



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 23, 2019 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. **STATEMENTS**

(a) **Statements Pursuant to Standing Order 47(1)**

- (i) On behalf of the Senator for Kakamega County (Sen. Cleophas Malalah, MP), Sen. Mutula Kilonzo Jnr, MP, made a Statement on the 2019 Global Empowerment Award for Global Legislature Governance, conferred upon Sen. Naomi Masitsa Shiyonga, MP, by the American Empowerment Institute.

In the Statement, the Senator congratulated Sen. Naomi Shiyonga, MP on this feat and lauded the Senator for her contribution towards women, children and vulnerable persons in the society, particularly in Kakamega County and for her contribution to debates in the House.

- (ii) The Senator for Makueni County (Sen. Mutula Kilonzo Jnr, MP), made a Statement regarding the untimely deaths of Mariam Kighenda and Amanda Mutheu on 29th September, 2019 at the Likoni Ferry crossing.

The Senator informed the House that the Kenya Ferry Services (KFS) and the Ministry of Transport and Infrastructure had not issued any statement on the circumstances surrounding the incident. He further informed the House that on 19th October, 2019, he received a report that the incident was as a result of dilapidated facilities at the Likoni Channel. He stated that had the ramp of the ferry been functioning properly, the ill-fated car would not have slid into the ocean on that fateful day.

The Senator observed that the ferry in question, *MV Harambee*, had purportedly been rehabilitated at a cost of 157 million shillings in the 2016/2017 Financial Year, money he alleged that may have been misappropriated.

He further alleged that the problem at the KFS was incompetence and ineffectiveness by the management. He informed the Senate that the Kenya Maritime Authority had issued a letter to the Managing Director, KFS, stating that the ferries were being operated by coxswains who did not hold any requisite certificates as required by the Merchant Shipping (Training and Certification) Regulations, 2016.

The Senator urged the Senate to investigate the probable misappropriation of funds as there were questions surrounding the whole saga regarding the renovation of the ferry and to take action in order to avert any further death of innocent Kenyans using the ferry services on a daily basis.

(b) **Statements Pursuant to Standing Order 48(1)**

- (i) The Senator for Lamu County (Sen. Anwar Loitiptip, MP) sought a Statement from the Standing Committee on Transport, Roads and Infrastructure on the delayed compensation of fishermen affected by the construction of Lamu Port, Lamu County.
- (ii) Nominated Senator (Sen. (Dr.) Isaac Mwaaura, MP) sought a Statement from the Standing Committee on Education on the delayed disbursement of capitation funds for learners with special needs.

4. **MOTION – ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON THE ACCOUNTS OF COUNTY EXECUTIVES FOR FINANCIAL YEAR 2013/2014**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of Nandi, Elgeyo Marakwet, Baringo, Laikipia, Machakos, West Pokot, Tharaka Nithi, Siaya, Embu and Nairobi City County Executives for Financial year 2013/2014 (1st July, 2013 to 30th June, 2014), laid on the Table of the Senate on Wednesday, 9th October, 2019.

*(Chairperson, Sessional Committee on County Public Accounts and Investments –
15.10.2019)*

Debate interrupted on Wednesday, 16th October, 2019 resumed on a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 81 (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 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 the provisions of Standing Order 81 (5), the Speaker allowed five (5) Senators to record their votes verbally.

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

1. Sen. Hargura Godana.
2. Sen. Susan Kihika.
3. Sen. Isaac Mwaura – on behalf of Kiambu County delegation.
4. Sen. (Dr.) Musuruve Getrude – on behalf of Kakamega County delegation.
5. Sen. Anwar Loitiptip.

The results of the Division were as follows:-

AYES – 32

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. Hargura Godana – Voted verbally
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang’ Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Khaniri George
11. Sen. Kibiru Charles Reubenson
12. Sen. Kihika Susan Wakarura – Voted verbally
13. Sen. Kilonzo Mutula Junior
14. Sen. Mwaura Isaac – Voted verbally on behalf of Kiambu County Delegation
15. Sen. Kirinyaga Ephraim Maina
16. Sen. Langat Christopher Andrew
17. Sen. Linturi Franklin Mithika
18. Sen. Loitiptip Anuar – Voted verbally
19. Sen. Madzayo Stewart Mwachiru
20. Sen. Inima Getrude Musuruve – Voted verbally on behalf of Kakamega County Delegation
21. Sen. Mbito Michael Maling’a
22. Sen. Mbogo George Ochilo Ayacko
23. Sen. Murkomen Onesimus Kipchumba
24. Sen. Mwangi Paul Githiomi
25. Sen. Mwinyihaji Mohamed Faki
26. Sen. Nderitu John Kinyua
27. Sen. Ndwiga Peter Njeru
28. Sen. Ongeru Samson Kegengo
29. Sen. Orengo James
30. Sen. Nyamunga Rose Ogendo
31. Sen. Sakaja Johnson Arthur
32. Sen. Wetang’ula Moses Masika

Question agreed to.

RESOLVED ACCORDINGLY:

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of Nandi, Elgeyo Marakwet, Baringo, Laikipia, Machakos, West Pokot, Tharaka Nithi, Siaya, Embu and Nairobi City County Executives for Financial year 2013/2014 (1st July, 2013 to 30th June, 2014), laid on the Table of the Senate on Wednesday, 9th October, 2019.

5. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

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

The Natural Resources (Benefit Sharing) Bill (Senate Bills No. 31 of 2018)

Clauses 3-5

Motion made and Question proposed;

THAT Clauses 3-5 be part of the Bill.

Debate interrupted on Wednesday, 31st July, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 vote as **“Yes”**-

1. Sen. Kang’ata Irungu
2. Sen. Mbogo George Ochilo Ayacko
3. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation.
4. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation.

The results of the Division were as follows:

AYES – 30

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana
6. Sen. Kabaka Boniface Mutinda
7. Sen. Kajwang' Moses Otieno
8. Sen. Kamar Margaret Jepkoech
9. Sen. Kang'ata Irungu – voted verbally
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
14. Sen. Mwaura Isaac – Voted verbally on behalf of Kiambu County Delegation
15. Sen. Kirinyaga Ephraim Mwangi Maina
16. Sen. Langat Christopher Andrew
17. Sen. Linturi Franklin Mithika
18. Sen. Madzayo Stewart
19. Sen. Inimah Getrude Musuruve- voted verbally on behalf of Kakamega County Delegation
20. Sen. Mbito Michael Maling'a
21. Sen. Mbogo George Ochilo Ayacko – voted verbally
22. Sen. Murkomen Onesimus Kipchumba
23. Sen. Mwangi Paul Githiomi
24. Sen. Mwinyihaji Mohamed Faki
25. Sen. Nderitu John Kinyua
26. Sen. Ndwiga Peter Njeru
27. Sen. Ongeru Samson Kegengo
28. Sen. Orengo James
29. Sen. Sakaja Johnson Arthur
30. Sen. Wetang'ula Moses Masika

Clauses 3-5 – agreed to.

Clause 6 – amendment proposed.

THAT clause 6 of the Bill be amended—

- (a) in subclause (1) by inserting the words “in consultation with the Council of County Governors and relevant national government entities” immediately after the words “The Commission shall”; and
- (b) in subclause (2) by deleting the word “overall” appearing immediately after the word “the” in paragraph (a) and substituting therefor the word “total”.

(Sen. Abshiro Halake on behalf of the Chairperson, Standing Committee on Land, Environment and Natural Resources – 31.07.2019)

Debate interrupted on Wednesday, 31st July, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 five (5) Senators to record their vote verbally.

