imana Falhada Dekow – voted on behalf of Garissa County Delegation
5. Sen. Imana Malachy Charles Ekal – voted verbally
6. Sen. Kabaka Boniface Mutinda
7. Sen. Kibiru Charles Reubenson
8. Sen. Kilonzo Mutula Junior
9. Sen. Lang’at Christopher Andrew – voted verbally
10. Sen. Madzayo Stewart Mwachiru – voted verbally
11. Sen. Mahamud Mohamed Maalim
12. Sen. Inimah Getrude Mususruve – voted on behalf of Kakamega County Delegation
13. Sen. Mbiti Michael Maling’a
14. Sen. Mbogo George Ochilo Ayacko – voted verbally
15. Sen. Seneta Mary Yiane – voted verbally on behalf of Kajiado County Delegation
16. Sen. Murkomen Onesimus Kipchumba
17. Sen. Mwangi Paul Githiomi
18. Sen. Mwaruma Johnes Mwashushe
19. Sen. Mwinyihaji Mohamed Faki
20. Sen. Nderitu John Kinyua
21. Sen. Ndwiga Peter Njeru
22. Sen. Ongeru Samson Kegengo
23. Sen. Outa Fredrick Otieno
24. Sen. Poghio Samuel Losuron
25. Sen. Haji Farhiya Ali – voted on behalf of Nairobi County Delegation
26. Sen. Wambua Enoch Kiio
27. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation

Question agreed to.

Bill Read a Third Time and passed.

13. **THE DETERMINATION OF THE NATURE OF BILLS (PROCEDURE) BILL (SENATE BILLS NO. 30 OF 2018)**

(Sen. Mutula Kilonzo Jnr., MP and Sen. Sakaja Johnson, MP)

Order for Second Reading read;

Order deferred.

14. **THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 31 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Natural Resources (Benefit Sharing) Bill (Senate Bills No. 31 of 2018) be now read a Second Time.

*(Sen. (Dr.) Agnes Zani, MP)*

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Judith Pareno, 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  
Wednesday, March 27, 2019 at 2.30 p.m.*

--XX--