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

1. Sen. Loiptip Anwar
2. Sen. Kang’ata Irungu
3. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation.
4. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation.
5. Sen. Wetang’ula Moses Masika

The results of the Division were as follows:

AYES – 30

NOES – 0

ABSTENTION – 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. Hargura Godana
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang’ Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang’ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson
12. Sen. Kilonzo Mutula Junior
13. Sen. Mwaura Isaac – Voted verbally on behalf of Kiambu County Delegation
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Linturi Franklin Mithika
17. Sen. Loiptip Anwar – voted verbally
18. Sen. Inimah Getrude Musuruve- voted verbally on behalf of Kakamega County Delegation
19. Sen. Mbito Michael Maling’a

20. Sen. Mbogo George Ochilo Ayacko
21. Sen. Murkomen Onesimus Kipchumba
22. Sen. Mwangi Paul Githiomi
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Ndwiga Peter Njeru
26. Sen. Ongeru Samson Kegengo
27. Sen. Orengo James
28. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation.
29. Sen. Sakaja Johnson Arthur
30. Sen. Wetang'ula Moses Masika – voted verbally

Clause 6 (as amended) – agreed to.

Clauses 7 and 8

Motion made and Question proposed;

THAT Clauses 7 and 8 be part of the Bill.

Debate interrupted on Wednesday, 31st July, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 vote as **“Yes”**-

1. Sen. Kang'ata Irungu.
2. Sen. Mbogo George Ochilo Ayacko.
3. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation.
4. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation.

The results of the Division were as follows:

AYES – 30

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma

3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana
6. Sen. Kabaka Boniface Mutinda
7. Sen. Kajwang' Moses Otieno
8. Sen. Kamar Margaret Jepkoech
9. Sen. Kang'ata Irungu – voted verbally
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
14. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
15. Sen. Kirinyaga Ephraim Mwangi Maina
16. Sen. Langat Christopher Andrew
17. Sen. Linturi Franklin Mithika
18. Sen. Madzayo Stewart
19. Sen. Inimah Getrude Musuruve- voted verbally on behalf of Kakamega County Delegation
20. Sen. Mbito Michael Maling'a
21. Sen. Mbogo George Ochilo Ayacko – voted verbally
22. Sen. Murkomen Onesimus Kipchumba
23. Sen. Mwangi Paul Githiomi
24. Sen. Mwinyihaji Mohamed Faki
25. Sen. Nderitu John Kinyua
26. Sen. Ndwiga Peter Njeru
27. Sen. Ongeru Samson Kegengo
28. Sen. Orengo James
29. Sen. Sakaja Johnson Arthur
30. Sen. Wetang'ula Moses Masika

Clauses 7 and 8 – agreed to.

Clause 9 – amendment proposed.

THAT clause 9 of the Bill be amended in subclause (1) by inserting the words “with the relevant county government” immediately after the words “benefit sharing agreement”.

(Sen. Abshiro Halake on behalf of the Chairperson, Standing Committee on Land, Environment and Natural Resources – 31.07.2019)

Debate interrupted on Wednesday, 31st July, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 five (5) Senators to record their vote verbally.

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

1. Sen. Loiptip Anwar
2. Sen. Kang’ata Irungu
3. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation.
4. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation.
5. Sen. Wetang’ula Moses Masika

The results of the Division were as follows:

AYES – 30

NOES – 0

ABSTENTION – 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. Hargura Godana
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang’ Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang’ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson
12. Sen. Kilonzo Mutula Junior
13. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Linturi Franklin Mithika
17. Sen. Loiptip Anwar – voted verbally
18. Sen. Inimah Getrude Musuruve- voted verbally on behalf of Kakamega County Delegation
19. Sen. Mbito Michael Maling’a
20. Sen. Mbogo George Ochilo Ayacko
21. Sen. Murkomen Onesimus Kipchumba
22. Sen. Mwangi Paul Githiomi
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Ndwiga Peter Njeru
26. Sen. Ongeru Samson Kegengo
27. Sen. Orengo James

- 28. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation.
- 29. Sen. Sakaja Johnson Arthur
- 30. Sen. Wetang'ula Moses Masika – voted verbally

Clause 9 (as amended) – agreed to.

Clause 10 – amendment proposed.

THAT clause 10 of the Bill be amended —

(a) in subclause (2) by —

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

(ba) two technical officers of the relevant county departments, appointed by the county executive committee member in consultation with the county executive committee member responsible for the respective natural resources; and

(ii) deleting paragraph (c) and substituting therefor the following new paragraph —

(c) five persons, two of whom shall be of the opposite gender, elected by the local communities where the natural resource is found and representing the areas with the main natural resources within the county”;

(b) in subclause (5) by inserting the words “in consultation with Council of County Governors” immediately after the words “Cabinet Secretary shall”.

(Sen. Abshiro Halake on behalf of the Chairperson, Standing Committee on Land, Environment and Natural Resources – 31.07.2019)

Debate interrupted on Wednesday, 31st July, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 five (5) Senators to record their vote verbally.

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

- 1. Sen. Loitiptip Anwar

2. Sen. Kang'ata Irungu
3. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation.
4. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation.
5. Sen. Wetang'ula Moses Masika

The results of the Division were as follows:

AYES – 30

NOES – 0

ABSTENTION – 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. Hargura Godana
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang' Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang'ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson
12. Sen. Kilonzo Mutula Junior
13. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Linturi Franklin Mithika
17. Sen. Loiptip Anwar – voted verbally
18. Sen. Inimah Getrude Musuruve- voted verbally on behalf of Kakamega County Delegation
19. Sen. Mbito Michael Maling'a
20. Sen. Mbogo George Ochilo Ayacko
21. Sen. Murkomen Onesimus Kipchumba
22. Sen. Mwangi Paul Githiomi
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Ndwiga Peter Njeru
26. Sen. Ongeru Samson Kegengo
27. Sen. Orengo James
28. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation.
29. Sen. Sakaja Johnson Arthur
30. Sen. Wetang'ula Moses Masika – voted verbally

Clause 10 (as amended) –agreed to.

Clauses 11 and 12

Motion made and Question proposed;

THAT Clauses 11 and 12 be part of the Bill.

Debate interrupted on Wednesday, 31st July, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 vote as **“Yes”**-

1. Sen. Kang’ata Irungu
2. Sen. Mbogo George Ochilo Ayacko
3. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation.
4. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation.

The results of the Division were as follows:

AYES – 30

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana
6. Sen. Kabaka Boniface Mutinda
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kamar Margaret Jepkoech
9. Sen. Kang’ata Irungu – voted verbally
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Linturi Franklin Mithika
17. Sen. Madzayo Stewart
18. Sen. Inimah Getrude Musuruve- voted verbally on behalf of Kakamega County Delegation
19. Sen. Mbito Michael Maling’a

20. Sen. Mbogo George Ochilo Ayacko – voted verbally
21. Sen. Murkomen Onesimus Kipchumba
22. Sen. Mwangi Paul Githiomi
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Ndwiga Peter Njeru
26. Sen. Ongeru Samson Kegengo
27. Sen. Orengo James
28. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation.
29. Sen. Sakaja Johnson Arthur
30. Sen. Wetang'ula Moses Masika

Clauses 11 and 12 – agreed to.

Clause 13 – amendment proposed.

THAT clause 13 of the Bill be amended by inserting the following new subclause immediately after subclause (4) —

(4A) A local community benefit sharing forum shall not hold more than eight meetings in one year.

(Sen. Abshiro Halake on behalf of the Chairperson, Standing Committee on Land, Environment and Natural Resources – 31.07.2019)

Debate interrupted on Wednesday, 31st July, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 five (5) Senators to record their vote verbally.

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

1. Sen. Loitiptip Anuar
2. Sen. Kang'ata Irungu
3. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation.
4. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation.
5. Sen. Wetang'ula Moses Masika

The results of the Division were as follows:

AYES – 30

NOES – 0

ABSTENTION – 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. Hargura Godana
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang' Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang'ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson
12. Sen. Kilonzo Mutula Junior
13. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Linturi Franklin Mithika
17. Sen. Loitiptip Anuar – voted verbally
18. Sen. Inimah Getrude Musuruve- voted verbally on behalf of Kakamega County Delegation
19. Sen. Mbito Michael Maling'a
20. Sen. Mbogo George Ochilo Ayacko
21. Sen. Murkomen Onesimus Kipchumba
22. Sen. Mwangi Paul Githiomi
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Ndwiga Peter Njeru
26. Sen. Ongeru Samson Kegengo
27. Sen. Orengo James
28. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation.
29. Sen. Sakaja Johnson Arthur
30. Sen. Wetang'ula Moses Masika – voted verbally

Clause 13 (as amended) – agreed to.

Clause 14 – amendment proposed.

THAT clause 14 of the Bill be amended by deleting subclause (4).

(Sen. Abshiro Halake on behalf of the Chairperson, Standing Committee on Land, Environment and Natural Resources – 31.07.2019)

Debate interrupted on Wednesday, 31st July, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 five (5) Senators to record their vote verbally.

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

1. Sen. Loiptip Anwar
2. Sen. Kang’ata Irungu
3. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation.
4. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation.
5. Sen. Wetang’ula Moses Masika

The results of the Division were as follows:

AYES – 30

NOES – 0

ABSTENTION – 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. Hargura Godana
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang’ Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang’ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson
12. Sen. Kilonzo Mutula Junior
13. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Linturi Franklin Mithika
17. Sen. Loiptip Anwar – voted verbally
18. Sen. Inimah Getrude Musuruve- voted verbally on behalf of Kakamega County Delegation
19. Sen. Mbito Michael Maling’a
20. Sen. Mbogo George Ochilo Ayacko
21. Sen. Murkomen Onesimus Kipchumba
22. Sen. Mwangi Paul Githiomi
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Ndwiga Peter Njeru

26. Sen. Ongeru Samson Kegengo
27. Sen. Orengo James
28. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation.
29. Sen. Sakaja Johnson Arthur
30. Sen. Wetang'ula Moses Masika – voted verbally

Clause 14 (as amended) – agreed to.

Clause 15

Motion made and Question proposed;

THAT, Clause 15 be part of the Bill.

Debate interrupted on Wednesday, 31st July, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 vote as **“Yes”**-

1. Sen. Kang'ata Irungu
2. Sen. Mbogo George Ochilo Ayacko
3. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation.
4. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation.

The results of the Division were as follows:

AYES – 30

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana
6. Sen. Kabaka Boniface Mutinda
7. Sen. Kajwang' Moses Otieno
8. Sen. Kamar Margaret Jepkoech

9. Sen. Kang'ata Irungu – voted verbally
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Linturi Franklin Mithika
17. Sen. Madzayo Stewart
18. Sen. Inimah Getrude Musuruve- voted verbally on behalf of Kakamega County Delegation
19. Sen. Mbito Michael Maling'a
20. Sen. Mbogo George Ochilo Ayacko – voted verbally
21. Sen. Murkomen Onesimus Kipchumba
22. Sen. Mwangi Paul Githiomi
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Ndwiga Peter Njeru
26. Sen. Ongeru Samson Kegengo
27. Sen. Orengo James
28. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation.
29. Sen. Sakaja Johnson Arthur
30. Sen. Wetang'ula Moses Masika

Clauses 15 – agreed to.

Clause 16 – amendment proposed.

THAT clause 16 of the Bill be amended in subclause (3) by deleting the word “principal” appearing immediately after the words “this Act every”.

(Sen. Abshiro Halake on behalf of the Chairperson, Standing Committee on Land, Environment and Natural Resources – 31.07.2019)

Debate interrupted on Wednesday, 31st July, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 five (5) Senators to record their vote verbally.

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

1. Sen. Loiptip Anwar
2. Sen. Kang’ata Irungu
3. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation.
4. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation.
5. Sen. Wetang’ula Moses Masika

The results of the Division were as follows:

AYES – 30

NOES – 0

ABSTENTION – 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. Hargura Godana
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang’ Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang’ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson
12. Sen. Kilonzo Mutula Junior
13. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Linturi Franklin Mithika
17. Sen. Loiptip Anwar – voted verbally
18. Sen. Inimah Getrude Musuruve- voted verbally on behalf of Kakamega County Delegation
19. Sen. Mbito Michael Maling’a
20. Sen. Mbogo George Ochilo Ayacko
21. Sen. Murkomen Onesimus Kipchumba
22. Sen. Mwangi Paul Githiomi
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Ndwiga Peter Njeru
26. Sen. Ongeru Samson Kegengo
27. Sen. Orengo James
28. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation.
29. Sen. Sakaja Johnson Arthur
30. Sen. Wetang’ula Moses Masika – voted verbally

Clause 16 (as amended) – agreed to.

Clause 17 – amendment proposed.

THAT clause 17 of the Bill be amended—

(a) in subclause (1) by deleting the word “one” appearing immediately after the words “Commission shall within” and substituting therefor the word “two”;

(b) by inserting the following new subclauses immediately after subclause (3)
—

(4) An affected entity that, immediately before the commencement of this Act, was lawfully authorised to exploit a natural resource under this Act shall be considered to be authorised to conduct such exploitation under this Act.

(5) Despite subsection (4), an affected entity shall comply with the provisions this Act within two years of its commencement.

((Sen. Abshiro Halake on behalf of the Chairperson, Standing Committee on Land, Environment and Natural Resources – 31.07.2019))

Debate interrupted on Wednesday, 31st July, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 five (5) Senators to record their vote verbally.

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

1. Sen. Loiptip Anwar
2. Sen. Kang’ata Irungu
3. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation.
4. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation.
5. Sen. Wetang’ula Moses Masika

The results of the Division were as follows:

AYES – 30

NOES – 0

ABSTENTION – 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. Hargura Godana
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang' Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang'ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson
12. Sen. Kilonzo Mutula Junior
13. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Linturi Franklin Mithika
17. Sen. Loitiptip Anwar – voted verbally
18. Sen. Inimah Getrude Musuruve- voted verbally on behalf of Kakamega County Delegation
19. Sen. Mbito Michael Maling'a
20. Sen. Mbogo George Ochilo Ayacko
21. Sen. Murkomen Onesimus Kipchumba
22. Sen. Mwangi Paul Githiomi
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Ndwiga Peter Njeru
26. Sen. Ongeru Samson Kegengo
27. Sen. Orengo James
28. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation.
29. Sen. Sakaja Johnson Arthur
30. Sen. Wetang'ula Moses Masika – voted verbally

Clause 17 (as amended) – agreed to.

Clauses 18 and 19

Motion made and Question proposed;

THAT Clauses 18 and 19 be part of the Bill.

Debate interrupted on Wednesday, 31st July, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 of Committees (Sen. Rose Nyamunga) allowed four (4) Senators to record their vote verbally.

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

1. Sen. Kang’ata Irungu
2. Sen. Mbogo George Ochilo Ayacko
3. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation.
4. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation.

The results of the Division were as follows:

AYES – 30

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana
6. Sen. Kabaka Boniface Mutinda
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kamar Margaret Jepkoech
9. Sen. Kang’ata Irungu – voted verbally
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Linturi Franklin Mithika
17. Sen. Madzayo Stewart
18. Sen. Inimah Getrude Musuruve- voted verbally on behalf of Kakamega County Delegation
19. Sen. Mbito Michael Maling’a
20. Sen. Mbogo George Ochilo Ayacko – voted verbally
21. Sen. Murkomen Onesimus Kipchumba
22. Sen. Mwangi Paul Githiomi
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Ndwiga Peter Njeru
26. Sen. Ongeru Samson Kegengo
27. Sen. Orengo James
28. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation.
29. Sen. Sakaja Johnson Arthur
30. Sen. Wetang’ula Moses Masika

Clauses 18 and 19 – agreed to.

Clause 2 – amendment proposed.

THAT clause 2 of the Bill be amended—

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(a) in the definition of the term “Cabinet Secretary” by deleting the word “mining” appearing immediately after the words “matters related to” and substituting therefor the words “finance”;

(b) by deleting the definition of the term “local community” and substituting therefor the following new definition—

“local community” means

(a) people living in a ward within which a natural resource is situated; and

(b) people displaced to make way for the exploitation of a natural resource;

(c) by deleting the definition of the term “natural fund” and substituting therefor the following new definition—

“natural resources” means the natural resources provided under section 3 of this Act;

(d) by inserting the following new definitions in their proper alphabetical sequence—

“county executive committee member” means the county executive committee member responsible for matters relating to finance in the respective county;

“officer” has the meaning assigned to it under section 3 of the Companies Act;

(Sen. Abshiro Halake on behalf of the Chairperson, Standing Committee on Land, Environment and Natural Resources – 31.07.2019)

Debate interrupted on Wednesday, 31st July, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 five (5) Senators to record their vote verbally.

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

1. Sen. Loiptip Anwar
2. Sen. Kang’ata Irungu
3. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation.
4. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation.
5. Sen. Wetang’ula Moses Masika

The results of the Division were as follows:

AYES – 30

NOES – 0

ABSTENTION – 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. Hargura Godana
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang’ Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang’ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson
12. Sen. Kilonzo Mutula Junior
13. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Linturi Franklin Mithika
17. Sen. Loiptip Anwar – voted verbally
18. Sen. Inimah Getrude Musuruve- voted verbally on behalf of Kakamega County Delegation
19. Sen. Mbito Michael Maling’a
20. Sen. Mbogo George Ochilo Ayacko
21. Sen. Murkomen Onesimus Kipchumba
22. Sen. Mwangi Paul Githiomi
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Ndwiga Peter Njeru
26. Sen. Ongeru Samson Kegengo
27. Sen. Orengo James

28. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation.
29. Sen. Sakaja Johnson Arthur
30. Sen. Wetang'ula Moses Masika – voted verbally

Clause 2 (as amended) – agreed to.

The Title – amendment proposed.

THAT the Title to the Bill be amended by inserting the word “natural” immediately after the words “benefit sharing in”.

(Sen. Abshiro Halake on behalf of the Chairperson, Standing Committee on Land, Environment and Natural Resources – 31.07.2019)

Debate interrupted on Wednesday, 31st July, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 five (5) Senators to record their vote verbally.

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

1. Sen. Loitiptip Anwar
2. Sen. Kang'ata Irungu
3. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation.
4. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation.
5. Sen. Wetang'ula Moses Masika

The results of the Division were as follows:

AYES – 30

NOES – 0

ABSTENTION – 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. Hargura Godana
7. Sen. Kabaka Boniface Mutinda

8. Sen. Kajwang' Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang'ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson
12. Sen. Kilonzo Mutula Junior
13. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Linturi Franklin Mithika
17. Sen. Loitiptip Anuar – voted verbally
18. Sen. Inimah Getrude Musuruve- voted verbally on behalf of Kakamega County Delegation
19. Sen. Mbito Michael Maling'a
20. Sen. Mbogo George Ochilo Ayacko
21. Sen. Murkomen Onesimus Kipchumba
22. Sen. Mwangi Paul Githiomi
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Ndwiga Peter Njeru
26. Sen. Ongeru Samson Kegengo
27. Sen. Orengo James
28. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation.
29. Sen. Sakaja Johnson Arthur
30. Sen. Wetang'ula Moses Masika – voted verbally

The Title (as amended) – agreed to.

Clause 1

Motion made and Question proposed;

THAT, Clause 1 be part of the Bill.

Debate interrupted on Wednesday, 31st July, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 of Committees (Sen. Rose Nyamunga) allowed four (4) Senators to record their vote verbally.

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

1. Sen. Kang’ata Irungu
2. Sen. Mbogo George Ochilo Ayacko
3. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation.
4. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation.

The results of the Division were as follows:

AYES – 30

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Boy Issa Juma
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana
6. Sen. Kabaka Boniface Mutinda
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kamar Margaret Jepkoech
9. Sen. Kang’ata Irungu – voted verbally
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew
16. Sen. Linturi Franklin Mithika
17. Sen. Madzayo Stewart
18. Sen. Inimah Getrude Musuruve- voted verbally on behalf of Kakamega County Delegation
19. Sen. Mbito Michael Maling’a
20. Sen. Mbogo George Ochilo Ayacko – voted verbally
21. Sen. Murkomen Onesimus Kipchumba
22. Sen. Mwangi Paul Githiomi
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Ndwiga Peter Njeru
26. Sen. Ongeru Samson Kegengo
27. Sen. Orengo James
28. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation.
29. Sen. Sakaja Johnson Arthur
30. Sen. Wetang’ula Moses Masika

Clause 1 – agreed to.

Motion made;

THAT, the Bill be reported **with** amendments.

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

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.

6. **HOUSE RESUMED** – The Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) in the Chair)

7. **THE NATURAL RESOURCE (BENEFIT SHARING) BILL (SENATE BILLS NO. 31 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. (Dr.) Agnes Zani, MP)

There being no Senator wishing to contribute;

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

Question put and agreed to.

Motion made and Question proposed-

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

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

There being no Senator wishing to contribute;

The House proceeded to a Division;

The Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) directed that the doors be locked and asked Senators to log-in for electronic voting;

The Temporary Speaker (Sen. (Prof.) Margaret Kamar, 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 provisions of Standing Order 81(5), the Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) allowed four (4) Senators to record their vote verbally.

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

1. Sen. Kang’ata Irungu
2. Sen. Loiptip Anwar
3. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation.
4. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation.

The results of the Division were as follows:

AYES – 32

NOES – 0

ABSTENTION – 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. Hargura Godana
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang’ Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang’ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson
12. Sen. Kihika Susan Wakarura
13. Sen. Kilonzo Mutula Junior
14. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
15. Sen. Kirinyaga Ephraim Mwangi Maina
16. Sen. Langat Christopher Andrew
17. Sen. Linturi Franklin Mithika
18. Sen. Loiptip Anwar – voted verbally
19. Sen. Madzayo Stewart
20. Sen. Inimah Getrude Musuruve - voted verbally on behalf of Kakamega County Delegation.
21. Sen. Mbito Michael Maling’a
22. Sen. Mbogo George Ochilo Ayacko
23. Sen. Murkomen Onesimus Kipchumba
24. Sen. Mwangi Paul Githiomi
25. Sen. Mwinyihaji Mohamed Faki
26. Sen. Nderitu John Kinyua
27. Sen. Ndwiga Peter Njeru
28. Sen. Ongeru Samson Kegengo
29. Sen. Orengo James
30. Sen. Nyamunga Rose Ogendo - voted on behalf of Kisumu County Delegation.
31. Sen. Sakaja Johnson Arthur

32. Sen. Wetang'ula Moses Masika

Question agreed to.

Bill read a Third Time and passed.

8. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

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

The Public Finance Management (Amendment) Bill (Senate Bills No. 3 of 2019)

Clause 2 - amendment proposed

THAT clause 2 of the Bill be amended-

(a) in the proposed new section 160A by deleting subsection (1) and substituting therefor the following new subsections-

(1) The Cabinet Secretary shall, in consultation with the Council of County Governors, the Commission on Revenue Allocation, the Kenya Revenue Authority, develop a uniform county revenue collection system.

(1A) Every County Treasury shall adopt and implement the county revenue collection system developed under subsection (1) having regard to the particular needs of the respective county.

(b) in the proposed new section 160B by inserting the words “the Controller of Budget, the Auditor-General” immediately after the words “National Treasury” appearing in subsection (2).

(c) in the proposed new section 160C by-

- (i) deleting the words “two years” appearing after the words “within a period of” and substituting therefor the words “one year” appearing in subsection (1); and
- (ii) inserting the words “on the recommendation of the Senate and” immediately after the words “National Treasury may” appearing in the introductory phrase of subsection (2).

(Chairperson, Standing Committee on Finance and Budget – 31.07.2019)

Debate interrupted on Wednesday, 31st July, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 six (6) Senators to record their vote verbally.

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

5. Sen. Langat Christopher Andrew
6. Sen. Loiptip Anwar
7. Sen. Inimah Getrude Musuruve- on behalf of Kakamega County Delegation
8. Sen. Mbogo George Ochilo Ayacko
9. Sen. Nyamunga Rose Ogendo - voted on behalf of Kisumu County Delegation.
10. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation

The results of the Division were as follows:

AYES – 31

NOES – 0

ABSTENTION – 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. Hargura Godana
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang’ Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kibiru Charles Reubenson
11. Sen. Kihika Susan Wakarura
12. Sen. Kilonzo Mutula Junior
13. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew – voted verbally
16. Sen. Linturi Franklin Mithika
17. Sen. Loiptip Anwar – voted verbally
18. Sen. Madzayo Stewart
19. Sen. Inimah Getrude Musuruve - voted verbally on behalf of Kakamega County Delegation.
20. Sen. Mbito Michael Maling’a
21. Sen. Mbogo George Ochilo Ayacko – voted verbally
22. Sen. Murkomen Onesimus Kipchumba
23. Sen. Mwangi Paul Githiomi
24. Sen. Mwinyihaji Mohamed Faki
25. Sen. Nderitu John Kinyua

26. Sen. Ndwiga Peter Njeru
27. Sen. Ongeru Samson Kegengo
28. Sen. Orengo James
29. Sen. Nyamunga Rose Ogendo - voted verbally on behalf of Kisumu County Delegation.
30. Sen. Sakaja Johnson Arthur
31. 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, 31st July, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 six (6) Senators to record their vote verbally.

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

1. Sen. Cherarkey Samson Kiprotich
2. Sen. Kang'ata Irungu
3. Sen. Loitiptip Anwar
4. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation.
5. Sen. Nyamunga Rose Ogendo - voted on behalf of Kisumu County Delegation.
6. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation.

The results of the Division were as follows:

AYES – 31

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Boy Issa Juma
4. Sen. Cherarkey Samson Kiprotich – voted verbally
5. Sen. Cheruiyot Aaron Kipkirui

6. Sen. Hargura Godana
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang' Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang'ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson
12. Sen. Kihika Susan Wakarura
13. Sen. Kilonzo Mutula Junior
14. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
15. Sen. Kirinyaga Ephraim Mwangi Maina
16. Sen. Linturi Franklin Mithika
17. Sen. Loiptip Anwar – voted verbally
18. Sen. Madzayo Stewart
19. Sen. Inimah Getrude Musuruve - voted verbally on behalf of Kakamega County Delegation.
20. Sen. Mbito Michael Maling'a
21. Sen. Mbogo George Ochilo Ayacko
22. Sen. Murkomen Onesimus Kipchumba
23. Sen. Mwangi Paul Githiomi
24. Sen. Mwinyihaji Mohamed Faki
25. Sen. Nderitu John Kinyua
26. Sen. Ndwiga Peter Njeru
27. Sen. Ongeru Samson Kegengo
28. Sen. Orengo James
29. Sen. Nyamunga Rose Ogendo - voted verbally on behalf of Kisumu County Delegation.
30. Sen. Sakaja Johnson Arthur
31. Sen. Wetang'ula Moses Masika

The Title and Clause 1 - agreed to.

Motion made;

THAT, the Bill be reported **with** amendments.

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

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.

9. **HOUSE RESUMED** – The Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) in the Chair)
10. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 3 OF 2019)**

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. (Dr.) Agnes Zani, MP)

There being no Senator wishing to contribute;

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

Question put and agreed to.

Motion made and Question proposed-

THAT, the Public Finance Management (Amendment) Bill (Senate Bills No. 3 of 2019) be now Read a Third Time.

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

There being no Senator wishing to contribute;

The House proceeded to a Division;

The Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) directed that the doors be locked and asked Senators to log-in for electronic voting;

The Temporary Speaker (Sen. (Prof.) Margaret Kamar, 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 provisions of Standing Order 81(5), the Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) allowed six (6) Senators to record their votes verbally.

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

1. Sen. Ali Abdullahi Ibrahim
2. Sen. Kang’ata Irungu
3. Sen. Loitytip Anuar
4. Sen. Inimah Getrude Musuruve- voted on behalf of Kakamega County Delegation.
5. Sen. Mwaura Isaac - voted on behalf of Kiambu County Delegation.

The results of the Division were as follows:

AYES – 32

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim – voted verbally
3. Sen. Boy Issa Juma
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Hargura Godana
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang’ Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang’ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson
12. Sen. Kihika Susan Wakarura
13. Sen. Kilonzo Mutula Junior
14. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
15. Sen. Kirinyaga Ephraim Mwangi Maina
16. Sen. Langat Christopher Andrew
17. Sen. Linturi Franklin Mithika
18. Sen. Loiptip Anuar – voted verbally
19. Sen. Madzayo Stewart
20. Sen. Inimah Getrude Musuruve - voted verbally on behalf of Kakamega County Delegation.
21. Sen. Mbito Michael Maling’a
22. Sen. Mbogo George Ochilo Ayacko
23. Sen. Murkomen Onesimus Kipchumba
24. Sen. Mwangi Paul Githiomi
25. Sen. Mwinyihaji Mohamed Faki
26. Sen. Nderitu John Kinyua
27. Sen. Ndwiga Peter Njeru
28. Sen. Onger Samson Kegengo
29. Sen. Orengo James
30. Sen. Nyamunga Rose Ogendo - voted on behalf of Kisumu County Delegation.
31. Sen. Sakaja Johnson Arthur
32. Sen. Wetang’ula Moses Masika

Question agreed to.

Bill read a Third Time and passed.

11. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

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

The Commission on Administrative Justice (Amendment) Bill (Senate Bills No. 6 of 2018)

Clause 2

Motion made and Question proposed;

THAT, Clause 2 be part of the Bill

Debate interrupted on Wednesday, 18th September, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 five (5) Senators to record their vote verbally.

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

1. Sen. Loiptip Anwar;
2. Sen. Kang’ata Irungu;
3. Sen. Inimah Getrude Musuruve – on behalf of Kakamega County Delegation;
4. Sen. Mwaura Isaac – on behalf of Kiambu County Delegation;
5. Sen. Nyamunga Rose – on behalf of Kisumu County Delegation.

AYES – 32

NOES – 0

ABSTENTION – 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. Hargura Godana
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang’ Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang’ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson
12. Sen. Kihika Susan Wakarura
13. Sen. Kilonzo Mutula Junior

14. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
15. Sen. Kirinyaga Ephraim Mwangi Maina
16. Sen. Langat Christopher Andrew
17. Sen. Linturi Franklin Mithika
18. Sen. Loitiptip Anwar – voted verbally
19. Sen. Madzayo Stewart
20. Sen. Inimah Getrude Musuruve - voted verbally on behalf of Kakamega County Delegation.
21. Sen. Mbito Michael Maling’ a
22. Sen. Mbogo George Ochilo Ayacko
23. Sen. Murkomen Onesimus Kipchumba
24. Sen. Mwangi Paul Githiomi
25. Sen. Mwinyihaji Mohamed Faki
26. Sen. Nderitu John Kinyua
27. Sen. Ndwiga Peter Njeru
28. Sen. Ongeru Samson Kegengo
29. Sen. Orengo James
30. Sen. Nyamunga Rose Ogendo - voted on behalf of Kisumu County Delegation.
31. Sen. Sakaja Johnson Arthur
32. Sen. Wetang’ula Moses Masika

Clause 2 - agreed to

Clause 3 - amendment proposed

THAT clause 3 of the Bill be amended –

- (i) by deleting paragraph (d) and substituting therefor the following new paragraph –
 - (d) by deleting subsection (11) and substituting therefor the following new subsection –
 - (11) Where a nominee is rejected by the National Assembly under subsection (10), the President shall, within seven days, forward to the National Assembly a fresh nomination from amongst the persons shortlisted and forwarded by the selection panel under subsection (5).
- (ii) by inserting the following new paragraph immediately after paragraph (d) –
 - (da) in subsection (12) by deleting the word “Parliament” appearing immediately after the word “If” and substituting therefor the words “the National Assembly”.

(Sen. Petronila. W. Lokorio, MP – 18.09.19)

Debate interrupted on Wednesday, 18th September, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 five (5) Senators to record their vote verbally.

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

1. Sen. Loiptip Anwar;
2. Sen. Kang’ata Irungu;
3. Sen. Inimah Getrude Musuruve – on behalf of Kakamega County Delegation;
4. Sen. Mwaura Isaac – on behalf of Kiambu County Delegation;
5. Sen. Nyamunga Rose – on behalf of Kisumu County Delegation.

AYES – 31

NOES – 1

ABSTENTION – 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. Hargura Godana
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang’ Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang’ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson
12. Sen. Kihika Susan Wakarura
13. Sen. Kilonzo Mutula Junior
14. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
15. Sen. Kirinyaga Ephraim Mwangi Maina
16. Sen. Langat Christopher Andrew
17. Sen. Linturi Franklin Mithika
18. Sen. Loiptip Anwar – voted verbally
19. Sen. Madzayo Stewart
20. Sen. Inimah Getrude Musuruve - voted verbally on behalf of Kakamega County Delegation.
21. Sen. Mbogo George Ochilo Ayacko
22. Sen. Murkomen Onesimus Kipchumba

23. Sen. Mwangi Paul Githiomi
24. Sen. Mwinyihaji Mohamed Faki
25. Sen. Nderitu John Kinyua
26. Sen. Ndwiga Peter Njeru
27. Sen. Ongeru Samson Kegengo
28. Sen. Orenge James
29. Sen. Nyamunga Rose Ogendo - voted on behalf of Kisumu County Delegation.
30. Sen. Sakaja Johnson Arthur
31. Sen. Wetang'ula Moses Masika

NOES

Sen. Mbitio Michael Maling'a

Clause 3 - agreed to.

Clauses 4 - 5

Motion made and Question proposed;

THAT, Clauses 4 - 5 be part of the Bill

Debate interrupted on Wednesday, 18th September, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 five (5) Senators to record their vote verbally.

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

1. Sen. Loitiptip Anwar;
2. Sen. Kang'ata Irungu;
3. Sen. Inimah Getrude Musuruve - on behalf of Kakamega County Delegation;
4. Sen. Mwaura Isaac - on behalf of Kiambu County Delegation;
5. Sen. Nyamunga Rose - on behalf of Kisumu County Delegation.

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim – voted verbally
3. Sen. Boy Issa Juma
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Hargura Godana
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang’ Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang’ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson
12. Sen. Kihika Susan Wakarura
13. Sen. Kilonzo Mutula Junior
14. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
15. Sen. Kirinyaga Ephraim Mwangi Maina
16. Sen. Langat Christopher Andrew
17. Sen. Linturi Franklin Mithika
18. Sen. Loiptip Anwar – voted verbally
19. Sen. Madzayo Stewart
20. Sen. Inimah Getrude Musuruve - voted verbally on behalf of Kakamega County Delegation.
21. Sen. Mbito Michael Maling’a
22. Sen. Mbogo George Ochilo Ayacko
23. Sen. Murkomen Onesimus Kipchumba
24. Sen. Mwangi Paul Githiomi
25. Sen. Mwinyihaji Mohamed Faki
26. Sen. Nderitu John Kinyua
27. Sen. Ndwiga Peter Njeru
28. Sen. Ongeru Samson Kegengo
29. Sen. Orengo James
30. Sen. Nyamunga Rose Ogendo - voted on behalf of Kisumu County Delegation.
31. Sen. Sakaja Johnson Arthur
32. Sen. Wetang’ula Moses Masika

Clauses 4 - 5- agreed toNew Clause 3A- insertion of new clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 3 –

3A. Section 54 of the principal Act is amended –

- (a) by deleting the word “Parliament” appearing immediately after the word “reports to” in subsection (1) and substituting therefor the words “the National Assembly and the Senate”; and

- (b) by deleting the word “Parliament” appearing immediately after the words “report to” in subsection (2) and substituting therefor the words “the National Assembly and the Senate”.

Motion made and Question proposed;

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

(Sen. Petronila. W. Lokorio, MP)

Debate interrupted on Wednesday, 18th September, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 five (5) Senators to record their vote verbally.

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

1. Sen. Loiptip Anwar;
2. Sen. Kang’ata Irungu;
3. Sen. Inimah Getrude Musuruve – on behalf of Kakamega County Delegation;
4. Sen. Mwaura Isaac – on behalf of Kiambu County Delegation;
5. Sen. Nyamunga Rose – on behalf of Kisumu County Delegation.

AYES – 31

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim – voted verbally
3. Sen. Boy Issa Juma
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Hargura Godana
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang’ Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang’ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson

12. Sen. Kihika Susan Wakarura
13. Sen. Kilonzo Mutula Junior
14. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
15. Sen. Kirinyaga Ephraim Mwangi Maina
16. Sen. Langat Christopher Andrew
17. Sen. Linturi Franklin Mithika
18. Sen. Loitiptip Anwar – voted verbally
19. Sen. Madzayo Stewart
20. Sen. Inimah Getrude Musuruve - voted verbally on behalf of Kakamega County Delegation.
21. Sen. Mbito Michael Maling’ a
22. Sen. Mbogo George Ochilo Ayacko
23. Sen. Murkomen Onesimus Kipchumba
24. Sen. Mwinyihaji Mohamed Faki
25. Sen. Nderitu John Kinyua
26. Sen. Ndwiga Peter Njeru
27. Sen. Ongeru Samson Kegengo
28. Sen. Orengo James
29. Sen. Nyamunga Rose Ogendo - voted on behalf of Kisumu County Delegation.
30. Sen. Sakaja Johnson Arthur
31. Sen. Wetang’ula Moses Masika

Question - agreed to

New Clause 3A

Motion made and Question proposed

THAT the New Clause 3A be part of the Bill.

Debate interrupted on Wednesday, 18th September, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 five (5) Senators to record their vote verbally.

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

1. Sen. Loiptip Anwar;
2. Sen. Kang'ata Irungu;
3. Sen. Inimah Getrude Musuruve – on behalf of Kakamega County Delegation;
4. Sen. Mwaura Isaac – on behalf of Kiambu County Delegation;
5. Sen. Nyamunga Rose – on behalf of Kisumu County Delegation.

AYES – 32NOES – 0ABSTENTION – 0AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim – voted verbally
3. Sen. Boy Issa Juma
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Hargura Godana
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang' Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang'ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson
12. Sen. Kihika Susan Wakarura
13. Sen. Kilonzo Mutula Junior
14. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
15. Sen. Kirinyaga Ephraim Mwangi Maina
16. Sen. Langat Christopher Andrew
17. Sen. Linturi Franklin Mithika
18. Sen. Loiptip Anwar – voted verbally
19. Sen. Madzayo Stewart
20. Sen. Inimah Getrude Musuruve - voted verbally on behalf of Kakamega County Delegation.
21. Sen. Mbito Michael Maling'a
22. Sen. Mbogo George Ochilo Ayacko
23. Sen. Murkomen Onesimus Kipchumba
24. Sen. Mwangi Paul Githiomi
25. Sen. Mwinyihaji Mohamed Faki
26. Sen. Nderitu John Kinyua
27. Sen. Ndwiga Peter Njeru
28. Sen. Ongeru Samson Kegengo
29. Sen. Orengo James
30. Sen. Nyamunga Rose Ogendo - voted on behalf of Kisumu County Delegation.
31. Sen. Sakaja Johnson Arthur
32. Sen. Wetang'ula Moses Masika

New Clause 3A -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, 18th September, 2019 resumed on 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 five minutes;

Upon the expiry of five minutes, the Acting Chairperson directed that the doors be locked and bars drawn and asked Senators 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 five (5) Senators to record their vote verbally.

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

1. Sen. Loiptip Anwar;
2. Sen. Kang’ata Irungu;
3. Sen. Inimah Getrude Musuruve – on behalf of Kakamega County Delegation;
4. Sen. Mwaura Isaac – on behalf of Kiambu County Delegation;
5. Sen. Nyamunga Rose – on behalf of Kisumu County Delegation.

AYES – 32

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim – voted verbally
3. Sen. Boy Issa Juma
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Hargura Godana
7. Sen. Kabaka Boniface Mutinda
8. Sen. Kajwang’ Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang’ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson
12. Sen. Kihika Susan Wakarura
13. Sen. Kilonzo Mutula Junior
14. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
15. Sen. Kirinyaga Ephraim Mwangi Maina

16. Sen. Langat Christopher Andrew
17. Sen. Linturi Franklin Mithika
18. Sen. Loiptip Anwar – voted verbally
19. Sen. Madzayo Stewart
20. Sen. Inimah Getrude Musuruve - voted verbally on behalf of Kakamega County Delegation.
21. Sen. Mbito Michael Maling'a
22. Sen. Mbogo George Ochilo Ayacko
23. Sen. Murkomen Onesimus Kipchumba
24. Sen. Mwangi Paul Githiomi
25. Sen. Mwinyihaji Mohamed Faki
26. Sen. Nderitu John Kinyua
27. Sen. Ndwiga Peter Njeru
28. Sen. Ongeru Samson Kegengo
29. Sen. Orengo James
30. Sen. Nyamunga Rose Ogendo - voted on behalf of Kisumu County Delegation.
31. Sen. Sakaja Johnson Arthur
32. Sen. Wetang'ula Moses Masika

The Title and Clause 1 -agreed to.

Motion made;

THAT, the Bill be reported **with** amendments.

(Sen. Petronila. W. Lokorio, MP)

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.

12. **HOUSE RESUMED** – The Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) in the Chair)
13. **THE COMMISSION ON ADMINISTRATIVE JUSTICE BILL (SENATE BILLS NO. 6 OF 2019)**

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. Petronila. W. Lokorio, MP)

There being no Senator wishing to contribute;

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

Question put and agreed to.

Motion made and Question proposed-

THAT, the Commission on Administrative Justice Bill (Senate Bills No. 6 of 2019) be now read a Third Time.

(Sen. Petronila. W. Lokorio, MP)

There being no Senator wishing to contribute;

The House proceeded to a Division;

The Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the Division Bell be rung for five minutes;

Upon the expiry of five minutes, the Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) directed that the doors be locked and asked Senators to log-in for electronic voting;

The Temporary Speaker (Sen. (Prof.) Margaret Kamar, 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 provisions of Standing Order 81(5), the Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) allowed five (5) Senators to record their votes verbally.

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

1. Sen. Loiptip Anwar;
2. Sen. Kang’ata Irungu;
3. Sen. Inimah Getrude Musuruve – on behalf of Kakamega County Delegation;
4. Sen. Mwaura Isaac – on behalf of Kiambu County Delegation;
5. Sen. Langat Christopher Andrew – voted verbally

AYES – 31

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Ali Abdullahi Ibrahim – voted verbally
3. Sen. Boy Issa Juma
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Cheruiyot Aaron Kipkirui
6. Sen. Hargura Godana
7. Sen. Kabaka Boniface Mutinda

8. Sen. Kajwang' Moses Otieno
9. Sen. Kamar Margaret Jepkoech
10. Sen. Kang'ata Irungu – voted verbally
11. Sen. Kibiru Charles Reubenson
12. Sen. Kilonzo Mutula Junior
13. Sen. Mwaura Isaac - voted verbally on behalf of Kiambu County Delegation.
14. Sen. Kirinyaga Ephraim Mwangi Maina
15. Sen. Langat Christopher Andrew – voted verbally
16. Sen. Linturi Franklin Mithika
17. Sen. Loitiptip Anwar – voted verbally
18. Sen. Madzayo Stewart
19. Sen. Inimah Getrude Musuruve - voted verbally on behalf of Kakamega County Delegation.
20. Sen. Mbito Michael Maling'a
21. Sen. Mbogo George Ochilo Ayacko
22. Sen. Yiane Mary Seneta – voted on behalf of Kajiado County Delegation
23. Sen. Mwangi Paul Githiomi
24. Sen. Mwinyihaji Mohamed Faki
25. Sen. Nderitu John Kinyua
26. Sen. Ndwiga Peter Njeru
27. Sen. Ongeru Samson Kegengo
28. Sen. Orengo James
29. Sen. Nyamunga Rose Ogendo - voted on behalf of Kisumu County Delegation.
30. Sen. Sakaja Johnson Arthur
31. Sen. Wetang'ula Moses Masika

Question – agreed to.

Bill read a Third Time and passed.

14. **COMMITTEE OF THE WHOLE**

***THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**

(Sen. Ledama Olekina, MP)

Order deferred.

15. **COMMITTEE OF THE WHOLE**

***THE ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2018)**

(Sen. Ledama Olekina, MP)

Order deferred.

16. **COMMITTEE OF THE WHOLE**

***THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)**

(Sen. Mary Seneta, MP)

Order deferred.

17. **COMMITTEE OF THE WHOLE**

***THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 9 OF 2019)**

(Sen. (Dr.) Abdullahi Ali, MP)

Order deferred.

18. **COMMUNICATION FROM THE CHAIR**

The Deputy Speaker issued the following communication -

“Honourable Senators,

during the sitting of the Senate on Thursday 17th October 2019, I gave a ruling on the extent to which the activities in the Judiciary impact on Parliament, specifically regarding the application and implications of the *sub judice* rule in Standing Order 98 and the concomitant issue of Courts injuncting Parliament. My ruling emanated from interventions made by Senator Mwaruma of Taita Taveta County, who had unsuccessfully sought my intervention to stop further proceedings of this House in the ongoing matter of the removal from office by impeachment, of the Hon. Granton Samboja, the Governor of Taita Taveta County.

While I exhausted the issue of the *sub judice* principle and how it applies in the relationship between Parliament and the Judiciary as independent arms of Government, regarding the second issue of injunctions, I promised to give further directions/clarifications (which I hereby do) as sought by various Senators who rose on points of order after my ruling, including Senator Kipchumba Murkomen of Elgeyo Marakwet County and the Senate Majority Leader.

Honourable Senators,

Past Speakers of Parliament have ruled before, which rulings I fully concur with, that the Constitutional mandate and autonomy of Parliament must be guarded jealously if our legal system and democracy is to be given full and faithful effect. I have stated severally before, that no person, entity, authority or institution (other than the institution of THE PEOPLE THEMSELVES ACTING DIRECTLY THROUGH A REFERENDUM) tells Parliament in a compulsive manner what to do, what not to do, when or how to do it. The other sister arms of Government- the Executive and the Judiciary must respect that legal reality. It is baffling, to say the least, to hear that there have been attempts by the Judiciary to gag this House from undertaking its Constitutional and legal duties as the arm of Government that is the peoples representatives.

There are at least three jurisprudential reasons why injunction of Parliament by Courts is not constitutionally and legally tenable.

First, Courts injuncting Parliament is a frontal and deadly attack on the substratum of the hallowed legal doctrine of separation of powers, the bedrock upon which our Constitutional order is raised. Separation of powers is now a trite and settled centerpiece of the Constitution and the common law system. In its most basic form, separation of powers affirms that governmental functions in a democracy are performed best when not concentrated on a single authority or arm of Government, but are instead dispersed among different branches.

As Kenneth Marende, Speaker of the National Assembly of Kenya, as he then was) aptly ruled in respect of the Adoption of the Report on Mau Complex on 3rd September 2009:

“Power thus divided prevents the absolutism of the Executive, the possible anarchy of Parliament or the presumption of the Judiciary”

Speaker Marende continued thus:

“The operation of the principle both separates and blends powers so that each branch serves as a check and balance on the powers of the other(s). It ensures the protection of the rule of law and secures the fundamental rights of the individual. The principle of separation of powers has a superficial simplicity, but is in reality, inherently complex”.

Thus the *prima facie* simplicity of the doctrine of separation of powers is an allure to authorities and institutions keen on the natural tendency of trying to expand their jurisdiction. That it is natural for arms of Government to try and expand their jurisdiction unless and until checkmated by the arm of Government victim of such expansionist tendency was flagged by no less a person than the ideological progenitor of the separation of powers doctrine, the French Scholar Baron Charles de Montesquieu, in his oft-cited words in his seminal work “The Spirit of the Laws”:

“But constant experience shows us that every man invested with power is apt to abuse it and carry his authority as far as far as it will go...There won’t be freedom anyway if the judicial body is not separated from the legislative and executive authorities”.

The whole idea of separation of powers of government under our Constitution is to create separate branches of government with equal but different powers. Each arm of government must exercise its powers in a fine balancing act to ensure that it properly and effectively carries out its functions while at the same time it does not infringe on the powers and responsibilities of the other

branches of government. Parliament must call out any attempts to freeze the discharge of its Constitutional duties and while it shall tremendously respect the Executive and the Judiciary, it shall not entertain any condescending behavior from any of the other two arms of Government or from any quarters whatsoever.

Secondly, Honourable Senators: trying to curtail Parliament's Constitutional responsibilities undermines the *sui generis* stature of Parliament as the Constitutional organ that is directly elected by the people and thereby exercises the sovereign will of the people. Parliament whose members are direct representatives of the people cannot be prevented from giving voice to the will of the people

However, in the spirit of the concept of checks and balances which is itself an offshoot of the separation of powers doctrine, our Constitutional design ensures that the Judiciary is empowered to scrutinize legislation and other outputs of Parliament *ipso facto*, to ensure that the Constitution and the law have been complied with. Thus, the unfettered but solemn privilege of Parliament to proceed unhindered by the Judiciary and the Executive is moderated by the reality that the Executive can veto legislation and Courts of Law in exercise of their judicial authority under the Constitution retain a residual power to declare, in justifiable instances, any legislation or other output of Parliament illegal, unlawful or unconstitutional.

Thirdly, attempts to injunct Parliament is inimical to the desirable levels of institutional comity and cordial relations among the branches of Government and is in itself tantamount to subversion of the Constitution. The crown jewel of inter-branch relations in Government is inter-institutional respect and deference, in a mutual, not unilateral manner, on the basis of reciprocity. Parliament ought to respect the Judiciary and vice versa.

As I said on the floor of this House last week, I observed with great admiration as the Honorable Dr. Willy Mutunga, Chief Justice and President of the Supreme Court of Kenya (as he then was) in 2017 led the judiciary in successfully making a case for the non-appearance for vetting by Parliament of Judges who had been appointed members of the Judicial Service Commission (JSC), as required of all other commissioners of the JSC and indeed Commissioners of all other independent Constitutional Commissions. It cannot be right for the Judiciary to guard their institutional independence jealously and wrong for the Speakers of Parliament to do likewise for our institution, Parliament. As the adage goes: what is good for the goose is good for the gander.

The need for inter-branch/institutional respect and deference between Parliament and the Judiciary could not have been enunciated better than was done by no less an authority than the Supreme Court of Kenya in *Petition No. 32 of 2014* at para 57 by stating that

“Separation of powers must mean that courts must show deference to the Legislature as an important institution in the maintenance of our Constitutional democracy”.

And in Speaker of the Senate & Another Vs Attorney General & 4 Others (Reference No. 2 of 2013 [2013] eKLR (para 61) the Supreme Court said succinctly:

“The Court will not question each and every procedural infraction that may occur in either House of Parliament. The Court cannot supervise the workings of Parliament. The Institutional comity between the three arms of Government must not be endangered by the unwarranted intrusions into the workings of one arm by another” [emphasis added]”.

Why Courts may be tempted to defy the edict of the highest Court in the land, regarding the need for judicial restraint from interfering with the workings of Parliament defies logic.

Accordingly, I respectfully but firmly determine that beyond peradventure, Courts of Law cannot and shall not stop or attempt to prevent Parliament from undertaking its Constitutional mandate. Neither can the Judiciary compel any action to be undertaken by Parliament.

I rule that any injunction interfering with the work of Parliament has no effect on Parliament in exercise of its Constitutional functions. Such court orders have no effect on the National Assembly or the Senate or on any of their Committees respectively, and that in the unlikely event of any such orders, Parliament and its Committees shall proceed unabated, unfettered and unhindered, as may be directed by the respective Speaker of Parliament.

I thank you.”

19. **MOTION – ADOPTION OF REPORT OF SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON ACCOUNTS OF COUNTY GOVERNMENTS FOR FINANCIAL YEAR 2014/2015**

Order read-

Motion made and Question proposed-

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of Baringo, Busia, Elgeyo Marakwet, Embu, Kajiado, Kericho, Kilifi, Kirinyaga, Kisii, Kwale, Lamu, Makueni, Marsabit, Meru, Nakuru, Narok, Nyamira, Uasin Gishu, Vihiga and West Pokot Counties for Financial year 2014/2015 (1st July, 2014 to 30th June, 2015), laid on the Table of the Senate on Wednesday, 9th October, 2019.

*(Chairperson, Sessional Committee on County Public Accounts and Investments –
22.10.19)*

Debate interrupted on Tuesday 22nd October, 2019 resumed.

Pursuant to provisions of Standing Order 31 (2) the Deputy Speaker adjourned the Senate at thirty-four minutes past Six O'clock, without question put.

20. **SENATE ROSE** – at thirty-four minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Thursday, October 24, 2019 at 2.30 p.m.*

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